

## **RESOLUTION 2008-21**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, OPPOSING AND PROTESTING ANY CHANGE IN THE CITY'S WATER AND SEWER RATE MAKING AUTHORITY ESTABLISHED BY THE FLORIDA LEGISLATURE IN SECTION 180.91, FLORIDA STATUTES, AND SPECIFICALLY THE EFFORTS OF MIAMI-DADE COUNTY TO PROHIBIT MUNICIPAL WATER AND SEWER UTILITIES FROM LEVYING A SURCHARGE ON CUSTOMERS OUTSIDE THE CITY LIMITS UNLESS AN EQUAL SURCHARGE IS LEVIED ON CUSTOMERS INSIDE THE CITY LIMITS.**

**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 tax-paying 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 Lake Wales' water and sewer utility provides high quality water and sewer service to outside city customers which enables economic development in its service area and enhances the quality of life of its customers; and

**WHEREAS**, the City of Lake Wales appropriately collects the statutory surcharge from outside city customers pursuant to §180.191; and

**WHEREAS**, loss of the ability to levy a surcharge on customers living outside the city limits will jeopardize the City's existing outstanding debt service instruments which include surcharges in the debt service ratios; and

**WHEREAS**, loss of the ability to levy a surcharge on customers living outside the city limits will discourage the City from expanding its water and sewer system outside the city limits and may cause environmental problems resulting from developer-installed water and sewer systems that are not as efficient or effective as municipally owned systems; and

**WHEREAS**, loss of the ability to levy a surcharge on customers living outside the city limits will eliminate a means for obtaining a fair return on investments owned by the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Lake Wales, Polk County, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The City of Lake Wales opposes any change in a municipality's water and sewer utility rate-making authority as established by the Florida Legislature in §180.191, Florida Statutes.

**Section 3.** The City of Lake Wales protests and opposes the effort by Miami-Dade County to prohibit municipal water and sewer utilities from levying a surcharge to customers located outside the city limits unless an equal surcharge is levied on customers located inside the city limits.

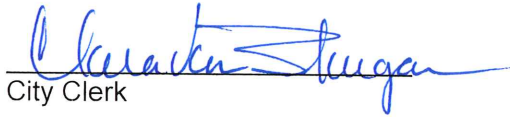
**Section 4.** The City Clerk is hereby directed to forward a copy of this Resolution to the Polk County Legislative Delegation, the President of the Florida Senate, the Speaker of the Florida House of Representatives, Florida Governor Charlie Crist, and the legislative leadership at The Florida League of Cities, Inc.

**APPROVED AND ADOPTED** by the City Commission of the City of Lake Wales, Polk County, Florida at the regular meeting assembled this 16<sup>th</sup> day of December, 2008.

ATTEST:



Lee A. Wheeler, III  
Mayor/Commissioner

  
City Clerk



CHARLIE CRIST  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
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1-9-2009

January 6, 2009

The Honorable Lee A. Wheeler, III  
City of Lake Wales  
201 Central Avenue West  
Lake Wales, FL 33859

Dear Mayor Wheeler:

Thank you for writing Governor Charlie Crist regarding the City of Lake Wales' recent resolution opposing and protesting any change in the City's water and sewer rate making authority established by the Florida Legislature in Section 180.91, Florida Statutes, and specifically the efforts of Miami-Dade County to prohibit municipal water and sewer utilities from levying a surcharge on customers outside the city limits unless an equal surcharge is levied on customers inside the city limits. The Governor appreciated receiving resolution 2008-21 and asked me to respond on his behalf.

The Governor realizes how vital it is that state and local leaders, like you and your colleagues, continue to put the best interests of their citizens forward. Your continued efforts and dedication to Florida are greatly appreciated.

Again, thank you for taking the time to write to Governor Crist. Your thoughts are very important to him.

Sincerely,

Aundra Bryant  
Office of Policy and Budget  
Executive Office of the Governor