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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 11(A)(13)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 8, 2008

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

SUBJECT: Resolution urging the Florida Legislature to reinstate language prohibiting municipal water and sewer utilities from charging a surcharge

R#404-08

The accompanying resolution was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 8, 2008

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

SUBJECT: Amended Agenda Item No. 11(A)(13)

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor

Veto _____

Override _____

Amended

Agenda Item No. 11(A)(13)

4-8-08

RESOLUTION NO. R- **404-08**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PROHIBIT MUNICIPAL WATER AND SEWER UTILITIES FROM LEVYING A SURCHARGE TO CONSUMERS LOCATED OUTSIDE THE CITY UNLESS AN EQUAL SURCHARGE IS LEVIED ON CONSUMERS LOCATED INSIDE THE CITY

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

WHEREAS, the City serves more consumers that reside outside the City than live within the City; and

WHEREAS, in 1992, the Florida Legislature amended section 180.191, Florida Statutes, to allow a city to exempt itself from county rate regulation so long as the city charged the same rates, fees and charges to consumers both within and outside the city; and

WHEREAS, prior to 1998, cities located in constitutional home rule charter counties that operated a water and sewer utility were prohibited from adding a surcharge to water and sewer charges of consumers outside the city's boundaries; and

WHEREAS, in 1998, the Florida Legislature again amended section 180.191, Florida Statutes, to remove the prohibition on a city 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 the city's boundaries; and

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

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

WHEREAS, the City also has raised its rates for all consumers, including those it has required to pay the surcharge; and

WHEREAS, the surcharge imposed outside the City results in "taxation without representation" and unfairness to consumers living outside the City's boundaries when they have no representation, voice or input into City decisions,

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 prohibit municipal water and sewer utilities from levying a surcharge on consumers outside the city unless an equal surcharge is levied on consumers inside 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, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of the Florida Department of Transportation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 and 2009 state legislative packages.

The foregoing resolution was sponsored by Vice-Chairwoman Barbara J. Jordan and offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**absent**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**absent**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**absent**		

The Chairman thereupon declared the resolution duly passed and adopted this 8th day of April, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

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