

(Public Hearing 1-22-20)
December 17, 2019

Memorandum



Date:

To:

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

Agenda Item No. 5(C)

From:

Carlos A. Gimenez
Mayor

Subject:

Ordinance Authorizing Miami-Dade County Water and Sewer System Issuance of Subordinate Obligations

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the accompanying Ordinance (Subordinate Debt Ordinance), which authorizes issuance of:

- Miami-Dade County Water and Sewer System Subordinate Obligations (Additional Subordinate Obligations) in an aggregate amount not to exceed \$1,500,000,000 to pay the costs of certain Capital Improvement Plan (CIP) projects.

The Additional Subordinate Obligations shall be issued as bonds, notes and/or other forms of indebtedness or payment obligations to pay a portion of the CIP projects as outlined in Exhibit A of the Subordinate Debt Ordinance as needed.

The Subordinate Debt Ordinance further authorizes: funding one or more reserve accounts, if necessary or advisable, funding capitalized interest, if advisable, and paying costs of issuance.

Scope

The scope of the transaction is countywide.

Fiscal Impact/Funding Source

The Additional Subordinate Obligations authorized by the Subordinate Debt Ordinance will be issued pursuant to subsequent series resolutions adopted by the Board which will set the terms, maturities, interest rates and other details of each Additional Subordinate Obligation. The Additional Subordinate Obligations will be payable from and secured by Miami-Dade Water and Sewer (WASD) Net Operating Revenues as defined and calculated pursuant to the provisions of Ordinance No. 93-134, enacted by the Board on November 16, 1993, as amended by Ordinance No. 13-47, enacted by the Board on June 4, 2013 (collectively, the "Senior Bonds Ordinance") relating to Subordinate Obligations and subsequent ordinances and/or resolutions.

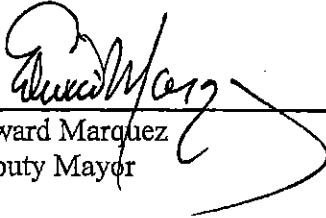
Track Record/Monitor

Annual debt service payments and continuing disclosure will be managed by Arlesa Wood, Director of Bond Administration Division in the Finance Department. Francis G. Morris, Chief Financial Officer of WASD, will manage funding of the debt service payments and debt compliance monitoring.

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
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Background

WASD is in the process of implementing a significant multi-year CIP plan and having the ability to issue Additional Subordinate Obligations will provide an additional funding source for completing the CIP plan.



Edward Marquez
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: January 22, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(C)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 5(C)
1-22-20

ORDINANCE NO. _____

ORDINANCE AUTHORIZING ISSUANCE OF NOT TO EXCEED \$1,500,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF MIAMI-DADE COUNTY, FLORIDA SUBORDINATE OBLIGATIONS TO PAY COSTS OF CERTAIN IMPROVEMENTS TO WATER AND SEWER UTILITY; PROVIDING THAT DETAILS, TERMS AND OTHER MATTERS RELATING TO SUCH SUBORDINATE OBLIGATIONS BE DETERMINED PURSUANT TO SUBSEQUENT ORDINANCES AND/OR RESOLUTIONS; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the Board of County Commissioners (the “Board”) of Miami-Dade County, Florida (the “County”), acting pursuant to the authority recited in Section 1 of this Ordinance (the “Additional Subordinate Obligations Ordinance”), owns and operates water and wastewater treatment plant facilities and a distribution and collection system and pursuant to such authority is authorized to issue Subordinate Obligations (as such term is defined in Ordinance No. 93-134, enacted by the Board on November 16, 1993, as amended by Ordinance No. 13-47, enacted by the Board on June 4, 2013 (collectively, the “Senior Bonds Ordinance”)); and

WHEREAS, the County is undertaking certain Improvements (as such term is defined in the Senior Bonds Ordinance), as more specifically described in Exhibit A to this Additional Subordinate Obligations Ordinance (the “CIP Projects”); and

WHEREAS, the Board has determined at this time that, in addition to all other Subordinate Obligations authorized by the Board, it is in the best interests of the County and its citizens to authorize the issuance, from time to time, of Subordinate Obligations in an aggregate principal amount not to exceed \$1,500,000,000.00 (the “Additional Subordinate Obligations”), for the

purpose of paying a portion of the costs of the CIP Projects, funding one or more reserve accounts, if necessary or advisable, funding capitalized interest, if advisable, and paying costs of issuance of the Additional Subordinate Obligations; and

WHEREAS, it is the intent of the Board that the details of the Additional Subordinate Obligations authorized by this Additional Subordinate Obligations Ordinance be determined pursuant to subsequent ordinances and/or resolutions; and

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated in this Additional Subordinate Obligations Ordinance by reference,

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

Section 1. **Authority.** This Additional Subordinate Obligations Ordinance is enacted pursuant to the provisions of the Constitution of the State of Florida, the Home Rule Amendment and Charter of Miami-Dade County, Florida, as amended, Chapters 125 and 166, Florida Statutes, as amended, the Code of Miami-Dade County, Florida, as amended, and other applicable provisions of law (collectively, the “Act”).

Section 2. **Incorporation of Recitals.** The matters set forth in the foregoing recitals to this Additional Subordinate Obligations Ordinance are incorporated as part of this Additional Subordinate Obligations Ordinance.

Section 3. **Definitions.** All terms used in capitalized form and not defined in this Additional Subordinate Obligations Ordinance have the meanings assigned to such terms in the Senior Bonds Ordinance, unless the context otherwise clearly requires a different meaning.

Section 4. Authorization to Issue Additional Subordinate Obligations. The Board authorizes the issuance, from time to time, of not to exceed \$1,500,000,000.00 aggregate principal amount of Additional Subordinate Obligations pursuant to the authority of the Act, for the purpose of paying a portion of the costs of the CIP Projects, funding one or more reserve accounts, if necessary or advisable, funding capitalized interest, if advisable, and paying costs of issuance of the Additional Subordinate Obligations.

The Additional Subordinate Obligations shall be issued as bonds, notes and/or other forms of indebtedness or payment obligations as shall be determined pursuant to subsequent ordinances and/or resolutions and shall be special limited obligations of the County payable from and secured by Net Operating Revenues in accordance with the provisions of the Senior Bonds Ordinance relating to Subordinate Obligations and subsequent ordinances and/or resolutions. The Additional Subordinate Obligations do not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or power of the County, the State of Florida (the "State") or any political subdivision of the State, within the meaning of any constitutional, statutory or charter provision. Neither the State nor any political subdivision of the State nor the County shall be directly or indirectly or contingently obligated to levy any ad valorem taxes on any property to pay the principal of or the interest on the Additional Subordinate Obligations or other related costs, or to pay the same from any other funds of the County except from the Net Operating Revenues as described above. The acceptance of the Additional Subordinate Obligations by the owners from time to time shall be deemed an agreement between the County and such owners that the Additional Subordinate Obligations and the indebtedness evidenced thereby shall not constitute a lien upon the Water and Sewer Utility, any part of the Water and Sewer Utility, or any other property of the County, but shall constitute a lien only on the Net Operating Revenues as described above.

Section 5. Details, Terms and Other Matters Relating to Additional Subordinate Obligations. All details, terms and other matters relating to the Additional Subordinate Obligations shall be determined pursuant to subsequent ordinances and/or resolutions.

Section 6. Further Acts. The officers and agents of the County are authorized and directed to take all actions and do all things required of them by this Additional Subordinate Obligations Ordinance for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in this Additional Subordinate Obligations Ordinance.

Section 7. Headings Not Part of Ordinance. Any headings preceding the Sections of this Additional Subordinate Obligations Ordinance shall be solely for convenience of reference and shall not constitute a part of this Additional Subordinate Obligations Ordinance, nor shall they affect its meaning, construction or effect.

Section 8. Severability. In case any one or more of the provisions of this Additional Subordinate Obligations Ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect the legality or enforceability of any other provision of this Additional Subordinate Obligations Ordinance.

Section 9. Effective Date. The provisions of this ordinance shall take effect 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:

Juliette R. Antoine

APW
JRA

EXHIBIT A

CIP Projects

Wastewater Projects	
NORTH DISTRICT UPGRADES - WASTEWATER TREATMENT PLANT	\$122,641,381
CENTRAL DISTRICT UPGRADES - WASTEWATER TREATMENT PLANT	100,237,780
SOUTH DISTRICT WASTEWATER TREATMENT PLANT EXPANSION - PHASE 3	8,628,080
SOUTH DISTRICT UPGRADES - WASTEWATER TREATMENT PLANT	74,546,895
NORTH MIAMI-DADE WASTEWATER TRANSMISSION MAINS AND PUMP STATION IMPROVEMENTS	15,770,000
CENTRAL MIAMI-DADE WASTEWATER TRANSMISSION MAINS AND PUMP STATION IMPROVEMENTS	41,684,267
SOUTH DISTRICT WASTEWATER TRANSMISSION MAINS AND PUMP STATIONS IMPROVEMENTS	7,023,970
GRAVITY SEWER RENOVATIONS	37,782,204
SANITARY SEWER SYSTEM IMPROVEMENTS	4,489,715
WASTEWATER GENERAL MAINTENANCE AND OFFICE FACILITIES	62,057,672
CORROSION CONTROL FACILITIES IMPROVEMENTS	8,828,481
PUMP STATION IMPROVEMENTS PROGRAM	27,300,000
PEAK FLOW MANAGEMENT FACILITIES	527,731,257
SANITARY SEWER SYSTEM EXTENSION	13,433,035
WASTEWATER ENGINEERING STUDIES	373,714
PUMP STATION GENERATORS AND MISCELLANEOUS UPGRADES	57,719,000
WASTEWATER TELEMETERING SYSTEM	8,208,125
WASTEWATER SYSTEM MAINTENANCE AND UPGRADES	84,515,000
LIFT STATION UPGRADES AND STRUCTURAL MAINTENANCE IMPROVEMENTS	49,326,675
WASTEWATER EQUIPMENT AND VEHICLES	50,677,817
WASTEWATER TREATMENT PLANTS REPLACEMENT AND RENOVATION	57,744,452
WASTEWATER TREATMENT PLANT AUTOMATION ENHANCEMENTS	11,237,921
WASTEWATER TREATMENT PLANTS MISCELLANEOUS UPGRADES	15,218,000
WASTEWATER TREATMENT PLANTS EFFLUENT REUSE	73,814,628
MIAMI SPRINGS CONSTRUCTION FUND - WASTEWATER	1,006,503
OUTFALL LEGISLATION SUMMARY DESCRIPTION	157,584,297
WASTEWATER - PIPES AND INFRASTRUCTURE PROJECTS	6,134,685
Total Wastewater Projects	\$1,625,715,554

Water Projects	
WATER TREATMENT PLANT - HIALEAH / PRESTON IMPROVEMENTS	\$59,223,369
WATER TREATMENT PLANT - ALEXANDER ORR, JR EXPANSION	95,070,543
WELLFIELD IMPROVEMENTS	500,000
NORTH MIAMI-DADE WATER TRANSMISSION MAINS IMPROVEMENTS	11,349,572
CENTRAL MIAMI-DADE WATER TRANSMISSION MAINS IMPROVEMENTS	6,691,712
SOUTH MIAMI-DADE WATER TRANSMISSION MAINS IMPROVEMENTS	13,500,000
WATER MAINS EXTENSION	7,569,800
WATER GENERAL MAINTENANCE AND OFFICE FACILITIES	31,927,905
WATER DISTRIBUTION SYSTEM EXTENSION ENHANCEMENTS	936,940,210
WATER SYSTEM FIRE HYDRANT INSTALLATION	29,800,000
WATER EQUIPMENT AND VEHICLES	43,676,781
WATER TREATMENT PLANTS REPLACEMENT AND RENOVATIONS	25,844,335
WATER SYSTEM MAINTENANCE AND UPGRADES	115,990,000
WATER ENGINEERING STUDIES	25,000
AUTOMATION OF WATER TREATMENT PLANTS	2,650,000
WATER TREATMENT PLANTS MISCELLANEOUS UPGRADES	24,490,197
SAFE DRINKING WATER ACT MODIFICATIONS - SWT RULE AND D-DBP	371,681,674
SOUTH MIAMI HEIGHTS WATER TREATMENT PLANT AND WELLFIELD	112,309,852
WATER TELEMETERING SYSTEM ENHANCEMENTS	2,165,336
WATER TREATMENT PLANT - FLORIDAN REVERSE OSMOSIS	47,481,286
MIAMI SPRINGS CONSTRUCTION FUND - WATER	234,064
WATER - PIPES AND INFRASTRUCTURE PROJECTS	6,134,685
Total Water Projects	\$1,945,256,321
TOTAL WASTEWATER AND WATER PROJECTS	\$3,570,971,875