

Memorandum



Date: October 24, 2013

To: Honorable Chairwoman Rebeca Sosa 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 a light blue horizontal line.

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 for the period of July 1, 2013 through September 30, 2013

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 the enclosed quarterly report to the Board setting forth a detailed accounting of the one-time lifetime adjustments under Resolution No. 1164-04 and Ordinance No. 11-98 (copies attached). This report reflects adjustment activity for the third quarter of 2013, from July 1, 2013 through September 30, 2013.

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 July 1, 2013 to September 30, 2013, 135 adjustments were issued in the amount of \$41,732.13. Since its approval in 2011, a total of 4232 adjustments amounting to \$2,623,772.92 have been issued pursuant per Resolution No. R-1164-04.**

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. The bill must exceed 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 July 1, 2013 to September 30, 2013, no adjustments were issued. Since its approval in 2011, a total of 11 adjustments amounting to \$15,690.73 have been issued pursuant to Ordinance No. 11-98.**

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

Attachments

c: Alina T. Hudak, Deputy Mayor/Interim Director, Public Works and Waste Management
John W. Renfrow, P.E., Director, Water and Sewer Department

Fourth Quarter
7/01/2013 - 9/30/2013

ORDINANCE 11-98

Address	Disputed Bill Date	Disputed Bill Amount	Date of Adjustment	Water Adjustment	Sewer Adjustment	Fees and Taxes Adjustment	Total Adjustment

No Activity

Total							\$0.00
*To-Date Adjustments							-\$15,690.73
Grand Total:							-\$15,690.73

*-Includes dollar amounts of adjustments made in previous months from the effective date of Ordinance 11-98, December 17, 2011.

RESOLUTION 1164-04

Address	Disputed Bill Date	Disputed Bill Amount	Date of Adjustment	Water Adjustment	Sewer Adjustment	Fees and Taxes Adjustment	Total Adjustment
8425 SW 40TH TER	5/6/2013	260.86	7/2/2013	-91.72	0.00	-12.84	-168.30
770 NW 35TH CT	5/8/2013	354.55	7/2/2013	-45.72	-138.40	-18.19	-162.74
8320 SW 87TH TER	6/12/2013	335.62	7/2/2013	-26.28	-83.76	-10.88	-226.70
10601 SW 48TH ST	6/6/2013	405.92	7/2/2013	-29.18	-120.99	-11.26	-342.41
1800 LEJEUNE RD	5/2/2013	2073.25	7/5/2013	-405.47	-697.20	-109.07	-881.61
1228 NW 32ND PL	4/29/2013	491.12	7/5/2013	-28.97	-55.84	-8.23	-419.08
1822 SW 149TH PASSAGE	6/24/2013	858.82	7/8/2013	-154.47	-293.17	-43.61	-379.57
6834 NW 107TH PL	4/10/2013	501.64	7/8/2013	-95.77	-212.36	-30.16	-175.35
1805 ESPANOLA DR	6/12/2013	981.09	7/10/2013	-217.22	-411.50	-61.28	-301.59
1380 SW 6TH ST	6/17/2013	438.61	7/10/2013	-81.42	-202.09	-27.89	-148.21
3984 SW 2ND ST	5/1/2013	119.51	7/11/2013	-2.25	-8.83	-1.05	-117.88
4340 SW 146TH CT	5/9/2013	375.56	7/11/2013	-37.85	-102.37	-13.77	-233.57
1720 SW 36TH AVE	6/25/2013	318.75	7/15/2013	-11.68	-32.57	-4.50	-280.50
7275 SW 167TH ST	4/29/2013	310.36	7/15/2013	-169.06	0.00	-24.17	-129.13
8300 SW 46TH ST	5/1/2013	959.73	7/15/2013	-342.74	0.00	-47.98	-581.01
20600 NE 20TH PL	5/14/2013	732.74	7/16/2013	-82.06	-158.22	-23.35	-481.11
6220 LEONARDO ST	6/14/2013	170.30	7/16/2013	-26.17	0.00	-4.08	-140.05
111 SW 40TH AVE	5/1/2013	97.35	7/17/2013	-11.22	-30.62	-4.26	-61.75
8740 NW 153RD TER	7/1/2013	225.97	7/17/2013	-44.91	-117.46	-16.67	-60.43
9348 NW 22ND AVE	7/2/2013	51.94	7/17/2013	-20.20	0.00	-3.54	-78.12
14202 SW 160TH TER	4/17/2013	375.56	7/17/2013	-4.84	-9.30	-1.36	-372.06
8325 SW 147TH CT	5/16/2013	217.54	7/17/2013	-35.26	-59.52	-8.05	-126.71
5700 NW 22ND AVE	5/14/2013	141.65	7/17/2013	-8.98	-35.29	-4.22	-114.04
6816 NW 15TH AVE	4/24/2013	753.75	7/18/2013	-28.96	-60.49	-8.59	-655.71
6740 SW 7TH ST	6/14/2013	1268.52	7/18/2013	-279.98	-538.82	-79.62	-380.60
6421 SW 4TH ST	5/7/2013	1047.90	7/18/2013	-226.87	-441.10	-64.85	-325.58
240 SW 15TH RD #101	4/30/2013	126.89	7/18/2013	-8.98	-35.30	-4.23	-88.88
1646 SW 27TH AVE	5/3/2013	831.84	7/18/2013	-202.74	-377.17	-56.68	-208.82
2900 SW 69TH CT	4/30/2013	2137.36	7/18/2013	-1679.84	0.00	-235.19	-321.45
4601 SW 74TH AVE	4/30/2013	4240.76	7/19/2013	-839.91	-1624.04	-239.40	-1917.21
22220 SW 112TH PL	6/27/2013	161.80	7/22/2013	-50.42	0.00	-7.97	-115.41
7911 SW 196TH TER	6/5/2013	200.66	7/22/2013	-14.60	-41.39	-5.65	-151.02
26349 SW 133RD PL	5/6/2013	921.84	7/22/2013	-135.15	-260.59	-38.46	-499.64
15445 SW 80TH ST #104	5/13/2013	301.88	7/22/2013	-11.68	-37.22	-4.83	-260.15

Address	Disputed Bill Date	Disputed Bill Amount	Date of Adjustment	Water Adjustment	Sewer Adjustment	Fees and Taxes Adjustment	Total Adjustment
20033 SW 103RD AVE	5/8/2013	234.41	7/22/2013	-23.36	-73.25	-9.58	-140.22
15848 SW 141ST ST	6/24/2013	327.17	7/22/2013	-29.21	-88.41	-11.73	-209.82
14547 SW 142ND COURT	5/15/2013	732.74	7/22/2013	-139.99	-265.25	-39.49	-300.01
16113 SW 43RD ST	6/7/2013	336.48	7/23/2013	-23.36	-74.45	-9.67	-242.05
718 SW 101ST COURT CIR	6/14/2013	575.17	7/23/2013	-53.10	-102.38	-15.10	-416.59
1021 NW 41ST AVE	4/29/2013	533.15	7/23/2013	-28.96	-51.18	-7.90	-476.61
675 CURTISWOOD DR	5/9/2013	425.94	7/23/2013	-48.28	0.00	-6.76	-580.70
6136 N MIAMI AVE	5/15/2013	1068.93	7/23/2013	-226.88	-437.18	-64.55	-350.82
5332 SW 153RD CT	6/11/2013	1121.44	7/23/2013	-207.57	-400.19	-59.06	-466.62
9314 NW 2ND PL	6/7/2013	127.42	7/23/2013	-49.65	0.00	-8.68	-69.09
5980 W FLAGLER ST	5/15/2013	745.47	7/24/2013	-26.28	-82.32	-10.77	-689.10
551 SW 71ST CT	5/16/2013	407.08	7/24/2013	-55.24	-139.60	-19.12	-203.62
611 SW 46TH AVE	6/4/2013	301.88	7/24/2013	-11.68	-37.22	-4.83	-258.65
16324 SW 100TH TER	6/11/2013	225.97	7/24/2013	-31.44	-99.47	-12.96	-94.10
8021 NE 10TH AVE	6/7/2013	512.14	7/24/2013	-77.24	-148.91	-21.98	-285.01
3071 SW 84TH CT	5/13/2013	974.37	7/24/2013	-390.03	-456.29	-92.35	-47.70
201 NW 53RD AVE	6/10/2013	234.41	7/24/2013	-41.10	-113.82	-15.73	-74.26
546 NE 57TH ST	6/6/2013	1089.92	7/25/2013	-251.02	-477.36	-70.93	-301.11
219 RIDGEWOOD RD	6/24/2013	143.47	7/25/2013	-37.97	0.00	-6.64	-98.86
4404 NW 93RD DORAL CT	7/8/2013	711.74	7/25/2013	-77.24	-144.25	-21.64	-480.61
4520 GRANADA BLVD	5/6/2013	146.91	7/25/2013	-37.97	0.00	-6.64	-122.40
13541 SW 62ND ST #3	5/1/2013	344.05	7/26/2013	-32.12	-102.37	-13.31	-208.25
8774 SW 213TH TER	5/7/2013	335.62	7/26/2013	-23.36	-74.46	-9.67	-240.13
3965 NW 4TH TER	7/5/2013	564.66	7/27/2013	-9.67	-18.61	-2.74	-544.14
7350 NW 114TH AVE #304	4/10/2013	386.08	7/29/2013	-9.66	-18.62	-2.74	-367.06
1240 W FLAGLER ST	6/25/2013	449.12	7/30/2013	-57.04	-120.99	-17.37	-327.22
5875 SW 100TH TER	5/31/2013	148.39	7/30/2013	-26.17	0.00	-4.06	-118.16
28501 SW 152ND AVE #21	7/1/2013	175.35	7/31/2013	-31.88	-58.31	-11.86	-85.30
223 SW 81ST AVE	7/5/2013	106.84	7/31/2013	-43.81	0.00	-7.67	-67.36
6023 NW 201ST TER	5/29/2013	183.82	7/31/2013	-14.60	-45.33	-5.95	-129.94
27701 SW 164TH AVE	6/17/2013	491.12	7/31/2013	-82.18	-172.18	-24.93	-223.83
15065 SW 87TH CT	5/6/2013	134.28	7/31/2013	-40.89	0.00	-7.15	-98.24
1254 NW 53RD ST	6/13/2013	1047.90	7/31/2013	-241.35	-463.16	-68.52	-285.37
5100 NW 2ND ST	6/10/2013	268.15	8/1/2013	-17.53	-51.19	-6.91	-203.02
3010 NW 70TH TER	5/8/2013	166.94	8/2/2013	-8.76	-22.78	-3.23	-144.17
7201 SW 174TH ST	8/2/2013	337.88	8/5/2013	-281.24	0.00	-42.96	-25.68

Address	Disputed Bill Date	Disputed Bill Amount	Date of Adjustment	Water Adjustment	Sewer Adjustment	Fees and Taxes Adjustment	Total Adjustment
3669 THOMAS AVE #11	8/2/2013	4180.72	8/5/2013	-1878.36	-1877.24	-406.53	-26.67
7644 SW 178TH TER	8/2/2013	337.88	8/5/2013	-281.24	0.00	-42.96	-25.68
2463 NW 76TH ST	8/2/2013	552.50	8/5/2013	-469.50	0.00	-69.32	-154.80
2267 NW 65TH ST	8/2/2013	728.60	8/5/2013	-623.97	0.00	-90.95	-25.68
17301 OLD CUTLER RD	8/2/2013	3949.18	8/5/2013	-3620.19	0.00	-229.52	-99.47
20505 S DIXIE HWY #1811	8/2/2013	1289.53	8/5/2013	-537.08	-604.19	-124.10	-141.16
6735 SW 57TH TER	5/24/2013	167.30	8/6/2013	-31.88	0.00	-4.57	-142.85
11369 SW 86TH LN	6/26/2013	60.46	8/6/2013	-3.37	-14.10	-1.66	-53.33
9451 SW 51ST TER	5/8/2013	112.12	8/6/2013	-4.49	-13.24	-1.78	-104.61
1807 SW 107TH AVE #220	8/2/2013	254.26	8/6/2013	-92.73	0.00	-13.96	-159.57
1727 SW 11TH TER	6/26/2013	1205.49	8/12/2013	-197.92	-381.58	-56.32	-580.17
11322 SW 114TH LANE CII	5/13/2013	53.07	8/12/2013	-0.75	-5.54	-0.54	-58.24
10372 SW 119TH ST	6/26/2013	158.51	8/12/2013	-10.33	-35.78	-4.49	-119.91
29910 SW 147TH CT	5/22/2013	396.58	8/12/2013	-29.98	-65.15	-9.29	-304.16
1141 NW 56TH ST	5/30/2013	166.94	8/13/2013	-17.74	-58.08	-7.46	-94.16
9845 STERLING DR	5/29/2013	407.08	8/13/2013	-4.82	-13.96	-1.03	-399.27
1052 NW 129TH CT	6/14/2013	365.07	8/13/2013	-9.65	-13.96	-2.41	-351.05
9731 HAMMOCKS BLVD #	6/12/2013	554.16	8/15/2013	-108.22	-217.98	-31.91	-208.05
14815 SW 297TH ST	5/22/2013	365.07	8/15/2013	-35.93	-102.38	-13.64	-225.12
3736 WASHINGTON AVE	7/9/2013	23.87	8/15/2013	0.00	-6.91	-0.52	-44.58
5960 SW 44TH TER	6/14/2013	28.43	8/15/2013	-6.73	0.00	-1.18	-32.52
27257 SW 121ST CT	5/31/2013	192.24	8/16/2013	-19.76	-67.62	-8.53	-108.33
1729 SW 17TH CT	7/10/2013	995.40	8/16/2013	-202.75	-386.23	-57.36	-359.56
13815 SW 38TH ST	5/31/2013	376.42	8/16/2013	-135.15	0.00	-18.94	-234.33
15060 LINCORN DR	5/31/2013	200.66	8/16/2013	-22.68	-72.27	-9.38	-108.33
6874 NW 113TH PL	7/15/2013	1625.70	8/16/2013	-362.03	-692.63	-102.63	-480.41
10871 SW 188TH ST #27	6/4/2013	49.22	8/16/2013	-0.75	-5.54	-0.55	-56.30
5530 RIVIERA DR	6/11/2013	957.35	8/16/2013	-82.06	0.00	-11.49	-863.80
8404 SW 200TH TER	6/6/2013	627.70	8/16/2013	-136.18	-268.20	-39.39	-195.93
15204 SW 119TH ST	6/12/2013	543.64	8/19/2013	-97.55	-195.45	-28.52	-234.12
720 SW 5TH ST	6/27/2013	1600.37	8/19/2013	-157.68	-497.76	-64.93	-964.00
5378 NW 29TH AVE	6/4/2013	1478.63	8/19/2013	-323.42	-627.48	-92.34	-447.39
27121 SW 119TH CT	5/31/2013	301.88	8/19/2013	-37.97	-119.29	-15.59	-141.03
12805 SW 136TH AVE	6/12/2013	5334.09	8/19/2013	-757.86	-1461.17	-215.69	-3048.17
1033 SPRING GARDEN RD	3/7/2013	631.48	8/19/2013	-47.10	-180.90	-21.82	-443.97
13351 SW 88TH TER #D	7/3/2013	276.59	8/19/2013	-40.89	-128.78	-16.83	-102.09

Address	Disputed Bill Date	Disputed Bill Amount	Date of Adjustment	Water Adjustment	Sewer Adjustment	Fees and Taxes Adjustment	Total Adjustment
202 SW 14TH AVE	2/5/2013	655.27	8/19/2013	-82.06	-162.87	-23.70	-397.72
4601 SW 74TH AVE	7/26/2013	1814.04	8/20/2013	-279.98	-544.45	-80.04	-1289.37
4421 SW 102ND PL	6/6/2013	606.69	8/20/2013	-48.27	-97.72	-14.08	-458.62
3148 NEW YORK ST #A	6/4/2013	89.98	8/20/2013	-4.49	-22.06	-2.43	-71.50
559 SW 3RD ST	6/11/2013	1626.11	8/21/2013	-210.98	-689.04	-88.60	-752.99
4740 SAN AMARO DR	7/8/2013	461.95	8/21/2013	-43.45	0.00	-6.09	-432.51
10750 SW 67TH AVE	6/13/2013	238.83	8/22/2013	-57.92	0.00	-8.11	-172.80
7733 NW 6TH AVE	6/4/2013	112.12	8/22/2013	-11.22	-39.45	-4.92	-67.03
20935 SW 118TH PL	7/5/2013	365.07	8/22/2013	-47.62	-138.63	-18.41	-172.41
330 SOLANO PRADO	6/11/2013	307.86	8/22/2013	-48.27	0.00	-6.76	-252.83
1515 SW 119TH CT	5/28/2013	242.84	8/26/2013	-11.68	-41.88	-5.19	-196.09
18345 SW 136TH CT	7/5/2013	335.62	8/26/2013	-14.60	-51.19	-6.39	-275.44
595 NW 127TH AVE	7/16/2013	629.54	8/26/2013	-67.58	0.00	-9.46	-564.50
1057 NW 128TH PL	7/16/2013	251.27	8/26/2013	-29.21	-95.78	-12.28	-126.00
3200 GRANADA BLVD	6/4/2013	1101.13	8/28/2013	-294.46	0.00	-41.23	-785.54
13681 SW 84TH CT	7/31/2013	670.71	8/28/2013	-62.75	0.00	-8.79	-611.17
460 NE 29TH TER	6/11/2013	719.70	9/4/2013	-72.99	-236.34	-30.49	-411.38
6421 SW 4TH ST	7/25/2013	293.45	9/17/2013	-32.13	-105.82	-13.56	-152.44
20 SHORE DR N	9/11/2013	879.84	9/18/2013	-149.65	-288.52	-42.59	-409.58
287 RADA CT	7/9/2013	493.85	9/18/2013	-14.49	-25.17	-3.92	-470.37
140 HAMPTON LN	5/9/2013	3243.52	9/20/2013	-1434.93	-1469.72	-314.71	-64.21
6890 SW 27TH ST	5/14/2013	805.64	9/23/2013	-337.90	0.00	-47.30	-432.44
641 LEUCADENDRA DR	7/15/2013	504.80	9/26/2013	-63.77	-117.83	-17.97	-325.33
24602 SW 108TH AVE	7/5/2013	774.77	9/26/2013	-178.60	-342.17	-50.67	-215.33
641 LEUCADENDRA DR	7/15/2013	973.71	9/26/2013	-231.70	0.00	-32.44	-709.57
25636 SW 125TH PL	8/13/2013	534.65	9/26/2013	-120.03	-139.60	-28.61	-246.41
15291 LEISURE DR	7/15/2013	288.36	9/27/2013	-152.68	0.00	-21.98	-125.70
10120 NW 57TH ST	7/10/2013	921.84	9/30/2013	-164.11	-316.43	-46.71	-406.59
4760 SW 7TH ST	9/3/2013	753.75	9/30/2013	-269.57	-315.22	-64.22	-115.24
Total		\$90,153.15		-\$23,166.20	-\$23,878.44	-\$4,850.84	-\$41,732.13
*To Date Adjustments:							-\$2,582,040.79
Grand Total:							-\$2,623,772.92

*-Includes dollar amounts of adjustments made in previous months from the effective date of Ordinance 11-98, December 17, 2011

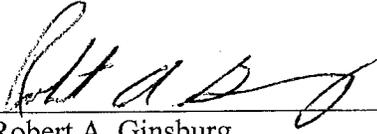
MEMORANDUM

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

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

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:

f

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st 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

5

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

MEMORANDUM

Amended
Agenda Item No. 7(D)

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

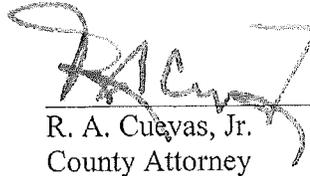
DATE: December 6, 2011

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

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



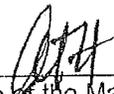
Date: December 6, 2011

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

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 UMSA, 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

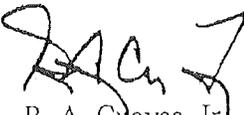


MEMORANDUM

(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 follows¹

>>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.

¹ 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.

5

- (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