

MEMORANDUM

Amended
Agenda Item No. 11(A)(9)

TO: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

DATE: March 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to analyze the Water and Sewer Department’s mixed-use rate and provide a report within six months with recommendations as to how to adjust the rates to resolve inequities resulting to certain customers from use of the mixed-use rate

Resolution No. R-225-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
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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 Amended
Veto _____ Agenda Item No. 11(A)(9)
Override _____ 3-1-22

RESOLUTION NO. **R-225-22**

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO ANALYZE THE WATER AND SEWER DEPARTMENT’S MIXED-USE RATE AND PROVIDE A REPORT WITHIN SIX MONTHS WITH RECOMMENDATIONS AS TO HOW TO ADJUST THE RATES TO RESOLVE INEQUITIES RESULTING TO CERTAIN CUSTOMERS FROM USE OF THE MIXED-USE RATE

WHEREAS, the Miami-Dade Water and Sewer Department (“WASD”) provides water and sewer service to over 450,000 retail customers; and

WHEREAS, WASD’s customers are billed for water and sewer service based on rate categories related to their properties’ use, such as non-residential, residential, multi-family or mixed-use; and

WHEREAS, the mixed-use rate applies to properties that are comprised of a mixture of residential and non-residential uses, such a condominium with retail space on the bottom level, which share one common meter for water service for the entire building; and

WHEREAS, historically, properties with a mixture of residential and commercial uses that share one common meter were billed for water and sewer service using the non-residential rate; and

WHEREAS, in response to complaints from customers residing in the residential portions of such properties who believed the non-residential rate should not be applied to their buildings, WASD and its consultant conducted a study in 2016 on WASD’s rate structure and recommended the creation of the mixed-use rate in order to bring down the costs for water and sewer service at such buildings; and

WHEREAS, the mixed-use rate employs a formula based on water consumption tiers, meter size at the property, and the number of units in the building to reach the total paid for water and sewer service at such properties where separate water meters could not be installed for the commercial and residential portions of the building; and

WHEREAS, the Board adopted the mixed-use rate in 2017, and it became effective on January 1, 2018; and

WHEREAS, although the mixed-use rate has resulted in savings for the majority of the 300 properties within the County that fit into the mixed-use rate category, some properties in this new rate category have actually seen an increase in their water and sewer charges since the new rate was imposed; and

WHEREAS, generally, mixed-use properties that are smaller in size are the properties that have seen their bills increase instead of decrease as result of the change in the rate structure; and

WHEREAS, in order to try to correct the negative impact that has arisen from imposition of the mixed-use rate on small- to medium-sized mixed-use buildings, this Board desires that the County administration analyze the impact of the mixed-use rate on WASD customers and make recommendations as to how to address any inequity that has arisen from application of the mixed-use rate to any customers that are currently seeing an increase in their bills over the non-residential rate previously applied to their property as well as analyze any other potential inequalities or unintended consequences of the new rate,

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

Section 1. This Board incorporates and adopts the foregoing recitals as if fully set forth herein.

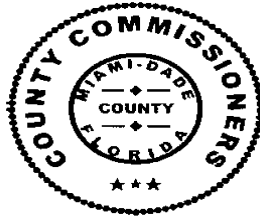
Section 2. The County Mayor or County Mayor’s designee is hereby directed to conduct an analysis of the impact of the mixed-use rate on WASD customers, including but not limited to small- and medium-sized buildings, and to make recommendations as to what can be done to alleviate any inequity that has resulted from imposition of the new mixed-use rate.

Section 3. The County Mayor is further directed to provide a report to the Board within six (6) months regarding: (a) the findings from the analysis of the impact of the mixed-use rate on customers, and (b) the recommendations as to how to address any inequity that has arisen for certain customers as a result of imposition of the mixed-use rate upon them. The completed report shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. It was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	absent	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of March, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis