

RESOLUTION NO. R-2012-53

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, REPEALING RESOLUTION NO. R-2011-110 TO ELIMINATE THE CAPITAL IMPROVEMENT ASSESSMENT FEES WITH A RESPONSIBLE BASE RATE ALLOWANCE FEE BASED ON CONSUMPTIVE WATER USAGE, AS PROPOSED BY THE "REVENUE REQUIREMENT, COST OF SERVICE, AND DESIGN FOR WATER SERVICES PLAN", ADOPTED BY THE MAYOR AND CITY COUNCIL FOR FISCAL YEARS 2012, 2013, 2014, AND 2015; AND TO SET ASIDE A PORTION OF NET REVENUE TO REPLENISH THE CAPITAL IMPROVEMENT FUNDS USED TO RETIRE SEWER DEBT; THEREBY, ELIMINATING ALL CAPITAL IMPROVEMENT FEES; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, on September 13, 2011, the Mayor and City Council of the City of North Miami ("City"), passed and adopted Resolution No. 2011-110, approving the use of Capital Improvement Fee-Water to retire the Public Improvement Revenue Note, Series 2008 ("Note"), and to provide for the replenishment of such funds through the collections of Capital Improvement Fee-Sewer in Fiscal Years 2012, 2013, 2014, and 2015; and

WHEREAS, the Mayor and City Council have adopted a responsible base rate allowance fee based on consumptive water usage proposed by the *Revenue Requirement, Cost of Service, and Design for Water Services Plan* ("Rate Plan") to replace the Capital Improvement Fee-Water and the Capital Improvement Fee-Sewer; and

WHEREAS, once the Rate Plan is implemented as adopted, the Capital Improvement Fee-Water and the Capital Improvement Fee-Sewer will no longer be assessed to the public; and

WHEREAS, the use of the Rate Plan will allow the City's water and sewer utility to meet its revenue requirements, debt obligations, maintain appropriate cash balance for emergencies, while promoting the conservation of water and lessening the stress on the City's water and sewer infrastructure; and

WHEREAS, City administration respectfully requests that a portion of the net revenue received from the use of the Rate Plan will be set aside to replenish the \$2.34 Million of Capital Improvement Fee-Water used to retire the Note; and

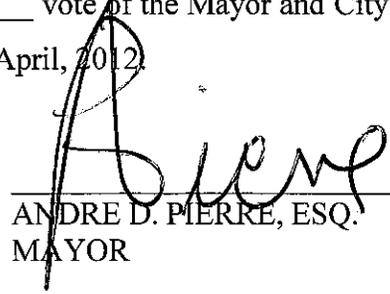
WHEREAS, the Mayor and City Council have determined that it is in the best interest of the City to eliminate and replace the Capital Improvement Fee-Water and the Capital Improvement Fee-Sewer with the adopted responsible base rate allowance fee based on consumptive water usage and to replenish the \$2.34 Million of Capital Improvement Fee-Water used to retire the Note.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Authority of City Manager. The Mayor and City Council of the City of North Miami, Florida, hereby repeal Resolution No. R-2011-110 to eliminate the Capital Improvement Assessment Fees with a responsible base rate allowance fee based on consumptive water usage, as proposed by the "Revenue Requirement, Cost of Service, and Design for Water Services Plan", adopted by the Mayor and City Council for Fiscal Years 2012, 2013, 2014, and 2015; and to set aside a portion of net revenue to replenish the Capital Improvement Funds used to retire sewer debt; thereby, eliminating all capital improvement fees.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 10 day of April, 2012.



ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Marcellus

Seconded by: Mayor Pierre

Vote:

Mayor Andre D. Pierre, Esq.	<u>X</u>	(Yes)	<u> </u>	(No)
Vice Mayor Jean R. Marcellus	<u>X</u>	(Yes)	<u> </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u>X</u>	(Yes)	<u> </u>	(No)
Councilperson Scott Galvin	<u> </u>	(Yes)	<u>X</u>	(No)
Councilperson Marie Erlande Steril	<u>X</u>	(Yes)	<u> </u>	(No)