

# Memorandum



**Date:** June 19, 2012

**To:** Honorable Chairman Joe A. Martinez and Members  
Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name and title.

**Subject:** Quarterly Report to the Board of County Commissioners of the One-Time Lifetime Adjustments under Resolution No. 1164-04 and Ordinance No. 11-98

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At the December 6, 2011 Board of County Commissioners (Board) meeting, Ordinance 11-98 was adopted directing the Miami-Dade Water and Sewer Department (WASD) to provide a quarterly report to the Board setting forth a detailed accounting of the one-time lifetime adjustments under Resolution No. 1164-04 (copy attached) and Ordinance No. 11-98 (copy attached).

Resolution R-1164-04 provides for a one-time lifetime adjustment to its quarterly customers in the event of a concealed or hidden leak that results in a bill that exceeds six (6) times the past year's average quarterly consumption. In order to qualify for the adjustment, the customer is required to make the necessary repairs and submit to WASD the information specified in the department's rules and regulations. If the customer qualifies, a corrected bill is issued which is based on either the previous year's average consumption or on the rate of consumption after the repair has been made. From the effective date of Ordinance 11-98 on December 17, 2011 to the end of the first quarter in 2012, 97 adjustments were issued in the amount of \$306,350.30 (see attachment entitled Resolution No. R-1164-04 for details).

Ordinance 11-98 provides for a one-time lifetime billing adjustment to a customer who disputes a high bill that is not the result of a concealed or visible leak and if the bill exceeds six (6) times the past year's average monthly or quarterly consumption. In order to be considered for an adjustment, the customer must meet the criteria set forth in Section 32-101 of the Code of Miami-Dade County. After the criteria is met, the director's discretion to grant such an adjustment will be based on his assessment that there are extreme circumstances affecting the customer's account that merit a credit. If awarded, similar to the credit provided in the department's rules and regulations, the customer would receive a 50% credit to the water portion and a 100% credit to the sewer portion of their high bill, which is calculated based on the customer's last yearly average consumption. From the effective date of Ordinance No. 11-98 on December 17, 2011 to the end of the first quarter in 2012, no adjustments were issued. However, during the months of April and May 2012, six adjustments were approved and issued in the total dollar amount of \$10,293.50 (see the attachment entitled Ordinance No. 11-98 for details).

If you have any questions, please contact WASD Director John W. Renfrow, P.E. at 786-552-8086.

## Attachments

c: Alina T. Hudak, County Manager/Deputy Mayor  
John W. Renfrow, Director, Water and Sewer Department

# ORDINANCE NO. 11-98

Address	Disputed Bill Date	Disputed Bill Amount	Date of Adjustment	Water Adjustment	Sewer Adjustment	Fees and Taxes Adjustment	Total Adjustment
1700 SW 87 CT	26-Jan-12	\$1,721.74	04/30/2012	-410.26	-773.71	-115.48	-1,299.45
18171 SW 113 AVE	25-Jan-12	\$503.12	05/01/2012	-117.23	-246.38	-36.62	-400.23
2460 NE 200 ST	13-Feb-12	\$2,394.09	04/30/2012	-588.91	-1,086.76	-163.96	-1,839.63
13212 SW 41 TER	28-Feb-12	\$7,352.59	04/30/2012	-1,694.31	-3,263.79	-481.98	-5,440.08
1351 NW 111 ST	13-Feb-12	\$581.01	05/01/2012	-260.66	<b>No sewer</b>	-36.49	-297.15
4530 SW 68 CT CIR #38	23-Dec-11	\$1,417.10	04/30/2012	-318.59	-608.15	-90.22	-1,016.96
						<b>Total:</b>	<b>-10,293.50</b>

RESOLUTION NO. 1164-04

Address	Disputed Bill Date	Disputed Bill Amount	Date of Adjustment	Water Adjustment	Sewer Adjustment	Fees and Taxes Adjustment	Total Adjustment
110 SW 109TH AVE #2	12/19/2011	764.26	12/19/2011	-290.49	-352.15	-70.49	-713.13
16305 SW 276TH TER	12/19/2011	4,735.28	12/19/2011	-2,094.56	-2,070.03	-451.18	-4,615.77
14343 SW 115TH TER	10/31/2011	1,709.74	12/20/2011	-688.86	-702.66	-151.28	-1,542.80
15322 SW 108TH PL	10/13/2011	3,590.20	12/20/2011	-1,572.90	-1,571.64	-340.92	-3,485.46
9120 SW 137TH AVE	12/20/2011	620.81	12/20/2011	0.00	-404.14	-30.31	-434.45
13591 SW 176TH TER	10/12/2011	5,407.62	12/22/2011	-2,396.77	-2,354.62	-514.58	-5,265.97
14100 SW 34TH ST	11/02/2011	871.68	12/23/2011	-746.11	0.00	-107.93	-854.04
15738 SW 146TH TER	12/23/2011	627.70	12/23/2011	-229.99	-299.95	-58.19	-588.13
1876 NW 91ST ST	10/03/2011	508.48	12/23/2011	-418.54	0.00	-61.74	-480.28
2030 NW 33RD ST	12/23/2011	9,189.53	12/23/2011	-4,099.49	-3,974.00	-873.20	-8,946.69
28250 SW 126TH CT #C	12/23/2011	1,972.37	12/23/2011	-848.22	-896.97	-189.52	-1,934.71
1036 NW 59TH ST	12/27/2011	1,289.53	12/27/2011	-534.09	-593.12	-122.75	-1,249.96
15334 SW 284TH ST #7	09/28/2011	753.75	12/27/2011	-287.53	-354.41	-70.30	-712.24
22115 SW 112TH CT	12/29/2011	3,317.05	12/29/2011	-1,464.61	-1,487.07	-320.02	-3,271.70
9400 OLD CUTLER RD	11/14/2011	5,523.18	01/03/2012	-2,465.58	-2,436.69	-530.93	-5,433.20
7621 SW 175TH ST	11/03/2011	11,158.46	01/05/2012	-5,385.64	-4,556.84	-1,098.90	-11,041.38
17950 NW 67TH AVE #I	11/23/2011	783.63	01/06/2012	-667.00	0.00	-96.80	-763.80
8325 SW 160TH ST	11/04/2011	2,487.15	01/09/2012	-1,070.54	-1,091.86	-234.77	-2,397.17
842 SW 104TH AVE	11/23/2011	1,053.27	01/09/2012	-873.30	0.00	-124.61	-997.91
6048 SW 86TH ST	02/15/2012	2,119.45	01/10/2012	-908.33	-942.23	-201.06	-2,051.62
801 MADRID ST	12/12/2011	844.16	01/10/2012	-684.03	0.00	-97.91	-781.94
10961 SW 75TH ST	10/27/2011	5,008.40	01/11/2012	-2,008.08	-1,935.81	-426.31	-4,370.20
1421 BARACOA AVE	10/13/2011	4,300.00	01/11/2012	-3,712.55	0.00	-521.81	-4,234.36
14927 SW 89TH LN	01/03/2012	4,504.17	01/11/2012	-1,946.59	-1,898.59	-416.15	-4,261.33
1030 NW 90TH ST	02/13/2012	1,777.26	01/12/2012	-1,438.48	0.00	-201.40	-1,639.88
13701 SW 147TH CIRCLE LN #1	12/05/2011	3,516.67	01/12/2012	-1,557.06	-1,578.26	-339.84	-3,475.16
1837 NW 33RD ST	12/19/2011	2,946.97	01/12/2012	-1,296.40	-1,326.97	-284.49	-2,907.86
8374 SW 152ND AVE #48	02/16/2012	4,778.74	01/13/2012	-3,784.46	0.00	-529.82	-4,314.28
8621 SW 46TH ST	02/03/2012	1,058.78	01/17/2012	-881.05	0.00	-125.79	-1,006.84
10312 NW 8TH AVE	11/30/2011	9,819.07	01/18/2012	-4,262.78	-4,234.59	-920.99	-9,418.36
380 COSTANERA RD	10/19/2011	10,697.39	01/18/2012	-9,103.97	0.00	-1,274.56	-10,378.53

RESOLUTION NO. 1164-04

5801 SW 74TH AVE	11/08/2011	6,412.73	01/20/2012	-2,772.39	-2,851.50	-610.85	-6,234.74
9001 SW 19TH ST	10/14/2011	1,426.11	01/24/2012	-597.22	-654.99	-136.24	-1,388.45
12388 SW 94TH TER	01/27/2012	2,069.44	01/26/2012	-1,788.96	0.00	-254.01	-2,042.97
2130 SW 104TH PL	10/31/2011	6,395.12	01/26/2012	-2,741.82	-2,643.13	-582.09	-5,967.04
9551 NW 41ST ST	10/19/2011	1,720.24	01/26/2012	-718.15	-752.16	-159.95	-1,630.26
10400 SW 153RD CT #1	11/03/2011	2,256.02	01/27/2012	-916.51	-907.41	-197.69	-2,021.61
1252 SW 30TH CT	01/18/2012	522.65	01/30/2012	-120.03	-252.04	-37.04	-409.11
1501 NW 14TH ST	01/31/2012	1,888.34	01/30/2012	-770.92	-781.77	-168.71	-1,721.40
29101 KANSAS RD	11/30/2011	2,180.76	01/31/2012	-966.69	-944.64	-206.91	-2,118.24
15265 JACKSON DR	01/09/2012	412.54	02/01/2012	-125.51	0.00	-17.57	-143.08
17140 SW 76TH AVE	02/03/2012	3,832.25	02/02/2012	-3,084.53	0.00	-431.83	-3,516.36
3475 GRAND AVE #4	12/06/2011	34,066.16	02/02/2012	-15,578.64	-15,075.57	-3,314.60	-33,968.81
7130 MIRA FLORES AVE	01/18/2012	348.9	02/02/2012	-286.79	0.00	-43.60	-330.39
845 NE 74TH ST	12/09/2011	1,699.24	02/02/2012	-241.36	-460.69	-68.34	-770.39
6986 SW 47TH ST	10/06/2011	417.59	02/03/2012	-136.06	-216.58	-38.86	-391.50
7350 NW 12TH ST	01/03/2012	3,518.59	02/03/2012	-3,070.21	0.00	-433.38	-3,503.59
6245 DOLPHIN DR	02/06/2012	3,831.80	02/06/2012	-1,701.50	-1,716.47	-370.40	-3,788.37
950 NW 5TH ST	11/09/2011	5,783.39	02/06/2012	-4,972.06	0.00	-696.60	-5,668.66
15601 SW 137TH AVE #26	01/03/2012	238.83	02/08/2012	-97.55	0.00	-13.86	-111.41
11578 SW 91ST TER	01/27/2012	1,047.90	02/10/2012	-415.95	-467.58	-96.54	-980.07
5948 SW 60TH AVE	11/23/2011	1,075.28	02/10/2012	-463.40	0.00	-64.87	-528.27
1313 NW 68TH ST	10/27/2011	974.37	02/13/2012	-387.41	-446.60	-91.14	-925.15
18917 SW 360TH ST	12/08/2011	1,573.18	02/14/2012	-357.22	-682.60	-101.21	-1,141.03
7841 SW 152ND AVE	02/16/2012	617.17	02/14/2012	-227.02	-302.22	-57.98	-587.22
11242 SW 156TH PL	12/14/2011	1,646.71	02/15/2012	-688.85	-728.40	-154.23	-1,571.48
6143 SW 62ND TER	11/23/2011	2,399.40	02/15/2012	-914.83	-1,154.90	-170.37	2,240.10
15601 SW 137TH AVE #24	01/03/2012	2,497.65	02/16/2012	-1,015.84	-995.83	-217.83	-2,229.50
315 SOLANO PRADO	12/13/2011	1,331.54	02/16/2012	-553.40	-611.73	-126.84	-1,291.97
734 NW NORTH RIVER DR	10/11/2011	1,447.11	02/16/2012	-594.90	-635.58	-134.02	-1,364.50
2350 SW 36TH AVE	12/12/2011	3,280.11	02/21/2012	-613.05	-1,180.51	-174.37	-1,967.93
30031 SW 149TH AVE	11/23/2011	785.27	02/21/2012	-303.88	-375.28	-74.23	-753.39
3180 NW 3RD ST	02/23/2012	712.09	02/21/2012	-594.90	0.00	-86.36	-681.26
600 MENDOZA AVE	11/02/2011	585.69	02/21/2012	-209.93	-278.57	-53.76	-542.26
4275 NW 182ND ST	12/15/2011	564.66	02/22/2012	-202.15	-276.18	-52.53	-530.86

# RESOLUTION NO. 1164-04

11024 NW 3RD ST	12/27/2011	1,089.42	02/23/2012	-448.92	0.00	-62.85	-511.77
11301 SW 180TH ST	01/25/2012	533.15	02/23/2012	-110.25	-235.14	-33.89	-379.28
1720 SW 32ND CT	10/26/2011	1,812.68	02/23/2012	-656.49	0.00	-91.91	-748.40
1960 SW 17TH CT	12/19/2011	6,415.63	02/27/2012	-5,256.74	0.00	-735.95	-5,992.69
19818 NW 86TH CT	11/02/2011	8,800.84	02/27/2012	-3,969.40	-3,884.14	-849.95	-8,703.49
1700 SW 87TH CT	01/10/2012	7,340.59	02/28/2012	-1,694.31	-3,263.79	-481.98	-5,440.08
3891 COCO GROVE AVE	12/14/2011	2,856.40	02/28/2012	-1,151.69	-1,188.64	-254.25	-2,594.58
11738 SW 114TH TER	01/04/2012	5,397.12	03/01/2012	-2,419.25	-2,404.30	-522.44	-5,345.99
9465 SW 149TH ST	10/28/2011	5,406.09	03/02/2012	-4,609.90	0.00	-645.40	-5,255.30
15601 SW 137TH AVE #128	01/03/2012	816.64	03/05/2012	-665.73	0.00	-95.55	-761.28
4440 SW 87TH AVE	10/28/2011	2,077.43	03/07/2012	-894.26	-935.20	-198.75	-2,028.21
8201 SW 102ND AVE	11/09/2011	1,646.71	03/07/2012	-686.61	-723.99	-153.50	-1,564.10
20741 SW 103RD CT	12/06/2011	4,798.31	03/08/2012	-2,121.28	-2,093.54	-456.60	-4,671.42
13718 SW 12TH ST	12/28/2011	18,476.23	03/09/2012	-8,429.39	-8,199.16	-1,798.46	-18,427.01
8911 SW 160TH ST	11/02/2011	8,643.26	03/12/2012	-3,901.48	-3,823.16	-836.01	-8,560.65
11786 SW 93RD TER	01/05/2012	1,058.40	03/14/2012	-246.19	-472.23	-69.86	-788.28
10885 SW 218TH TER	01/05/2012	1,300.03	03/16/2012	-536.66	-589.47	-122.77	-1,248.90
11506 QUAIL ROOST DR	12/14/2011	2,164.87	03/16/2012	-965.94	-867.35	-203.84	-2,037.13
3562 SW 25TH ST	12/12/2011	969.36	03/19/2012	-424.79	0.00	-59.48	-484.27
13465 SW 151ST TER	01/30/2012	5,185.96	03/20/2012	-4,407.16	0.00	-617.00	-5,024.16
13525 SW 61ST CT	12/05/2011	1,945.08	03/21/2012	-1,586.67	0.00	-228.16	-1,814.83
9875 NW 43RD TER	01/12/2012	1,405.10	03/22/2012	-588.31	-648.46	-134.53	-1,371.30
10914 NW 69TH TER	10/14/2011	4,903.37	03/26/2012	-2,159.23	-2,121.95	-463.68	-4,744.86
2901 NW 99TH ST	01/18/2012	2,946.27	03/26/2012	-2,389.42	0.00	-334.52	-2,723.94
4510 SW 68TH COURT CIR #10	12/23/2011	7,718.79	03/26/2012	-3,452.89	-3,369.06	-738.33	-7,560.28
12201 SW 148TH ST #1102	11/09/2011	268.15	03/27/2012	-48.30	-131.05	-18.27	-197.62
6715 SW 51ST ST	01/04/2012	29,929.49	03/27/2012	-13,086.42	0.00	0.00	-13,086.42
1024 NW 102ND CT	01/10/2012	1,901.23	03/27/2012	-340.97	-397.54	-80.87	-819.38
11921 SW 3RD ST	12/23/2011	753.11	03/28/2012	-139.98	0.00	-19.60	-159.58
21321 SW 97TH PL	12/13/2011	183.82	03/28/2012	-45.65	-91.43	-14.86	-151.94
9420 SW 68TH ST	01/27/2012	428.08	03/28/2012	-82.42	-204.62	-28.41	-315.45
23600 SW 132ND AVE	01/09/2012	732.74	03/30/2012	-277.13	-342.34	-67.92	-687.39
<b>TOTAL:</b>		347,197.93		-173,741.46	-106,442.09	-30,646.95	<b>-306,350.30</b>

**MEMORANDUM**

Agenda Item No. 7(R)(2)(A)

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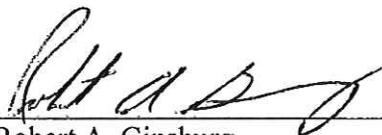
**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners      **DATE:** September 21, 2004

**FROM:** Robert A. Ginsburg  
County Attorney      **SUBJECT:** Resolution directing County Manager to amend the Miami-Dade Water and Sewer Dept.'s Rules and Regulations

Reso. R-1164-04

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The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.

  
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

DATE: September 21, 2004

FROM: Robert A. Ginsburg  
County Attorney

SUBJECT: Agenda Item No. 7(R)(2)(A)

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 \_\_\_\_\_

Agenda Item No. 7(R)(2)(A)  
9-21-04

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING COUNTY MANAGER TO AMEND THE MIAMI-DADE WATER AND SEWER DEPARTMENT'S RULES AND REGULATIONS FOR WATER AND SEWER SERVICE TO PROVIDE A ONE TIME LIFETIME ADJUSTMENT WHEN THE CONSUMPTION RATE EXCEEDS BY SIX (6) TIMES THE AVERAGE QUARTERLY CONSUMPTION BASED ON THE PAST YEAR'S CONSUMPTION

**WHEREAS**, concealed leaks that do not reach the sewer system have been determined by the Miami-Dade Water and Sewer Department not to be the delivery of sewer services and that it is fair and equitable to charge customers only 50% of the related water charges and remain in compliance with Ordinance Number 93-134; and

**WHEREAS**, concealed leaks, potentially costing thousands of dollars, can be considered as extraordinary events beyond the control of the customers; and

**WHEREAS**, Sections 2.10(1)(e) and 3.10(1)(a) of the Miami-Dade Water and Sewer Department's Rules and Regulations for Water and Sewer Service provide the basis for adjusting the water and sewer billings for customers billed on a quarterly basis as a result of concealed leaks; and

**WHEREAS**, under the current billing system, customers billed quarterly may only learn of a concealed leak upon receipt of their quarterly bill; and

**WHEREAS**, Section 2.10(1)(e) and 3.10(1)(a) of the Miami-Dade Water and Sewer Department's Rules and Regulations for Water and Sewer Service provides for a 50% credit towards the quarterly customers' water bill and 100% credit towards the sewer bill in certain circumstances; and

**WHEREAS**, this Board desires to establish a one time, lifetime adjustment per quarterly account to provide credits for extraordinary billings and limit the customers' liability for such billings,

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

Section 1. The Miami-Dade Water and Sewer Department shall provide a one-time lifetime adjustment to its quarterly customers in the event of a concealed or hidden leak that results in a bill that exceeds by six (6) times the past year's average quarterly consumption. In order to qualify for the adjustment, the Customer shall be required to make the necessary repairs and submit to the Department the information specified in Section 2.10(1)(e) of the Department's Rules and Regulations. A corrected bill shall be issued which shall be based either on the previous year's average consumption or on the rate of consumption after the repair has been made.

Section 2. The County Manager is hereby directed to amend the Miami-Dade Water and Sewer Department's Rules and Regulations for Water and Sewer Service to implement this Resolution.

Section 3. The provisions of this Resolution shall be effective for billings rendered as of March 1, 2004.

The foregoing resolution was sponsored by Senator Javier D. Souto and 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:

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Dr. Barbara Carey-Shuler, Chairperson  
Katy Sorenson, Vice-Chairperson  
Bruno A. Barreiro  
Betty T. Ferguson  
Joe A. Martinez  
Dennis C. Moss  
Natacha Seijas  
Sen. Javier D. Souto  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jimmy L. Morales  
Dorrin D. Rolle  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of September, 2004. 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.

*HNG/RAG*

Henry N. Gillman

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OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended  
Agenda Item No. 7(D)

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

**DATE:** December 6, 2011

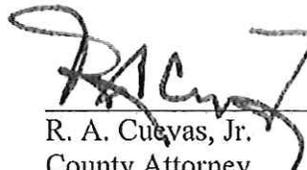
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance creating Section  
32-101; granting discretion to  
the Director of the Miami-Dade  
Water & Sewer Department to  
issue a one-time lifetime billing  
adjustment to customers where  
there are extreme  
circumstances that merit an  
adjustment

Ordinance No. 11-98

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The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jose "Pepe" Diaz and Commissioner Lynda Bell.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** December 6, 2011

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance creating Section 32-101 granting the Water and Sewer Department discretion to issue a one-time lifetime billing adjustment to customers

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The proposed ordinance creating Section 32-101 will grant discretion to the Director of the Water and Sewer Department to issue a one-time lifetime billing adjustment to customers where there are extreme circumstances that merit an adjustment. Currently, based on existing rules and regulations, the department is able to grant one-time lifetime billing adjustments to quarterly customers billed for extreme circumstances such as concealed leaks behind walls and hidden underground leaks, provided the customer has proof of necessary repairs. This ordinance will provide a one-time lifetime adjustment to monthly or quarterly customers which cannot provide explanations for the high bill. Based on historical information, the implementation of this ordinance along with our current rate structure and rates the County will have a negative fiscal impact of approximately \$2 million per year. The \$2 million per year is comprised of a loss of water and sewer revenues of \$1.8 million based on possible credits of amounts owed to both retail and commercial accounts; water utility tax loss of approximately \$60,000 to UMMA, and a utility service fee loss of approximately \$135,000 to be shared by Public Works and Waste Management Department and the Permitting, Environment and Regulatory Affairs Department.

  
\_\_\_\_\_  
Office of the Mayor

Fis6211



# MEMORANDUM

(Revised)

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

**DATE:** December 6, 2011

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

**SUBJECT:** Amended  
Agenda Item No. 7(D)

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 \_\_\_\_\_

Amended  
Agenda Item No. 7(D)  
12-6-2011

ORDINANCE NO. 11-98

ORDINANCE CREATING SECTION 32-101; GRANTING DISCRETION TO THE DIRECTOR OF THE MIAMI-DADE WATER AND SEWER DEPARTMENT TO ISSUE A ONE-TIME LIFETIME BILLING ADJUSTMENT TO CUSTOMERS WHERE THERE ARE EXTREME CIRCUMSTANCES THAT MERIT AN ADJUSTMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Resolution No. R-1164-04 provides a one-time lifetime adjustment for a Miami-Dade Water and Sewer Department quarterly single-family residential customer who receives a bill that exceeds six (6) times the past year's average quarterly consumption due to a concealed leak; and

**WHEREAS**, Resolution No. 1164-04 has resulted in credits to customers that met the criterion in the amount \$7,381,645.68 since its inception; and

**WHEREAS**, an adjustment to the bill for 50% of the excess water and 100% of the excess sewer charges above the average consumption is given if the quarterly single-family residential customer makes the necessary repairs to its plumbing and provides the information required by the Department's Rules and Regulations; and

**WHEREAS**, on several occasions customers have received unusually high bills and neither the Miami-Dade Water and Sewer Department nor the customers have been able to explain the reason for such high bills; and

**WHEREAS**, this Board seeks to assist customers that receive a bill that exceeds six (6) times the past year's average respective monthly or quarterly consumption and neither the

Miami-Dade Water and Sewer Department nor the customers can explain the reason for the high bill; and

WHEREAS, in 2008, the Miami-Dade Water and Sewer Department received 11,087 high bill complaints and issued approximately 8,316 credits; and

WHEREAS, in 2009, the Miami-Dade Water and Sewer Department received 17,666 high bill complaints and issued approximately 12,965 credits; and

WHEREAS, in 2010, the Miami-Dade Water and Sewer Department received 16,364 high bill complaints and issued approximately 13,404 credits,

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

Section 1. Section 32-101 of the Code of Miami-Dade County, Florida, is hereby created to read as follows<sup>1</sup>

>>32-101 Section 32-101. One-Time Lifetime Credit for Customers

- (1) The Director of the Miami-Dade Water and Sewer Department is hereby given discretion to provide a one-time lifetime billing adjustment to a customer who disputes a high bill that is not the result of a concealed or visible leak. The Director's discretion to grant such a credit will be based on his assessment that there are extreme circumstances affecting the customer's account that merit a credit. If awarded, similar to the credit provided in the Department's Rules 2.10(1)(e) and 3.10(1)(e), such credit will be a 50% credit to the water portion of the customer's high bill above the customer's last yearly average consumption and a 100% credit to the sewer portion of the customer's high bill above the customer's last yearly average consumption.

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<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.

- (a) For purposes of this section, the term “extreme circumstances” is defined as those situations in which a customer receives a bill that exceeds six (6) times the past year’s average, as applicable, monthly or quarterly consumption but is unable to show the Department that the high bill is due to a leak, concealed or visible, and cannot otherwise explain the high water bill.
- (2) In order to be considered for the one-time lifetime billing adjustment that the Director of the Miami-Dade Water and Sewer Department has been given discretion to grant, a customer seeking a one-time lifetime adjustment for extreme circumstances must be in good standing with the Department.
- (a) For purposes of this section, a customer in “good standing” is defined as a customer who has not had the water disconnected for nonpayment or his/her account placed in collection during the previous 12 months.
- (b) In order to request a one-time lifetime billing adjustment, a customer must submit their request on a form proscribed by the Department; and must provide the Department with a notarized affidavit stating that a licensed plumber has checked the residence (inside and out) for leaks (both concealed and visible); that the customer did not leave a hose running inadvertently or otherwise allow water to flow for any period of time; and that there have been no changes in water usage within the household during the billing period (i.e. new landscaping, guests visiting, major household repairs or construction that required increased water usage, problems with one’s pool or sprinkler system, or water theft.) Additionally, the customer’s licensed plumber must also execute the notarized affidavit before the customer submits it to the Department for consideration for a one-time lifetime adjustment.
- (3) The Department shall keep track of adjustments to ensure that a customer receives only one lifetime adjustment based on extreme circumstances.
- (a) For residential customers, only one lifetime adjustment will be available to the property owners based on the name(s) appearing on the deed; thus, if there is more than one property owner reflected on a deed, only one lifetime adjustment will be available to the deedholders collectively.

(b) In the case of renters, the one-time lifetime adjustment is limited to one per person for their lifetime regardless of where they are residing. Individuals who have received a one-time lifetime adjustment while renting will not be entitled to any further adjustments under this section, even if they subsequently become property owners or relocate to a different rental property.

(c) With regard to commercial entities (corporations, LLCs, partnerships, etc.), each commercial entity and all related parties will be limited to one lifetime adjustment collectively in the commercial context. For purposes of this section, "related parties" shall mean entities, their principals, corporate officers and managers that have a direct or indirect ownership interest in another entity. Notwithstanding the foregoing, no more than one lifetime adjustment may be awarded in connection with a commercial property every five years regardless of what commercial entity occupies the property.

(4) The Department will provide a report to the Board of County Commissioners on a quarterly basis, which sets forth a detailed accounting of the one-time lifetime adjustments under R1164-04 and this section of the Code per year.

(5) Nothing in this section shall affect the Department's Rules and Regulations that address the procedures and credits allowed when a concealed or visible leak has been discovered in connection with a single-family residential customer's account.<<

Section 2. 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 3. 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 4. 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: December 12, 2011

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Sarah E. Davis

Co-Prime Sponsors: Commissioner Jose "Pepe" Diaz  
Commissioner Lynda Bell