

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 18, 2014

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

SUBJECT: Resolution setting forth
County's commitment to not
make transfers from the Miami-
Dade Water and Sewer
Department

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



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(Revised)

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and Members, Board of County Commissioners

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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 Mayor'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)(10)
3-18-14

RESOLUTION NO. _____

RESOLUTION SETTING FORTH COUNTY'S COMMITMENT
TO NOT MAKE TRANSFERS FROM THE MIAMI-DADE
WATER AND SEWER DEPARTMENT

WHEREAS, Miami-Dade County has entered into a proposed Consent Decree with the Environmental Protection Agency, the State of Florida and the Florida Department of Environmental Protection (collectively, the "Enforcement Agencies") in order to get the County's wastewater treatment system into compliance with the Clean Water Act; and

WHEREAS, the proposed Consent Decree is currently pending before the United States District Court for the Southern District of Florida (the "Federal Court") for approval; and

WHEREAS, the proposed Consent Decree requires the County to notify the Enforcement Agencies if the County intends to transfer or use funds obtained by the County "from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System" with the exception of "funds internally used within the Miami-Dade Water and Sewer Department and funds transferred or used to administratively reimburse other departments or agencies within the County for services rendered to the Miami-Dade Water and Sewer Department for purposes related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System"; and

WHEREAS, the Federal Court has suggested that further assurances from the County that it will not transfer any monies out of the Miami-Dade Water & Sewer Department in a way that would be inconsistent with the above provision of the Consent Decree would enhance the Court's confidence in the County's compliance with the Clean Water Act,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby states that, assuming the Consent Decree is approved by the Federal Court, it shall be the County's policy that, during the duration of the Consent Decree, neither the Board nor the County Mayor will recommend, make or use funds obtained by the County "from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System" with the exception of "funds internally used within the Miami-Dade Water and Sewer Department and funds transferred or used to administratively reimburse other departments or agencies within the County for services rendered to the Miami-Dade Water and Sewer Department for purposes related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System." In the event that the Board proposes to change this County policy in any way, the County will provide notice of such proposed change to the Federal Court and Enforcement Agencies before any such change is adopted.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of March, 2014. 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.

SED

Sarah E. Davis