

MEMORANDUM

Agenda Item No. 11(A)(22)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to pass legislation
reinstating language prohibiting
certain municipal water and
sewer utilities from imposing a
surcharge on consumers located
outside the city as "taxation
without representation"

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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FROM: R. A. Cuevas, Jr.
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SUBJECT: Agenda Item No. 11(A)(22)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(22)
10-2-12

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REINSTATING LANGUAGE PROHIBITING CERTAIN MUNICIPAL WATER AND SEWER UTILITIES FROM IMPOSING A SURCHARGE ON CONSUMERS LOCATED OUTSIDE THE CITY AS "TAXATION WITHOUT REPRESENTATION"

WHEREAS, the City of North Miami Beach Water & Sewer Utility ("the City") provides water and sewer services to consumers residing both inside and outside the City; and

WHEREAS, the City of North Miami Beach serves more consumers that reside outside the City than live within the City; and

WHEREAS, there are other municipalities in Miami-Dade County that provide water to customers outside their city limits; and

WHEREAS, prior to 1998, cities located in constitutional home rule charter counties such as Miami-Dade County that operated a water and sewer utility were prohibited from adding a surcharge to water and sewer charges of consumers outside such cities' boundaries; and

WHEREAS, in 1998, the Florida Legislature enacted Chapter 98-15, Laws of Florida (HB 791), which amended section 180.191, Florida Statutes, to remove the prohibition on cities located in constitutional home rule charter counties that operated a water and sewer utility from adding a surcharge to water and sewer charges of consumers outside such cities' boundaries; and

WHEREAS, at the time, the City of North Miami Beach was the only city in the state to which the 1998 legislative change applied; and

WHEREAS, since the 1998 legislative change, the City of North Miami Beach has imposed a surcharge on consumers located outside the City of North Miami Beach, including consumers that live within the unincorporated area of Miami-Dade County; and

WHEREAS, the City of North Miami Beach also has raised its rates for all consumers, including those consumers located outside the City of North Miami Beach that the City has required to pay the surcharge; and

WHEREAS, the surcharge imposed outside the City results in "taxation without representation" and is unfair to consumers living outside the City's boundaries when they have no representation, voice or input into City of North Miami Beach decisions; and

WHEREAS, a bill was filed for consideration during the 2012 session, HB 411 by Representative Barbara Watson (D – Miami Gardens), that would have reinstated language prohibiting municipal water and sewer utilities located in counties with a population of more than 1.5 million people from charging a surcharge to consumers located outside the city, but HB 411 did not pass; and

WHEREAS, this Board urges the Legislature to enact legislation similar to HB 411 during the 2013 legislative session,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation that would reinstate language prohibiting municipal water and sewer utilities located in counties with a population of more than 1.5 million people from imposing a surcharge to consumers located outside the city.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor; the Senate President; the House Speaker and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 state legislative package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty