

# MEMORANDUM

Agenda Item No. 7(A)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** (Second Reading 1-24-17)  
November 1, 2016

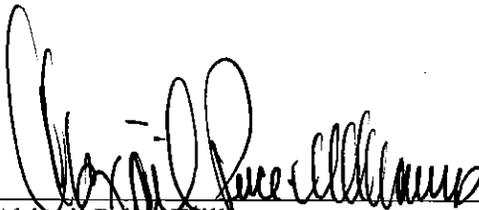
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to impact fees and water and sewer connection fees; amending sections 33E-11, 33H-12, 33I-10, 33I-14, 33J-11, 33J-15, and 33K-10 of the Code; revising reporting requirements for impact fee trust funds; requiring reports on the collection and expenditure of impact fees, including within each commission district; requiring the County Mayor to periodically review impact fee provisions and make recommendations to the Board to ensure that benefits paid by a development are equitable to the costs of new development; amending section 32-78 of the Code to require reports on the collection and expenditure of water and sewer connection fees; codifying existing requirements related to water and sewer connection fees

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

APW/cp

  
Abigail Price-Williams  
County Attorney

# Memorandum



**Date:** January 24, 2017  
**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Fiscal Impact Statement for Ordinance Amending Code for Purposes of Reporting  
Requirements for Impact Fee and Water and Sewer Connection Fee Collections

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The proposed ordinance amends the various sections of the County Code pertaining to road (Section 33E), parks (Section 33H), police (Section 33I), fire and emergency medical services (Section 33J) and educational facilities (Section 33K) impact fees, as well as water and sewer connection fees to:

- Incorporate language that is consistent in all County-managed programs for the Mayor to periodically review such fees and make recommendations to the Board of County Commissioners (Board) on necessary revisions;
- Amend the reporting and notice provisions related to the annual report on County-managed programs by requiring the outline of expenditures and unexpended funds, which shall be placed on a Board meeting agenda; and
- Require a quarterly report on all impact fee and water and sewer connection fee collections within each Commission District that shall be placed on a Board meeting agenda.

The Department of Regulatory and Economic Resources collects all impact fee benefit district/zone revenues as these fees are paid at the time a building permit is issued. The Water and Sewer Department collects and tracks all water and sewer connection fees. Because the fee revenue information being requested in this proposed ordinance is collected, staff is able to report on impact fee and water and sewer connection fee collections by either benefit district/zone or Commission District. Although staff time will be required to complete the quarterly report on collections by Commission District and the annual report on expenditures, additional resources will not be necessary. No significant fiscal impact is anticipated with the enactment of the proposed ordinance.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

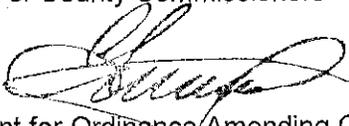
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# Memorandum

MIAMI-DADE  
COUNTY

**Date:** January 24, 2017

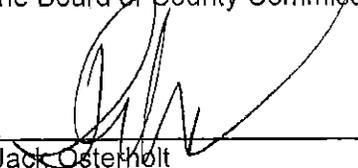
**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Social Equity Statement for Ordinance Amending Code for Purposes of Reporting Requirements for Impact Fee and Water and Sewer Connection Fee Collections

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While this item is intended to provide the Board of County Commissioners with more information on the collections associated with the various impact fee programs, the proposed ordinance is not anticipated to have a specific social equity benefit or burden as described in Ordinance No. 15-83. This item amends the existing Code pertaining to the preparation of quarterly and annual reports to the Board of County Commissioners.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

162394



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** January 24, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

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
- Statement of social equity 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

Agenda Item No. 7(A)

Veto \_\_\_\_\_

1-24-17

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO IMPACT FEES AND WATER AND SEWER CONNECTION FEES; AMENDING SECTIONS 33E-11, 33H-12, 33I-10, 33I-14, 33J-11, 33J-15, AND 33K-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REPORTING REQUIREMENTS FOR IMPACT FEE TRUST FUNDS; REQUIRING REPORTS ON THE COLLECTION AND EXPENDITURE OF IMPACT FEES, INCLUDING WITHIN EACH COMMISSION DISTRICT; REQUIRING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PERIODICALLY REVIEW IMPACT FEE PROVISIONS AND MAKE RECOMMENDATIONS TO THE BOARD TO ENSURE THAT BENEFITS PAID BY A DEVELOPMENT ARE EQUITABLE TO THE COSTS OF NEW DEVELOPMENT; AMENDING SECTION 32-78 OF THE CODE TO REQUIRE REPORTS ON THE COLLECTION AND EXPENDITURE OF WATER AND SEWER CONNECTION FEES; CODIFYING EXISTING REQUIREMENTS RELATED TO WATER AND SEWER CONNECTION FEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33E-11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33E-11. Impact fee benefit districts and trust accounts.**

\* \* \*

- (c) >>Periodic Review and Reports.
  - (1) The County Mayor shall periodically review this chapter and, if appropriate, make recommendations to the Board of County Commissioners for revisions to this chapter. The purpose of this review is to

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ensure that the benefits to a fee paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate fair share of the costs of mitigating impacts of new developments, and that the procedures for administering the impact fee shall remain efficient.

(2)<< A financial and management report >>outlining expenditures and unexpended funds within each impact fee benefit district<< ~~[[on the impact fee trust funds]]~~ shall be prepared annually by the County Public Works Director and submitted to the County Mayor within ~~[[one hundred twenty (120)]]~~ days of the end of the County's fiscal year. >>Within 30 days of receipt, the County Mayor or Mayor's designee shall place the report on an agenda for consideration by the Board of County Commissioners.

(3) The County Mayor or Mayor's designee shall prepare a quarterly report providing information regarding impact fee collections within each commission district and place the quarterly report on an agenda for consideration by the Board of County Commissioners.<<

**Section 2.** Section 33H-12 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33H-12. - Impact fee expenditures >>and periodic review and reports<<.**

\* \* \*

(d) The County Mayor shall periodically review this chapter and the park impact fee manual and, if appropriate, make recommendations to the Board of County Commissioners for revisions to this chapter and the park impact fee manual. The purpose of this review is to ensure that the benefits to a fee paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate fair share of the costs of mitigating park impacts of new developments, and that the procedures for administering the impact fee shall remain efficient.

>>(e) A financial and management report outlining expenditures and unexpended funds within each impact fee benefit zone shall be prepared annually by the County Park and Recreation Director and submitted to the County Mayor<< ~~[[Additionally,]]~~ within ~~[[one hundred twenty (120)]]~~ days from the date of the end of the fiscal year~~[[, the Office of Capital Improvements shall submit to the County Mayor a financial and management report on the impact fee trust funds. No later than thirty (30) days after submission of the report, the County Mayor shall conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. This meeting shall be advertised at least seven (7) days in advance in a newspaper of general circulation. No later than thirty (30) days after the public meeting, the County Mayor shall schedule the report, which shall serve as the County's Annual Impact Fee Report, for the Board of County Commissioner's consideration. The County Mayor shall provide a companion report to the Board advising of any County Mayor recommended impact fee program changes and detailing comments received from the annual impact fee public meeting]].~~ >>Within 30 days of receipt, the County Mayor or Mayor's designee shall place the report on an agenda for review by the Board of County Commissioners.

(f) The County Mayor or Mayor's designee shall prepare a quarterly report providing information regarding impact fee collections within each commission district and place the quarterly report on an agenda for review by the Board of County Commissioners.<<

**Section 3.** Section 33I-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33I-10. - Benefit zones and trust funds.**

\* \* \*

~~[(d) A financial report outlining expenditures and unexpended funds within impact fee benefit zone[s]] shall be prepared annually by the Miami-Dade Police Department and submitted to the County Mayor within one hundred twenty (120) days of the end of the County's fiscal year.]~~

**Section 4.** Section 33I-14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33I-14. - Police Services Impact Fee Manual and periodic review.**

\* \* \*

(b) The County Mayor shall periodically review this chapter and the police services impact fee manual and, if appropriate, make recommendations to the Board of County Commissioners for revisions to the chapter and the police services impact fee manual. The purpose of this review is to ensure that the benefits to a fee-paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate fair share of the costs of mitigating police service impacts of new developments, and that the procedures for administering the impact fee remain efficient.

>>(c) A financial and management report outlining expenditures and unexpended funds within each impact fee benefit zone shall be prepared annually by the Director of the Miami-Dade Police Department and submitted to the County Mayor<< ~~[[Additionally,]]~~ within ~~[[one hundred twenty (120)]]~~ days from the date of the end of the fiscal year~~[[, the Office of Capital Improvements shall submit to the County Mayor a financial and management report on the impact fee trust funds. No later than thirty (30) days after submission of the report, the County Mayor shall conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. This meeting shall be advertised at least seven (7) days in advance in a newspaper of general circulation. No later than thirty (30) days after the public meeting, the County Mayor shall schedule the report, which shall serve as the County's Annual Impact Fee Report, for~~

~~the Board of County Commissioners' consideration. The County Mayor shall provide a companion report to the Board advising of any County Mayor recommended impact fee program changes and detailing comments received from the annual impact fee public meeting]]. >>Within 30 days of receipt, the County Mayor or Mayor's designee shall place the report on an agenda for review by the Board of County Commissioners.~~

- (d) The County Mayor or Mayor's designee shall prepare a quarterly report providing information regarding impact fee collections within each commission district and place the quarterly report on an agenda for review by the Board of County Commissioners.<<

**Section 5.** Section 33J-11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33J-11. – Benefit[[s,]] zones and trust funds.**

\* \* \*

- ~~[[d) A financial and management report on the impact fee trust funds shall be provided annually by the Fire Director to the County Mayor within one hundred twenty (120) days of the end of the County's fiscal year.]]~~

**Section 6.** Section 33J-15 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33J-15. - Fire impact fee and periodic review.**

\* \* \*

- (b) The County Mayor shall review the contents of this chapter and impact fee manual annually and, if appropriate, make recommendations to the Board of County Commissioners for revisions to the chapter and impact fee manual. The

purpose of this review is to ensure that the benefits to a fee-paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate fair share of the costs of mitigating fire and emergency medical service impacts of new developments, and that the procedures for administering the impact fee remain efficient.

- >>(c) A financial and management report outlining expenditures and unexpended funds within each impact fee benefit zone shall be prepared annually by the County Fire Director and submitted to the County Mayor<< ~~[[Additionally,]] within [[one hundred twenty (120)]]~~ days from the date of the end of the fiscal year~~[[, the Office of Capital Improvements shall submit to the County Mayor a financial and management report on the impact fee trust funds. No later than thirty (30) days after submission of the report, the County Mayor shall conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. This meeting shall be advertised at least seven (7) days in advance in a newspaper of general circulation. No later than thirty (30) days after the public meeting, the County Mayor shall schedule the report, which shall serve as the County's Annual Impact Fee Report, for the Board of County Commissioner's consideration. The County Mayor shall provide a companion report to the Board advising of any County Mayor recommended impact fee program changes and detailing comments received from the annual impact fee public meeting]].~~ >>Within 30 days of receipt, the County Mayor or Mayor's designee shall place the report on an agenda for review by the Board of County Commissioners.
- (d) The County Mayor or Mayor's designee shall prepare a quarterly report providing information regarding impact fee collections within each commission district and place the quarterly report on an agenda for review by the Board of County Commissioners.<<

**Section 7.** Section 33K-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33K-10. - Benefit districts and trust funds.**

\* \* \*

>>(d) The County Mayor or Mayor's designee shall prepare a quarterly report providing information regarding impact fee collections within each commission district and place the quarterly report on an agenda for review by the Board of County Commissioners.<<

**Section 8.** Section 32-78 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 32-78. - Connection to public water supply and public sewer disposal in abutting streets and easements required >>; periodic review and reports<<.**

(a) All premises used or intended for human habitation or occupancy including, but not limited to, establishments to be used for household, domestic, food processing, food handling, restaurant, dairy or bottling processors, public buildings and places of assembly or other establishments where a water supply is or may be used for human consumption or where human wastes may be disposed of, and which abuts a water main owned by a water utility, or a sewage main owned by a sewage utility, shall be connected to the said water and/or sewer main in such manner as to meet the requirements of the ~~[[South]]~~ Florida Building Code and the Miami-Dade County Public Works Manual. A water or sewer main shall be deemed to abut a building or premises if it is located in a street or easement adjoining the land on which the building is located and if it traverses one (1) full dimension of the building.

- (b) Where a premises is abutted by two water mains, either one of which the premises can validly be connected to in compliance with the ~~[[South]]~~ Florida Building Code and the Miami-Dade County Public Works Manual, and the premises is currently connected to the water main located in the rear of the premises, the Miami-Dade Water and Sewer Department may require such premises to connect to a water main owned by the Department which abuts the front of the property and to which such premises may validly be connected, at no cost to the property owner. The Department shall be responsible for all costs of disconnection of the water main abutting the rear of the premises and connection to the water main abutting the front of the premises. An owner of a premises who has previously paid a water connection fee to the Department shall not be required to pay an additional water connection fee if the premises was connected to a different water main pursuant to this Section.

\* \* \*

- >>(e) Connection fees shall be assessed in accordance with (i) Ordinance Nos. 79-13 and 89-95, as may be amended from time to time, and (ii) implementing orders approved by the Board of County Commissioners.

(f) *Periodic Review and Reports of Connection Fees.*

- (1) The County Mayor shall periodically review water and sewer connection fees and, if appropriate, make recommendations to the Board of County Commissioners for revisions to those requirements. The purpose of this review is to ensure that the benefits to a fee paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate fair share of the costs of mitigating impacts of new developments, and that the procedures for administering the fees shall remain efficient.

- (2) A financial and management report outlining expenditures and unexpended funds from water and sewer connection fees shall be prepared annually by the Director of the Miami-Dade County Water and Sewer Department and submitted to the County Mayor within 120 days of the end of the County's fiscal year. Within 30 days of receipt, the County Mayor or Mayor's designee shall place the report on an agenda for review by the Board of County Commissioners.
- (3) The County Mayor or Mayor's designee shall prepare a quarterly report providing information regarding water and sewer connection fee collections within each commission district place the quarterly report on an agenda for review by the Board of County Commissioners.<<

**Section 9.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 10.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 11.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

Prime Sponsor: Commissioner Bruno A. Barreiro