

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution initiating conflict
resolution procedures with the
City of Hialeah pursuant to
chapter 164, Florida Statutes,
prior to initiating court
procedures

Resolution No. R-5-25

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM (Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

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Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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 ____, majority plus one ____, 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) ____, 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 David LaLonde Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
1-22-25

RESOLUTION NO. R-5-25

RESOLUTION INITIATING CONFLICT RESOLUTION
PROCEDURES WITH THE CITY OF HIALEAH PURSUANT
TO CHAPTER 164, FLORIDA STATUTES, PRIOR TO
INITIATING COURT PROCEDURES

WHEREAS, Miami-Dade County (the “County”) provides wholesale sewer services to the City of Hialeah (the “City”) pursuant to a Wholesale Sewer Agreement dated September 19, 2011 (the “Wholesale Agreement”); and

WHEREAS, under the terms of the Wholesale Agreement, the City is required to pay its invoices for wholesale sewer services from the County timely and in full; and

WHEREAS, since the FY 2015-2016, the City has failed to pay its invoices from the County timely or in full; and

WHEREAS, the City is currently carrying a balance with the County in the amount of over \$18.1 million for the FY 2020-2021 through FY 2022-2023 time frame; and

WHEREAS, the City and the County are also partners in the ownership of a reverse osmosis water treatment plant (the “RO Plant”); and

WHEREAS, the duties and responsibilities of each party related to this partnership are set forth in a Joint Participation Agreement for the Reverse Osmosis Water Treatment Plant (the “RO Agreement”); and

WHEREAS, the County has requested that the City comply with the terms of the RO Agreement, including forming the Oversight Board, preparing the annual reports and completing the construction of the RO Plant; and

WHEREAS, despite repeated demands that the City comply with its obligations under the RO Agreement, the City has ignored the County's requests and is in breach of the RO Agreement; and

WHEREAS, the City and the County have been unable to resolve the disputes related to the unpaid wholesale sewer balance as well as the operation of, and issues related to, the RO Plant,

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

Section 1. The Board approves the foregoing recitals, which are incorporated herein by reference.

Section 2. The Board intends to initiate the conflict resolution procedures provided by chapter 164, Florida Statutes, prior to initiating court proceedings against the City of Hialeah as to the unpaid wholesale sewer balance and the operation of, and issues relating to, the RO Plant.

Section 3. The Board directs the County Mayor or County Mayor's designee as well as the County Attorney's Office to take all steps necessary to initiate the conflict resolution procedures set forth in chapter 164, Florida Statutes, including but not limited to, preparing the letter required by section 164.1052, Florida Statutes; publishing all notices of meetings required by chapter 164; and attending the conflict assessment meeting.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 22nd day of January, 2025. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis