



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 01/06/09

**SUBJECT:** Resolution pertaining to the City's right to establish fees for the delivery of water, sewer and reclaimed water services including surcharges.

**DEPARTMENT:** Finance Department

**RECOMMENDED MOTION:** Approve Resolution 09- 1 re-authorizing the City's right to establish fees for the delivery of water, sewer, and reclaimed water services including surcharges, and authorizing the Mayor and City Manager to sign documents on behalf of the City opposing legislative initiatives that would prohibit and restrict the collection of such fees.

**SUMMARY:** At present the State Legislature is considering prohibiting municipal utilities from charging surcharges to customers of the city water & sewer utility. The City of Port Orange has been working in conjunction with other cities to formally object to this proposed initiative.

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution

Other  Support Documents/Contracts Available for Review in Manager's Office

**DEPARTMENT HEAD**

John A. Shelley, Finance Director

Date 12/9/08

**FINANCE DEPARTMENT**

Approved as to Budget Requirements

Date 12/9/08

**CITY ATTORNEY**

Approved as to Form and Legality

Date 12/24/08

**CITY MANAGER**

Approved Agenda Item For:

1/6/09

**COUNCIL ACTION:**

Approved as Recommended  
 Continued to Date Certain

Disapproved  
 Approved with Modification:

Tabled Indefinitely

RESOLUTION NO. 09-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, OPPOSING AND PROTESTING ANY CHANGE IN THE CITY'S WATER RATE MAKING AUTHORITY ESTABLISHED BY THE FLORIDA LEGISLATURE IN SECTION 180.191, FLORIDA STATUTES AND SPECIFICALLY THE EFFORTS OF COUNTY GOVERNMENT TO PROHIBIT MUNICIPAL WATER AND SEWER UTILITIES FROM LEVYING A SURCHARGE ON CONSUMERS OUTSIDE THE CITY UNLESS AN EQUAL SURCHARGE IS LEVIED ON CONSUMER INSIDE THE CITY AND FOR OTHER PURPOSES.

WHEREAS, Section 180.191, Florida Statutes, grants every municipality in Florida that operates water and sewer systems outside their own boundaries the right to establish water and sewer rates for outside city customers that include a surcharge up to 25% without a special public hearing and up to 50% with a special public hearing; and

WHEREAS, the surcharge permitted by the State recognizes and justifiably offsets the capital costs and burden carried by a municipality's taxpaying citizens to enable the acquisition, maintenance and operation of its water and sewer utility and, therefore, provide quality water and sewer services for non-residents and non-municipal taxpayers; and

WHEREAS, the City of Port Orange has been appropriately collecting the statutory surcharge pursuant to Section 180.191; and

WHEREAS, the City of Port Orange water utility continues to provide high quality water service outside City customers, fostering economic development and enhancing the quality of life of its customers; and

WHEREAS, the Miami-Dade County has enacted a resolution urging the Florida Legislature to prohibit municipal water and sewer utilities from levying a surcharge to consumers located outside a city unless an equal surcharge is levied on consumers located inside a city.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The foregoing recitals are true and correct.

Section 2. The City of Port Orange opposes any change in the City's water rate making authority by the Florida Legislature in Section 180.191, Florida Statutes.

Section 3. The City of Port Orange protests and opposes the effort by Miami-Dade County 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.

Section 4. The City Clerk is hereby directed to send a copy of the Resolution to the members of the Volusia delegation, the City of North Miami Beach, President of the Florida Senate, Speaker of the Florida House of Representatives, Florida Governor Crist, and the legislative leadership of the Florida League of Cities

Section 5. This resolution shall become effective immediately upon adoption.

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MAYOR ALLEN GREEN

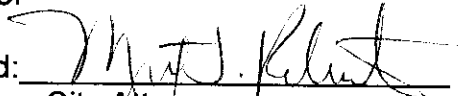
ATTEST:

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Kenneth W. Parker, City Manager

Adopted on the      day of

Reviewed and Approved:

  
City Attorney

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