

MEMORANDUM

Agenda Item No. 11(A)(9)

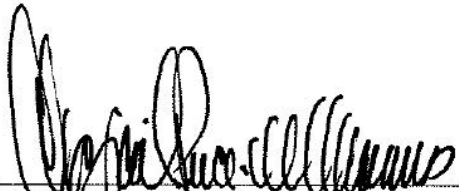
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to expand the qualifying improvements that may be financed through Property Assessed Clean Energy (PACE) programs to include conversion from septic tanks to sewer systems and other sewage treatment improvements; preliminarily identifying this issue as a state legislative priority for the 2021 session

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa.



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM
(Revised)

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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
Veto _____
Override _____

Agenda Item No. 11(A)(9)
10-20-20

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO EXPAND THE QUALIFYING IMPROVEMENTS THAT MAY BE FINANCED THROUGH PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS TO INCLUDE CONVERSION FROM SEPTIC TANKS TO SEWER SYSTEMS AND OTHER SEWAGE TREATMENT IMPROVEMENTS; PRELIMINARILY IDENTIFYING THIS ISSUE AS A STATE LEGISLATIVE PRIORITY FOR THE 2021 SESSION

WHEREAS, numerous properties in Miami-Dade County are served by septic tanks and are not connected to the County’s sanitary sewer system; and

WHEREAS, this Board has consistently recognized the importance of converting properties in Miami-Dade County from septic tanks to sewer systems; and

WHEREAS, in November 2018, this Board received a report from the County Mayor, prepared in response to a request from this Board in Resolution No. R-911-16, which had directed the County Mayor to study various issues related to septic systems, and prepare a report with recommendations for this Board, together with ideas on how to facilitate the conversion of properties from septic systems to the sewer system; and

WHEREAS, the November 2018 report included estimates of high costs associated with various aspects of converting septic systems to the sewer system; and

WHEREAS, a Property Assessed Clean Energy (PACE) financing program is a financing structure through which property owners may voluntarily opt into a special assessment district to finance certain improvements and retrofits to real property, where that financing is repaid over time through a non ad-valorem assessment on the owner’s property tax bill; and

WHEREAS, section 163.08, Florida Statutes, provides that only certain kinds of improvements can qualify for PACE financing in Florida, and these qualifying improvements currently include energy conservation and efficiency improvements, renewable energy improvements, and wind resistance improvements; and

WHEREAS, sewage treatment improvements, such as the conversion of properties from septic tanks to sewer systems, are not currently eligible for PACE financing because they are not listed as qualifying improvements in section 163.08; and

WHEREAS, section 163.08 could be amended to expand the list of qualifying improvements to also include sewage treatment improvements, including the replacement of an onsite sewage treatment and disposal system with an advanced onsite sewage treatment system, as well as the replacement of an onsite sewage treatment and disposal system with a central sewerage system, together with the associated fees or charges to connect to said sewerage system; and

WHEREAS, adding these sewage treatment improvements to the PACE list of qualifying improvements would provide additional options for property owners to finance such sewage treatment improvements, and the availability of PACE financing may help some property owners who are unable to access other financing; and

WHEREAS, facilitating such sewage treatment improvements through PACE financing may increase the number of property owners who make such improvements to their property, and the corresponding reduction in older septic tank systems may result in significant benefits to water quality, particularly in Biscayne Bay; and

WHEREAS, on February 20, 2019, this Board adopted Resolution No. R-211-19, which urged the Florida Legislature to enact legislation during the 2019 session that would expand the qualifying improvements that may be financed through PACE programs to include conversion from septic tanks to sewer systems; and

WHEREAS, bills were filed for consideration during the 2019 legislative session, Senate Bill (SB) 282 by Senator Ben Albritton (R – Bartow), and House Bill (HB) 63 by Representative Ray Rodrigues (R – Fort Myers), but these bills did not pass; and

WHEREAS, on October 3, 2019, this Board adopted Resolution No. R-1108-19, which urged the Florida Legislature to enact legislation during the 2020 session that would expand the qualifying improvements that may be financed through PACE programs to include conversion from septic tanks to sewer systems; and

WHEREAS, as a result of Resolution No. R-1108-19, bills were filed for consideration during the 2020 legislative session, SB 770 by Senator Jose Javier Rodriguez (D – Miami), and HB 365 by Representative Barbara Watson (D – Miami Gardens), but these bills did not pass; and

WHEREAS, in furtherance of the County’s efforts to encourage and support property owners who wish to convert their properties from septic tanks to sewer systems, this Board now wishes to urge the Florida Legislature to expand the list of qualifying improvements for PACE to include sewage treatment improvements, and to preliminarily identify this issue as a state legislative priority for the 2021 session,

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

Section 1. Urges the Florida Legislature to expand the qualifying improvements that may be financed through PACE programs to include sewage treatment improvements, including the replacement of an onsite sewage treatment and disposal system with an advanced onsite sewage treatment system, as well as the replacement of an onsite sewage treatment and disposal system with a central sewerage system, together with the associated fees or charges to connect to said sewerage system.

Section 2. Preliminarily identifies this item as a state legislative priority for the 2021 session.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County’s state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2021 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Rebeca Sosa. It was 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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose “Pepe” Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of October, 2020. 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

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cristina M. Rabionet