

AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 7/27/2015
FROM: Jane K. Shang, City Manager **AGENDA ITEM:** 5 - A and 5 - B
SUBJECT: Discussion re: Water and Sewer Rate Study and Impact Fee Study - Gerald Chancellor, Public Works/Utilities (386) 878-8998.

LOCATION:

N/A

BACKGROUND:

Burton and Associates (Burton) has been working with staff to conduct a full utility rate study update. The purpose of the study is multifaceted as rates, fees and impact fees for water, wastewater and reclaimed water services were analyzed. Another purpose of this study was to create bulk rates for water, wastewater and reclaimed water services which the utility did not previously have.

Burton has prepared a presentation to discuss their findings.

ORIGINATING DEPARTMENT:

Public Works/Deltona Water

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

Public Works Director, Finance Director, City Attorney, City Manager

STAFF RECOMMENDATION PRESENTED BY:

Gerald Chancellor, P.E., Public Works Director - Staff recommends that the City Commission direct staff to ultimately bring the appropriate Ordinance and Resolution updates to the City Commission for adoption.

POTENTIAL MOTION:

N/A - Presentation and direction to staff as necessary.

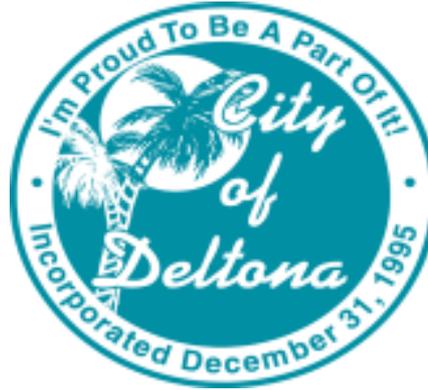
AGENDA ITEM APPROVED BY:

Jane K. Shang, City Manager

ATTACHMENTS:

- 7-27-15 Part I - Impact Fee Presentation - Burton
- 7-27-15 Part II - Rates Fees Charges Presentation - Burton
- Rate Sheets

City of Deltona



DRAFT FY 2015 Utility Rate Study
Part I: Impact Fees
City Commission Workshop
July 27, 2015

Presented by:

Michael Burton, President

Executive Summary

- ▶ Updated impact fees
 - ▶ Increase of \$443 per unit for water (100% cost recovery)
 - ▶ Option A: Increase of \$441 per unit for sewer (75% cost recovery)
 - ▶ Option B: Increase of \$1,714 per unit for sewer (100% cost recovery)
- ▶ All rates, fees and charges discussed herein can be found on the Rate Sheet also included in the Agenda Memo

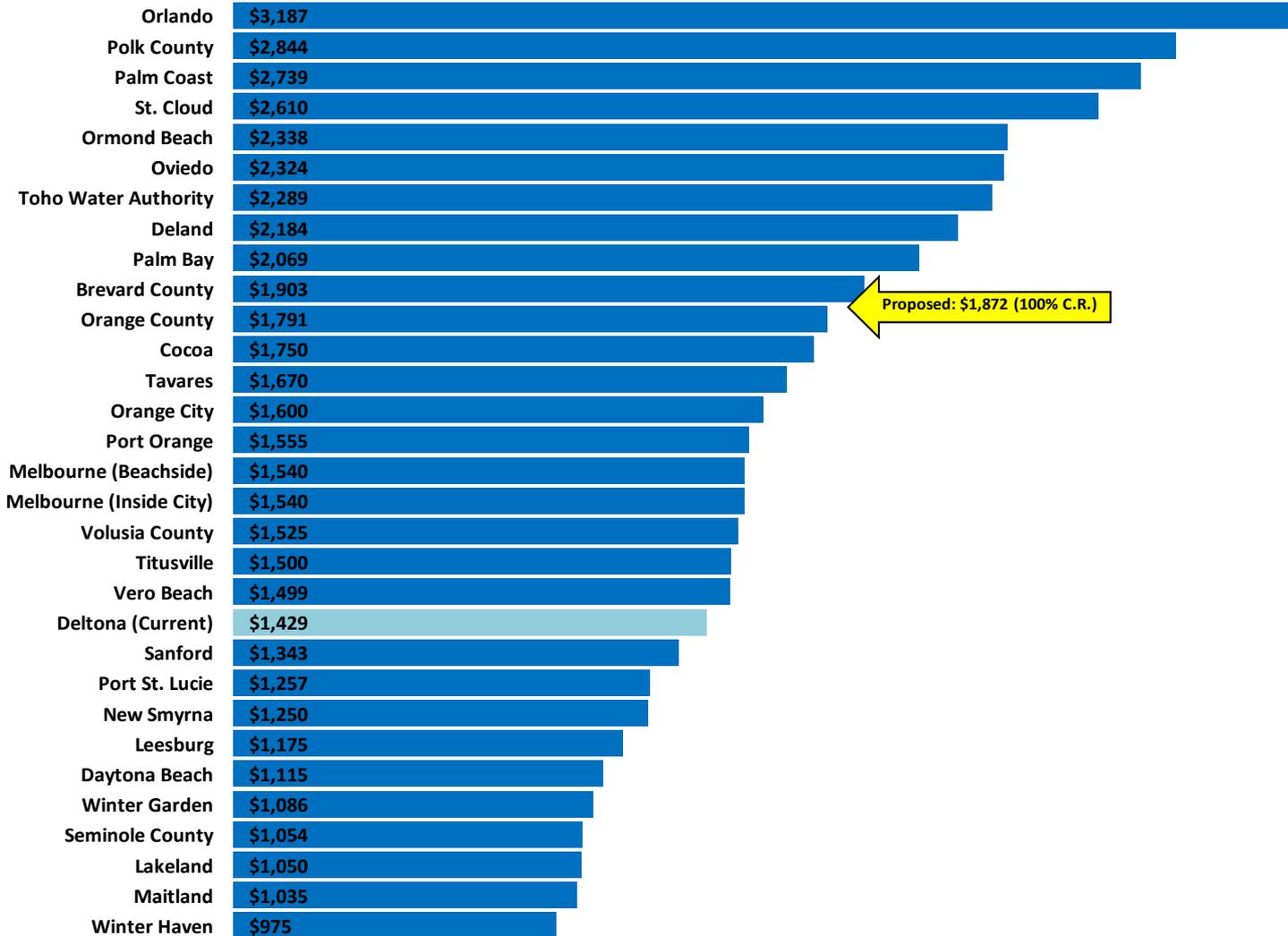
Updated Impact Fees

- ▶ Based upon reconstruction cost (less depreciation) of existing assets and five-year CIP (includes AWS for water)

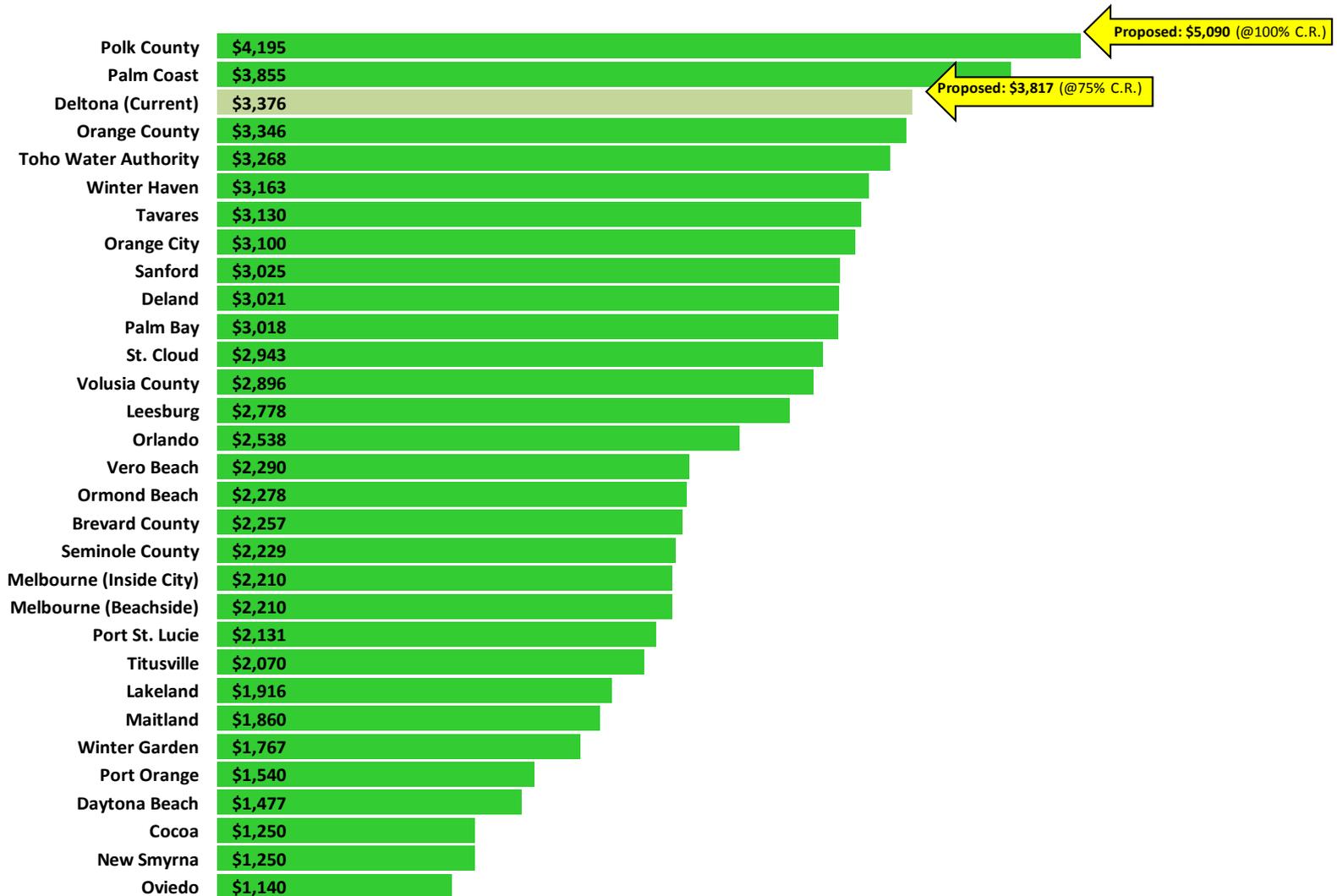
Fee per Unit	Water (100% CR)	Sewer (100% CR)	Total	Water (100% CR)	Sewer (75% CR)	Total
Current	\$1,429	\$3,376	\$4,805	\$1,429	\$3,376	\$4,805
Update	\$1,872	\$5,090	\$6,962	\$1,872	\$3,817	\$5,690
\$ Change	\$443	\$1,714	\$2,157	\$443	\$441	\$885
% Change	31%	51%	45%	31%	13%	18%

- ▶ Recommendation: consider increasing fees to maximize cost recovery from growth and minimize burden on ratepayers
 - ▶ Sewer at 75% of update keeps City within market (see next slides)
 - ▶ Current fees per FY 2008 Rate Study; sewer set at 75% recovery

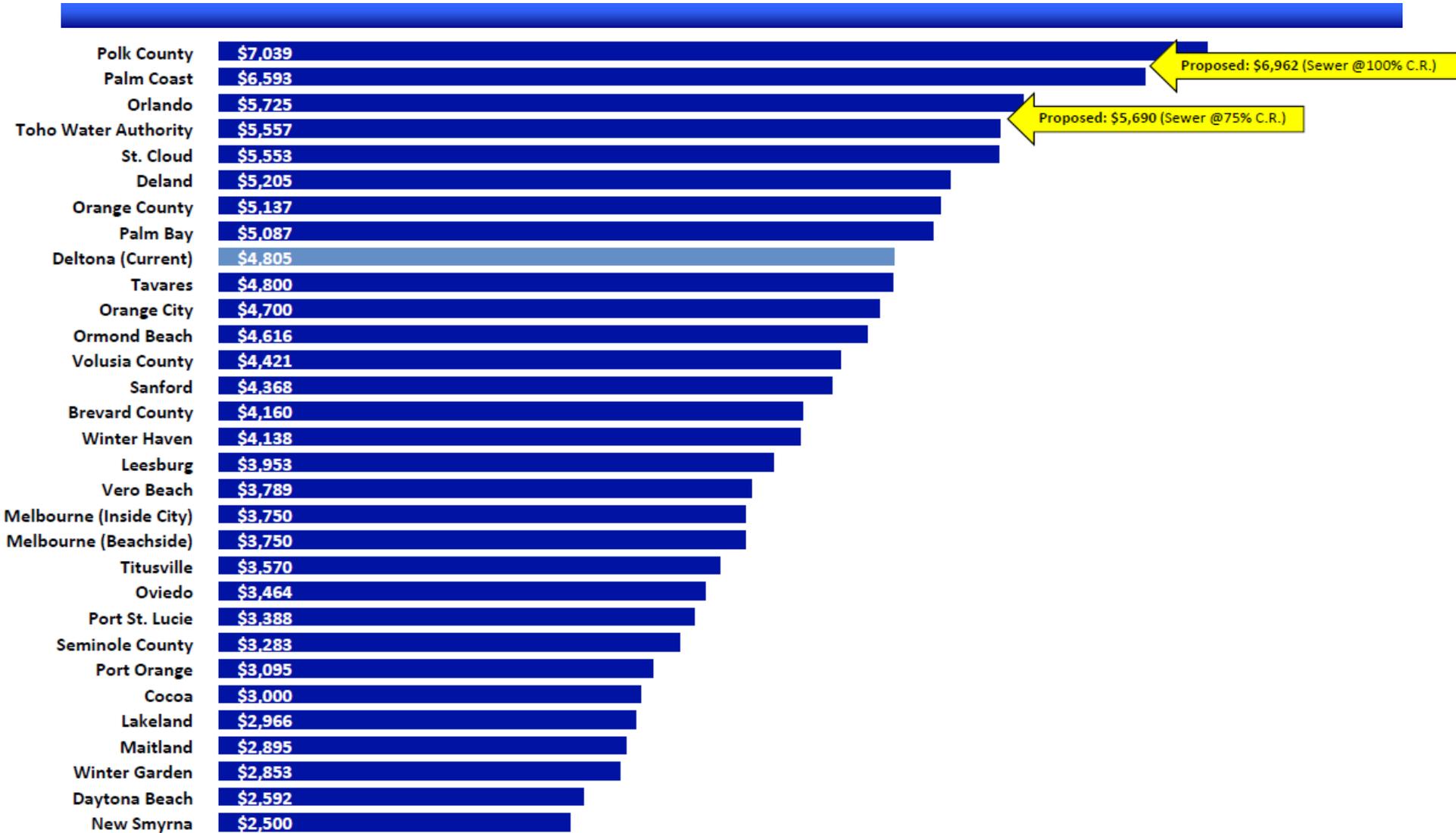
Water Impact Fee Survey (1 ERU)



Sewer Impact Fee Survey (1 ERU)



Combined Impact Fee Survey (1 ERU)



Discussion & Next Steps



**PROVIDING SOLUTIONS
THROUGH CLEAR VISION**

**Presentation Contact Information:
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Email: aburnham@burtonandassociates.com**

City of Deltona



DRAFT FY 2015 Utility Rate Study
Part II: Rates, Fees & Charges
City Commission Workshop
July 27, 2015

Presented by:

Michael Burton, President

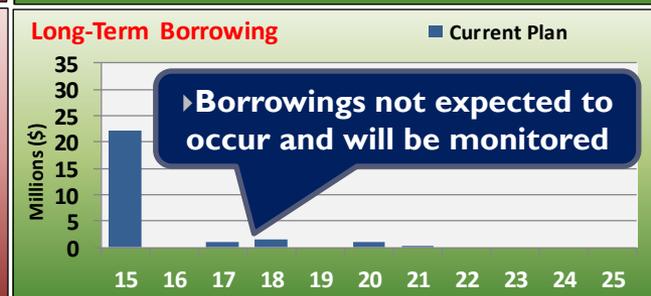
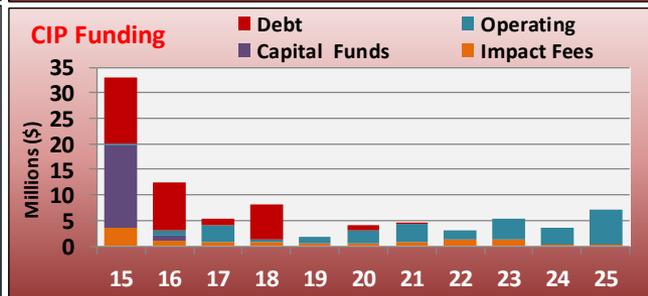
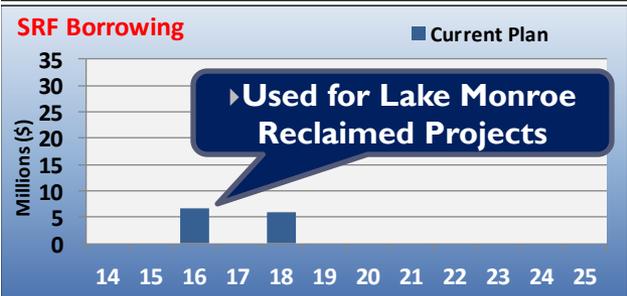
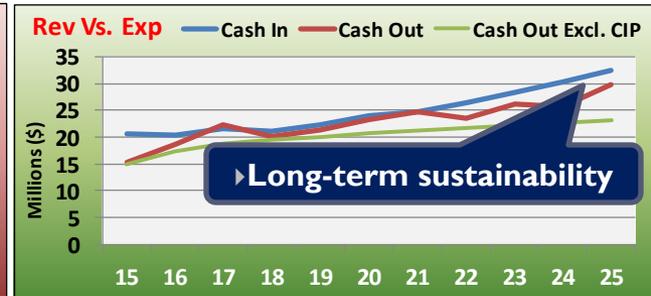
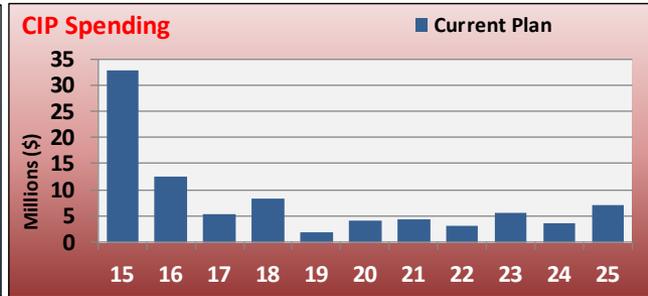
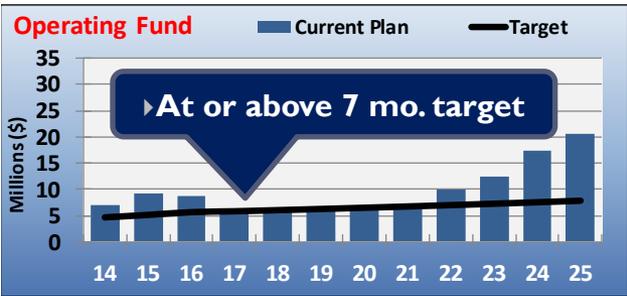
Executive Summary

- ▶ No change to current plan of rate indexing adjustments
 - ▶ Assumes use of State Revolving Fund Loan for Lake Monroe AWS Project
 - ▶ Preserves borrowing capacity for alternative water supply costs
 - ▶ Provides adequate reserves and improving debt coverage levels
- ▶ Updated miscellaneous fees and charges (not addressed in prior study)
 - ▶ Developed wholesale rates for water, sewer and reclaimed services
 - ▶ Fire protection charges
 - ▶ Water and sewer deposits
 - ▶ Installation charges, premise visit, connection fees, etc.
- ▶ All rates, fees and charges discussed herein can be found on the Rate Sheet also included in the Agenda Memo

Financial Management Plan Summary: No Alternative Water Supply (AWS)

FINANCIAL ANALYSIS AND MANAGEMENT SYSTEM (FAMS) SUMMARY

SAVE	CALC	ROLL	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Cumulative Change	
Water Rate Increases			0.00%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	24.62%	55.32%
Sewer Rate Increases			0.00%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	OM FY16 ▶	90.0%
Rate Covenant			1.58	1.36	1.46	1.42	1.55	1.70	1.88	2.07	2.28	2.50	2.75		
CIP \$ Redistribution ▶			\$0.00	\$0.00	\$0.00	\$0.00	▶Debt coverage > 1.25x; moving to 1.50x target					\$0.00	AWS?	N	
CIP Execution % ▶			100%	100%	100%	100%	▶Preserves borrowing capacity for AWS/Other					100%	Sewer Ext?	N	
Operating Reserve Mo ▶			7	7	7	7	7	7	7	7	7	7	7	TMDL?	Y
Average Bill (5,000 gals.)			\$100.69	106.04	111.66	117.56	123.84	130.45	137.39	144.73	152.41	160.54	169.08	Fee/Gal	\$0.00



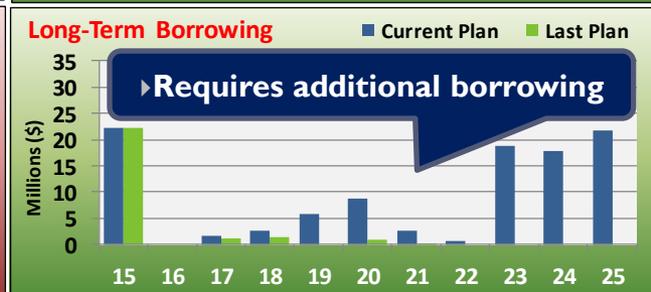
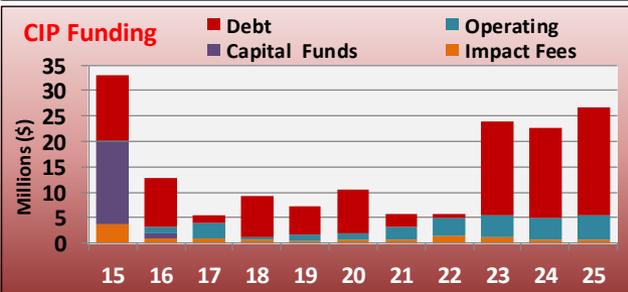
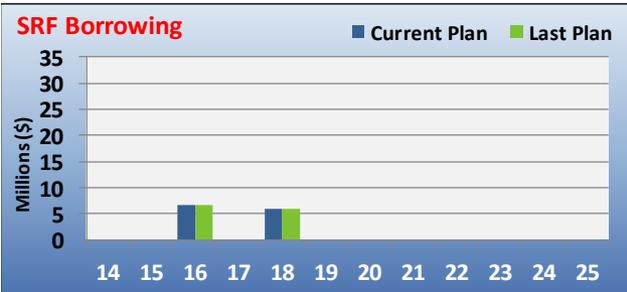
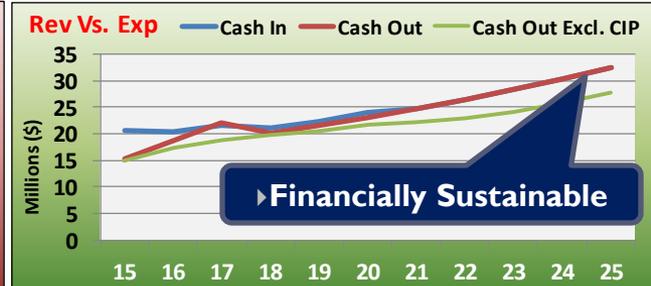
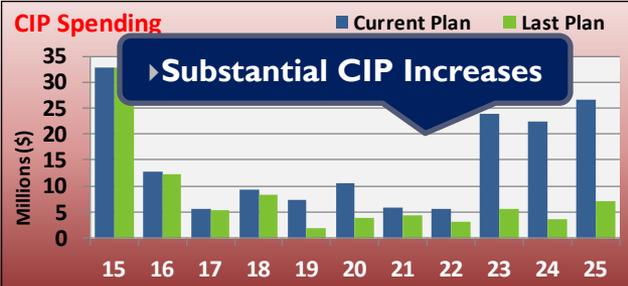
Blue Bars = With AWS

Green Bars = No AWS

FINANCIAL ANALYSIS AND MANAGEMENT SYSTEM (FAMS) SUMMARY

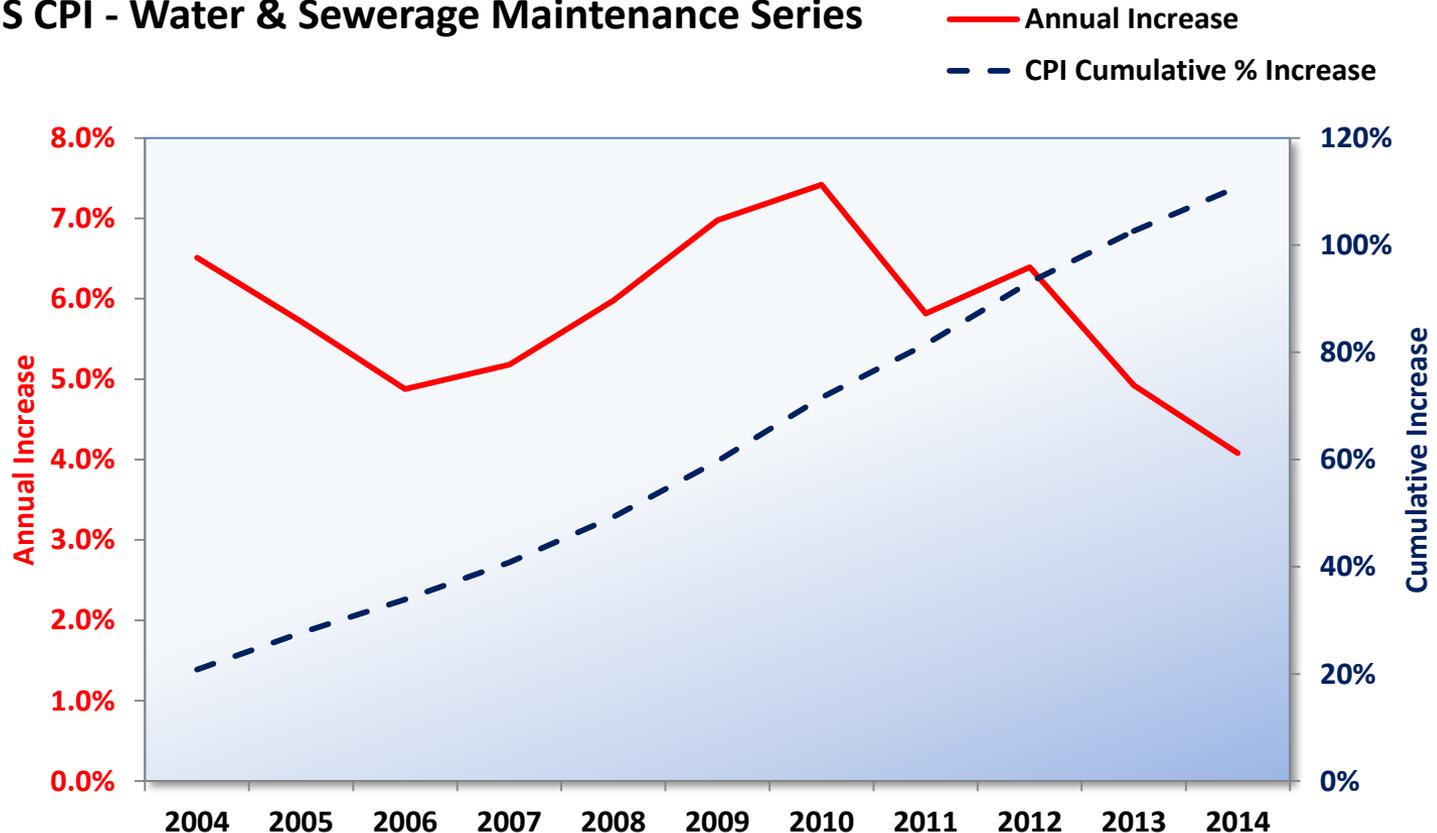
SAVE	CALC	ROLL	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Cumulative Change	
			0.00%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	24.62%	55.32%
			0.00%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	OM FY16 ▶	90.0%
			1.58	1.36	1.46	1.41	1.48	1.52	1.63	1.77	1.74	1.69	1.64	AWS?	Y
		Last Plan	1.58	1.36	1.46	1.42	1.55	1.70	1.88	2.07	2.28	2.50	2.75		
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	TMDL?	Y
			100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	Fee/Gal	\$0.00
			7	7	7	7	7	7	7	7	7	7	7		
			\$100.69	106.04	111.66	117.56	123.84	130.45	137.39	144.73	152.41	160.54	169.08		

▶ Debt coverage > 1.25x; moving to 1.50x target
 ▶ Still above 1.50x in out years



National Industry Trends

US CPI - Water & Sewerage Maintenance Series



- ▶ Measures the national average change in the cost of water and sewer service to households
- ▶ Much more specific and relevant to utilities than overall CPI
- ▶ 10-year average annual increase = 5.7%; Higher than City of Deltona indexing adjustments

Miscellaneous Fees & Charges: Wholesale Rates

- ▶ Performed detailed cost of service analysis for each service
- ▶ Allocated total costs to each system function
- ▶ Identified portion of costs benefiting all users
- ▶ Isolated costs benefiting just retail users
 - ▶ Distribution/collection and customer service
- ▶ Determined costs allocable to wholesale as percent of retail
- ▶ Developed rate schedules based upon current non-residential rate structures and wholesale cost percentages
 - ▶ Rates adjusted annually in the future by same retail rate indexing amount

% of Retail Rates	Water	Sewer	Reuse
Wholesale	55%	79%	82%

Miscellaneous Fees & Charges: Fire Protection Charges

- ▶ What they are: Fees for non-metered dedicated fire protection lines used for private fire suppression systems
- ▶ Performed calculation in accordance with AWWA Manual M-1
- ▶ Identified that charges should be decreased per cost of service
 - ▶ Going forward should be appropriate from a new cost of service base, and should be adjusted consistent with rate of indexing

Size of Connection & Monthly Charges	<u>Cost of Service</u>	<u>Current Rate</u>	<u>\$ Change</u>	<u>% Change</u>
2" or Less	\$ 4.58	\$ 49.08	\$ (44.50)	-90.7%
4"	\$ 28.34	\$ 98.17	\$ (69.83)	-71.1%
6"	\$ 82.33	\$ 196.34	\$ (114.01)	-58.1%
8"	\$ 175.45	\$ 331.32	\$ (155.87)	-47.0%
10"	\$ 315.52	\$ 515.39	\$ (199.87)	-38.8%
12"	\$ 509.65	\$ 834.44	\$ (324.79)	-38.9%

Miscellaneous Fees & Charges: Water Deposits

- ▶ Average/typical use by customer class for various meter sizes
- ▶ Reflects lost revenue for service prior to shut-off (2 mo.)
- ▶ Water deposits for new customers should decrease

Schedule of Proposed Water Deposits - Based on 2 Average Monthly Bills								
Meter Size	Average Monthly Usage (Gal)	Average Monthly Water Charges	Water Revenue Exposure	Proposed Water Deposit	Current Deposit	\$ Chg.	% Chg.	
Residential / Multi-Family (Individually Metered)								
5/8"	5,840	\$21.72	\$43.43	\$45	\$65	-\$20	-31%	
1"	7,277	\$38.35	\$76.70	\$80	\$160	-\$80	-50%	
1-1/2"	9,068	\$64.16	\$128.33	\$130	\$320	-\$190	-59%	
2"	11,300	\$98.47	\$196.93	\$200	\$525	-\$325	-62%	
>2"	<i>Deposits for meter sizes >2" shall be determined on a case-by-case basis by the City.</i>							
Commercial / Multi-Family (Master Metered)								
5/8"	4,818	\$25.72	\$51.44	\$50	\$75	-\$25	-33%	
1"	13,139	\$62.88	\$125.76	\$130	\$170	-\$40	-24%	
1-1/2"	23,097	\$113.02	\$226.04	\$230	\$375	-\$145	-39%	
2"	48,692	\$214.28	\$428.56	\$430	\$600	-\$170	-28%	
3"	124,695	\$507.61	\$1,015.23	\$1,020	\$1,125	-\$105	-9%	
4"	163,631	\$697.44	\$1,394.88	\$1,400	\$1,875	-\$475	-25%	
6"	344,962	\$1,445.01	\$2,890.01	\$2,900	\$3,750	-\$850	-23%	
8"	727,236	\$2,837.76	\$5,675.52	\$5,680	\$6,000	-\$320	-5%	
10"	1,533,133	\$5,545.97	\$11,091.94	\$11,100	\$10,900	\$200	2%	
12"	3,232,095	\$11,466.88	\$22,933.75	\$22,940	\$0	\$22,940	N/A	

Miscellaneous Fees & Charges: Sewer Deposits

- ▶ Average/typical use by customer class for various meter sizes
- ▶ Reflects lost revenue for service prior to shut-off (2 mo.)
- ▶ Sewer deposits for new customers should generally increase

Schedule of Proposed Sewer Deposits - Based on 2 Average Monthly Bills							
Meter Size	Average Monthly Usage (Gal)	Average Monthly Sewer Charges	Sewer Revenue Exposure	Proposed Sewer Deposit	Current Deposit	\$ Chg.	% Chg.
Residential / Multi-Family (Individually Metered)							
5/8"	5,000	\$86.97	\$173.94	\$175	\$130	\$45	35%
1"	7,000	\$143.79	\$287.58	\$290	\$320	-\$30	-9%
1-1/2"	9,000	\$214.19	\$428.38	\$430	\$640	-\$210	-33%
2"	11,000	\$273.10	\$546.20	\$550	\$1,000	-\$450	-45%
>2"	<i>Deposits for meter sizes >2" shall be determined on a case-by-case basis by the City.</i>						
Commercial / Multi-Family (Master Metered)							
5/8"	4,000	\$77.37	\$154.74	\$155	\$145	\$10	7%
1"	13,000	\$234.04	\$468.08	\$470	\$345	\$125	36%
1-1/2"	23,000	\$419.44	\$838.88	\$840	\$720	\$120	17%
2"	48,000	\$838.85	\$1,677.70	\$1,680	\$1,150	\$530	46%
3"	124,000	\$2,098.66	\$4,197.32	\$4,200	\$2,160	\$2,040	94%
4"	163,000	\$2,811.50	\$5,623.00	\$5,625	\$3,600	\$2,025	56%
6"	344,000	\$5,892.49	\$11,784.98	\$11,785	\$7,200	\$4,585	64%
8"	727,000	\$12,101.53	\$24,203.06	\$24,205	\$11,500	\$12,705	110%
10"	1,533,000	\$24,710.84	\$49,421.68	\$49,425	\$20,800	\$28,625	138%
12"	3,232,000	\$51,881.98	\$103,763.96	\$103,765	\$0	\$103,765	N/A

Miscellaneous Fees & Charges: Various Fees

- ▶ Small portion of annual revenue (less than 1%)
- ▶ Charges associated with the provision of specific services to individual customers
 - ▶ Ex: connection charges, service initiation charge, meter tests, etc.
- ▶ Provided cost of service templates to City staff
 - ▶ For use in updating the existing fees/charges and to calculate any new charges (such as payment processing/convenience fee)

Summary of Recommendations

- ▶ Consider adopting increased impact fees
 - ▶ Increase of \$443 per unit for water (100% cost recovery)
 - ▶ Option A: Increase of \$441 per unit for sewer (75% cost recovery)
 - ▶ Option B: Increase of \$1,714 per unit for sewer (100% cost recovery)
- ▶ Continue with current plan of rate indexing adjustments
 - ▶ Use State Revolving Fund Loan for Lake Monroe AWWA Project
 - ▶ Preserve borrowing capacity for alternative water supply costs
 - ▶ Continue with current reserve and debt coverage targets
- ▶ Update miscellaneous fees and charges
 - ▶ Wholesale rates for water, sewer and reclaimed water service
 - ▶ Fire protection charges
 - ▶ Water and sewer deposits
 - ▶ Installation charges, premise visit, connection fees, etc.

Discussion & Next Steps



**PROVIDING SOLUTIONS
THROUGH CLEAR VISION**

**Presentation Contact Information:
Andrew Burnham, Senior Vice President
Office: 813-443-5138 • Mobile: 904-631-5109
Email: aburnham@burtonandassociates.com**

Proposed Water and Sewer Rates -- Effective October 1, 2015 (bills dated on or after November 1, 2015)

Deposits					
Residential / Multi-family (individually metered)			Commercial / Multi-Family (Master Metered)		
Meter Size	Water, Irrigation, Reclaim	Sewer	Meter Size	Water, Irrigation, Reclaim	Sewer
5/8 x 3/4"	\$40.00	\$175.00	5/8 x 3/4"	\$50.00	\$155.00
1"	\$75.00	\$290.00	1"	\$125.00	\$470.00
1 1/2"	\$130.00	\$430.00	1 1/2"	\$230.00	\$840.00
2"	\$195.00	\$550.00	2"	\$425.00	\$1,680.00
>2"	determined on a case-by-case basis		3"	\$1,015.00	\$4,200.00
			4"	\$1,395.00	\$5,625.00
			6"	\$2,885.00	\$11,785.00
			8"	\$5,675.00	\$24,205.00
			10"	\$11,095.00	\$49,425.00
			12"	\$22,935.00	\$103,765.00

Fire Protection Charges		
Monthly Fee		
Meter Size	Inside City Limits	Outside City Limits
2" or less	\$4.58	\$5.73
4"	\$28.34	\$35.43
6"	\$82.33	\$102.91
8"	\$175.45	\$219.31
10"	\$315.52	\$394.40
12"	\$509.65	\$637.06

Wastewater Only		
Monthly Rate		
	Inside City Limits	Outside City Limits
	\$99.76	\$124.70

Base Facility Charges											
Residential / Commercial						Bulk					
Water / Irrigation			Sewer			Water			Sewer		
Meter Size	Inside City Limits	Outside City Limits	Meter Size	Inside City Limits	Outside City Limits	Meter Size	Inside City Limits	Outside City Limits	Meter Size	Inside City Limits	Outside City Limits
5/8 x 3/4"	\$11.22	\$14.03	5/8 x 3/4"	\$16.77	\$20.96	5/8 x 3/4"	\$6.18	\$7.73	5/8 x 3/4"	\$13.26	\$16.58
3/4"	\$15.27	\$19.09	3/4"	\$23.55	\$29.44	3/4"	\$8.40	\$10.50	3/4"	\$18.62	\$23.28
1"	\$23.33	\$29.16	1"	\$37.09	\$46.36	1"	\$12.84	\$16.05	1"	\$29.33	\$36.66
1 1/2"	\$43.50	\$54.38	1 1/2"	\$70.99	\$88.74	1 1/2"	\$23.94	\$29.93	1 1/2"	\$56.13	\$70.16
2"	\$67.72	\$84.65	2"	\$111.65	\$139.56	2"	\$37.27	\$46.59	2"	\$88.28	\$110.35
3"	\$132.28	\$165.35	3"	\$220.06	\$275.08	3"	\$72.80	\$91.00	3"	\$173.99	\$217.49
4"	\$204.91	\$256.14	4"	\$342.05	\$427.56	4"	\$112.78	\$140.98	4"	\$270.44	\$338.05
6"	\$406.67	\$508.34	6"	\$680.89	\$851.11	6"	\$223.82	\$279.78	6"	\$538.35	\$672.94
8"	\$648.78	\$810.98	8"	\$1,087.48	\$1,359.35	8"	\$357.08	\$446.35	8"	\$859.82	\$1,074.78
10"	\$931.24	\$1,164.05	10"	\$1,485.89	\$1,857.36	10"	\$512.54	\$640.68	10"	\$1,174.82	\$1,468.53
12"	\$1,738.27	\$2,172.84	12"	\$2,917.18	\$3,646.48	12"	\$956.72	\$1,195.90	12"	\$2,306.48	\$2,883.10

Base Facility Charges

Reclaimed Water

Residential / Commercial

Meter Size	Inside City Limits	Outside City Limits
5/8 x 3/4"	\$3.22	\$4.03
3/4"	\$4.83	\$6.04
1"	\$8.05	\$10.06
1 1/2"	\$16.10	\$20.13
2"	\$25.76	\$32.20
3"	\$48.30	\$60.38
4"	\$80.50	\$100.63
6"	\$161.00	\$201.25
8"	\$257.60	\$322.00
10"	\$370.30	\$462.88
12"	\$692.30	\$865.38

Bulk

Meter Size	Inside City Limits	Outside City Limits
5/8 x 3/4"	\$2.63	\$3.29
3/4"	\$3.94	\$4.93
1"	\$6.57	\$8.21
1 1/2"	\$13.14	\$16.43
2"	\$21.02	\$26.28
3"	\$39.42	\$49.28
4"	\$65.69	\$82.11
6"	\$131.39	\$164.24
8"	\$210.22	\$262.78
10"	\$302.20	\$377.75
12"	\$564.98	\$706.23

Usage Charges

Cost per 1,000 gallons

Commercial

	Inside City Limits	Outside City Limits
Water	\$3.01	\$3.76
Sewer	\$15.15	\$18.94
Reclaim	\$1.42	\$1.78

Bulk

	Inside City Limits	Outside City Limits
Water	\$1.66	\$2.08
Sewer	\$11.98	\$14.98
Reclaim	\$1.16	\$1.45

Irrigation Usage Charges

Cost per 1,000 gallons -- All Classes

	Inside City Limits	Outside City Limits
0-10,000 gallons	\$3.15	\$3.94
10,001-20,000 gallons	\$5.50	\$6.88
20,001+ gallons	\$11.00	\$13.75

Residential Usage Charges

Water

Rates per 1,000 gallons	Inside City Limits	Outside City Limits
0-5,000 gallons	\$1.57	\$1.96
5,001-10,000 gallons	\$3.15	\$3.94
10,001-20,000 gallons	\$5.50	\$6.88
20,001+ gallons	\$11.00	\$13.75

Sewer

Rates per 1,000 gallons	Inside City Limits	Outside City Limits
0-5,000 gallons	\$14.04	\$17.55
5,001-10,000 gallons	\$18.25	\$22.81
Residential usage is capped at 10,000 gallons		

Miscellaneous Service Charges

Service Initiation Fee	\$35.00
Meter Reread	\$23.00
Field Accuracy Test	\$54.00
Meter Bench Test (1.5" and under)	\$106.00
Premise Visit	\$29.00
Non-Payment Fee	\$62.00
After Hours Non-Payment Fee	\$100.00
Violation Fee	\$100.00
Broken Lock Fee	\$5.00

Water Meter Installation- 5/8x3/4"	\$131.00
Water Meter Installation- 1"	\$213.00
Water Meter Installation- 1.5"	\$420.00
Water Meter Installation- 2"	\$579.00
Connection Fee (1" and under)	\$498.00
Late Payment Fee (+1.5%)	\$4.00
Credit Card Convenience Fee	\$1.00

Plan Review- Per Sheet	\$43.00
Inspection Fee (Business Hours)	\$47.00
Inspection Fee (After Hours)	\$73.00
Developer's Agreement - Minimum	\$500.00

Impact Fees

Per Equivalent Residential Unit (ERU)	
Water	\$1,872
Sewer	\$5,090

Current Water and Sewer Rates -- Effective October 1, 2014 (bills dated on or after November 1, 2014)

Deposits				
Residential / Multi-family (individually metered)			Commercial / Multi-Family (Master Metered)	
Meter Size	Water, Irrigation, Reclaim	Sewer	Meter Size	Water, Irrigation, Reclaim
¾ x ¾"	\$65.00	\$130.00	¾ x ¾"	\$75.00 \$145.00
1"	\$160.00	\$320.00	1"	\$170.00 \$345.00
1 ½"	\$320.00	\$640.00	1 ½"	\$375.00 \$720.00
2"	\$525.00	\$1,000.00	2"	\$600.00 \$1,150.00
>2"	determined on a case-by-case basis		3"	\$1,125.00 \$2,160.00
			4"	\$1,875.00 \$3,600.00
			6"	\$3,750.00 \$7,200.00
			8"	\$6,000.00 \$11,500.00
			10"	\$10,900.00 \$20,800.00
			12"	- -

Fire Protection Charges		
Monthly Fee		
Meter Size	Inside City Limits	Outside City Limits
¾"	\$18.41	\$23.01
1"	\$24.54	\$30.68
1 ½"	\$36.81	\$46.02
2"	\$49.08	\$61.36
4"	\$98.17	\$122.71
6"	\$196.34	\$245.42
8"	\$331.32	\$414.15
10"	\$515.39	\$644.24
12"	\$834.44	\$1,043.05

Wastewater Only		
Monthly Rate		
	Inside City Limits	Outside City Limits
	\$99.76	\$124.70

Base Facility Charges

Residential / Commercial				
Water / Irrigation			Sewer	
Meter Size	Inside City Limits	Outside City Limits	Meter Size	Inside City Limits
¾ x ¾"	\$10.74	\$13.43	¾ x ¾"	\$15.90 \$19.88
¾"	\$14.61	\$18.27	¾"	\$22.32 \$27.90
1"	\$22.33	\$27.91	1"	\$35.16 \$43.96
1 ½"	\$41.63	\$52.04	1 ½"	\$67.29 \$84.10
2"	\$64.80	\$81.01	2"	\$105.83 \$132.29
3"	\$126.58	\$158.23	3"	\$208.59 \$260.75
4"	\$196.09	\$245.12	4"	\$324.22 \$405.28
6"	\$389.16	\$486.45	6"	\$645.39 \$806.74
8"	\$620.84	\$776.05	8"	\$1,030.79 \$1,288.49
10"	\$891.14	\$1,113.93	10"	\$1,480.43 \$1,850.53
12"	\$1,663.42	\$2,079.28	12"	\$2,765.10 \$3,456.38

Bulk				
Water			Sewer	
Meter Size	Inside City Limits	Outside City Limits	Meter Size	Inside City Limits
¾ x ¾"			¾ x ¾"	
¾"			¾"	
1"			1"	
1 ½"			1 ½"	
2"			2"	
3"	No established bulk rates at this time		3"	
4"			4"	
6"			6"	
8"			8"	
10"			10"	
12"			12"	

Base Facility Charges

Reclaimed Water

Residential / Commercial

Meter Size	Inside City Limits	Outside City Limits
5/8 x 3/4"	\$3.05	\$3.82
3/4"		
1"		
1 1/2"		
2"		
3"		
4"		
6"		
8"		
10"		
12"		

Bulk

Meter Size	Inside City Limits	Outside City Limits
5/8 x 3/4"	No established bulk rates at this time	
3/4"		
1"		
1 1/2"		
2"		
3"		
4"		
6"		
8"		
10"		
12"		

Usage Charges

Cost per 1,000 gallons

Commercial

	Inside City Limits	Outside City Limits
Water	\$2.88	\$3.59
Sewer	\$14.36	\$17.96

Reclaimed

	Inside City Limits	Outside City Limits
All Classes		
Reclaimed	\$1.35	\$1.69

Irrigation Usage Charges

Cost per 1,000 gallons -- All Classes

	Inside City Limits	Outside City Limits
0-10,000 gallons	\$3.01	\$3.76
10,001-20,000 gallons	\$5.26	\$6.57
20,001+ gallons	\$10.53	\$13.17

Residential Usage Charges

Water

Rates per 1,000 gallons	Inside City Limits	Outside City Limits
0-5,000 gallons	\$1.50	\$1.87
5,001-10,000 gallons	\$3.01	\$3.76
10,001-20,000 gallons	\$5.26	\$6.57
20,001+ gallons	\$10.53	\$13.17

Sewer

Rates per 1,000 gallons	Inside City Limits	Outside City Limits
0-5,000 gallons	\$13.31	\$16.64
5,001-10,000 gallons	\$17.30	\$21.63
Residential usage is capped at 10,000 gallons		

Miscellaneous Service Charges

Service Initiation Fee	\$40.00
Meter Reread	\$30.00
Field Accuracy Test	\$40.00
Meter Bench Test (5/8x3/4)	\$40.00
Meter Bench Test (1-1.5")	\$50.00
Meter Bench Test (2")	\$60.00
Premise Visit	\$30.00
Violation Fee	\$100.00
Broken Lock Fee	\$5.00
Illegal Connection	\$500.00

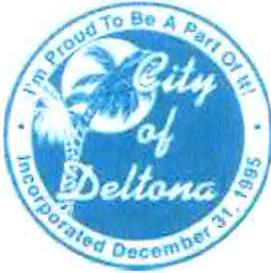
Water Meter Installation- 5/8x3/4"	\$131.00
Water Meter Installation- 1"	\$213.00
Water Meter Installation- 1.5"	\$420.00
Water Meter Installation- 2"	\$579.00
Connection Fee (1" and under)	\$498.00

Late Payment Fee (+1.5%)	\$4.00
Credit Card Convenience Fee	\$1.00
Non-Payment Fee	\$40.00
After Hours Non-Payment Fee	\$100.00

Plan Review- Per Sheet	\$43.00
Inspection Fee (Business Hours)	\$47.00
Inspection Fee (After Hours)	\$73.00
Developer's Agreement - Minimum	\$500.00

Impact Fees

Per Equivalent Residential Unit (ERU)	
Water	\$1,429
Sewer	\$3,376



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 7/27/2015
FROM: Jane K. Shang, City Manager **AGENDA ITEM:** 5 - C
SUBJECT: Discussion re: Coordinated Entry-Social Services Coordinator - Commissioner Honaker, District 1 (386) 275-7729.

LOCATION:

City wide

BACKGROUND:

Taking into consideration the increased number of families and individuals in need, both in and around the City of Deltona, the largest City in Volusia County, there is a need for the Commission to have an open discussion about developing an approach Deltona can use to support, coordinate and/or provide social services to families and individuals in need. We need an open discussion to exchange ideas and establish an organized approach. This item is being placed on the agenda at the request of Commissioner Honaker.

TOPICS TO DISCUSS/CONSIDER:

*Need for organized and coordinated support system in Deltona for families and individuals in need.

Coordinated Entry-Social Services Coordinator.

ORIGINATING DEPARTMENT:

Commission Members

SOURCE OF FUNDS:

N/A

COST:

Budget consideration required.

REVIEWED BY:

Finance Director, City Attorney, City Manager

STAFF RECOMMENDATION PRESENTED BY:

Commissioner Honaker - Motion after discussion the Commission to concur on a unified and funded approach that Deltona can support, and implement to assist families and individuals in need of social services.

**POTENTIAL
MOTION:**

Commissioner Honaker - Motion after discussion the Commission to concur on a unified and funded approach that Deltona can support, and implement to assist families and individuals in need of social services.

**AGENDA ITEM
APPROVED BY:**

Jane K. Shang, City Manager

ATTACHMENTS:

- United States Interagency Council on Homelessness
- Service Coordinator Job Description



United States Interagency Council on Homelessness

No one should experience homelessness. No one should be without a safe, stable place to call home.

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Coordinated Entry

Coordinated Entry, like some of the other entries in the Solutions Database, has been detailed extensively by USICH's partners. Below is a short abstract of the solution, with encouragement to access our partner's resources for a fuller description of implementation tips and outcomes and results.

Solution:

Coordinated Entry provides streamlined access to the homeless services system thereby allowing households facing housing loss to quickly access the services they need and for which they are eligible without having to call multiple social service programs.

The process centers on streamlining access to homeless assistance services (such as prevention, rapid re-housing, shelter, and permanent supportive housing), screening applicants for eligibility for these and other programs using a consistent and well-coordinated approach, and assessing their needs to determine which interventions are the best fit.

In a system that offers coordinated entry, each location where people come for help if they are experiencing or at risk of homelessness uses the same assessment tool and makes decisions about referrals based on consistent criteria and a comprehensive understanding of each program's requirements, target populations, and available openings and services. Coordinated entry reduces unnecessary duplication and confusion among agencies, makes better use of resources and staff time, and makes it easier to match households to the services they need.

Centralized intake is the most highly organized form of coordinated entry. In communities with this structure all households seeking homeless assistance of any type first pass through the centralized intake process, which may be conducted by telephone. Often the household's difficulties can be resolved with a telephone consultation. Some communities conduct centralized intake in a single location for all households seeking to access shelter or other homeless assistance. In-person contacts may be used only for more complex situations. Some communities offer one location for centralized intake for families with children and another location or centralized intake process for single adults. Centralized intake operates system-wide covering a range of programs in the local homeless assistance network serving the entire community.

Coordinated Entry System for Homeless Families, prepared in January 2011 by the National Alliance to End Homelessness, summarizes and describes the core components of a coordinated system and provides some examples. Centralized Intake for Helping People Experiencing Homelessness: Overview, Community Profiles, and Resources, prepared for HUD in 2009, also offers additional detail and examples.

Related Profiles:

Promising Practice: Rapid Re-Housing

Promising Practice: Homelessness Prevention

Model Program: Whatcom Homeless Service Center

Model Program: Columbus Coordinated Entry

Model Program: Front Door Assessment (Dayton, OH)

JOB DESCRIPTION: SERVICE COORDINATOR American Association of Service Coordinators

Qualifications:

1. A Bachelor of Social Work or degree in Psychology or Counseling is preferable. Supervisory experience may be necessary in some situations.
2. Two to three years experience in social service delivery with an elderly and/or family populations.
3. Demonstrated working knowledge of supportive services and other resources in the area served by the project.
4. Demonstrated ability to advocate, organize, problem-solve and provide results for the residents they serve.

Objective of the position:

The Service Coordinator (SC) must work from an empowerment model. The goal of the program is self-actualization of residents. Residents should do as much as they are capable of doing themselves. The SC works in conjunction with the manager. The SC and manager maintain a mutually respectful, collaborative relationship.

Functions:

1. Provides general service management which includes intake, education (services available and application procedures) and referral of residents to service providers in the general community. These social services may include meals-on-wheels, transportation, home health aides, homemakers, financial assistance, counseling, preventative health screening, and other needed services.
2. Develops a Resource Directory. This directory may include a listing of state and/or local service providers that residents can contact for assistance (e.g. services to families, children, individuals who are elderly, persons with disabilities, emergency assistance). In many cases, State and local governments can also provide a listing of the non-profit agencies with which they contract for services.
3. Sponsors educational events which may include subject relating to health care, agency support, life skills, referral sources, etc.
4. Facilitates the formation of Resident Associations within the property if the resident's are interested. The formation of these groups assists the residents in planning social events, organizing activities and discussing daily life issues.
5. Monitors the ongoing provision of services from community agencies and keeps the case management and provider agency current with the progress of the individual. Manages the provision of supportive services where appropriate.
6. Serves as a liaison to community agencies, networks with community providers and seeks out new services available to the residents.
7. Assists the residents in building informal support networks with other residents, family and friends.

Service Coordinators fulfill the following roles:

INVESTIGATOR

Service Coordinators conduct research on a daily basis. For example, they perform the following tasks:

- Analyze the types, frequency, and other characteristics of services that residents use, need, and want.

www.servicecoordinator.org
info@servicecoordinator.org
614-848-5958



JOB DESCRIPTION: SERVICE COORDINATOR

American Association of Service Coordinators

- Study available community services and their eligibility requirements.
- Research residents' participation in, and satisfaction with, educational and social programs, residents' interest in new programs, and barriers to greater participation.
- Assess residents' and community's resources and capacities.
- Observe residents for needs.

EDUCATOR

Service Coordinators inform residents about service availability, how to apply for services and benefits, consumer rights, and other relevant issues. They also inform other staff about the coordinator's role and about issues related to aging in place. This can help other staff do their jobs, know how and when to use the coordinator, and promote acceptance of the coordinator. (Effective coordinators also learn from residents and other staff.) Additionally, coordinators handle the following responsibilities:

- Organize programs on topics of interest to residents.
- Distribute consumer materials often available free from organizations such as State and area agencies on aging, the American Association of Retired Persons, the National Council on the Aging, senior centers, Councils on Aging, legal services offices, or the services or programs themselves (such as Medicare and Medicaid).
- Organize meetings to "teach" residents about housing development rules, regulations, and operations.
- Help managers and residents recognize and solve safety or accessibility problems.
- Connect residents with educational and recreational programs through the city or town, senior centers, Elderhostel, and other sources.
- Work with libraries.
- Arrange or conduct resident leadership training sessions in areas such as how to run a meeting or how to write bylaws.

COMMUNITY BUILDER

Effective Service Coordinators tend to recognize the impact of the social environment on, and the importance of a sense of community to individuals' health and well being. Service Coordinators perform the following tasks:

- Assist residents in forming or strengthening resident organizations.
- Help resident groups with activities and community issues.
- Help residents build informal support networks with other residents, family, and friends.

ADVOCATE/LIAISON

If a resident approaches the Service Coordinator and requests it, coordinators may act as liaisons with management or community agencies and often advocate on residents' behalf in groups, one to one, formally, or informally. Whenever possible, Service Coordinators should work with the social services director, manager and director to resolve issues together (without releasing confidential information). They may do the following:

- Advocate for additional and/or more appropriate supportive services.
- Plead residents' causes with management and seek solutions together with management.

JOB DESCRIPTION: SERVICE COORDINATOR

American Association of Service Coordinators

- Educate service providers about residents' needs and lack of resources, and encourage providers to take advantage of economies of scale (serving more people for the same amount of money).
- Teach residents to advocate for themselves.

SERVICE FACILITATOR

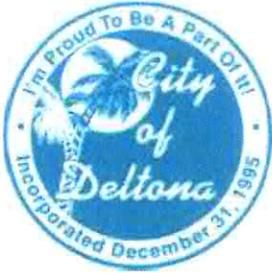
Service Coordinators:

- Establish links to community agencies and service providers.
- Develop resource directories.
- Provide basic case management and referral services.
- Monitor the ongoing provision of services from outside agencies.

ADDITIONAL TASKS

- Fulfill the educational requirement as outlined by HUD.
- Inform residents about and help them obtain benefits for which they are eligible.
- Help residents interpret mail; may fill out forms that they can not fill out themselves; arrange utility, phone, medical, and other payment schedules; address errors or misunderstandings related to Social Security earnings, insurance billing, or death or survivors' benefits; make funeral arrangements for a loved one; connect with hospice and bereavement counseling or supportive services; and solve other "bureaucratic" problems.
- Implement onsite or mobile health services and screening.
- Set up telephone reassurance, crime watch, and "buddy" programs.
- Arrange for senior companions or volunteers or obtain employment.
- Help residents obtain equipment and devices such as walkers, wheelchairs, Talking Books, large-print telephones and other visual aids, grab bars, hearing aids, devices that compensate for impaired hearing, lever door handles, self-cleaning ovens, service or helper pets, and emergency response systems.
- Distribute emergency forms and help residents fill out the forms with their vital statistics information (to be kept with resident).
- Promote resident participation in local senior centers.
- Get residents involved in HUD's Neighborhood Network Program, SeniorNet, or other computer-oriented programs aimed at reducing isolation and increasing independence.
- Help residents work with health care providers to establish medication setup and reminder services.
- Organize other reminder systems.
- Negotiate quantity discounts.
- Locate lower cost providers.
- Find services that can be delivered to residents or that offer transportation.

NOTE: HUD has a general policy that restricts direct provision of services by coordinators and is not to act as the property recreation/activities director/coordinator.



AGENDA MEMO

TO: Mayor & City Commission **AGENDA DATE:** 7/27/2015
FROM: Jane K. Shang, City Manager **AGENDA ITEM:** 5 - D
SUBJECT: Discussion re: Florida League of Cities: Constitutional Amendment Regarding Sale of Solar Energy - Commissioner Herzberg, District 3 (386) 405-8335.

LOCATION:	City wide
BACKGROUND:	Update by Commissioner Herzberg on the Florida League of Cities in reference to the constitutional amendment regarding the sale of solar energy. This item is being placed on the agenda at the request of Commissioner Herzberg.
ORIGINATING DEPARTMENT:	Commission Members
SOURCE OF FUNDS:	N/A
COST:	N/A
REVIEWED BY:	Finance Director, City Attorney, City Manager
STAFF RECOMMENDATION PRESENTED BY:	N/A - Update and discussion.
POTENTIAL MOTION:	N/A - Update and discussion.
AGENDA ITEM APPROVED BY:	<hr/> Jane K. Shang, City Manager
ATTACHMENTS:	<ul style="list-style-type: none">• Proposed Amendment• Florida League of Cities Brief

No other parties are known at this time.

The full text of the proposed amendment states:

Add new Section 29 to Article X

Section 29. Purchase and sale of solar electricity. —

(a) PURPOSE AND INTENT. It shall be the policy of the state to encourage and promote local small-scale solar-generated electricity production and to enhance the availability of solar power to customers. This section is intended to accomplish this purpose by limiting and preventing regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production. Regulatory and economic barriers include rate, service and territory regulations imposed by state or local government on those supplying such local solar electricity, and imposition by electric utilities of special rates, fees, charges, tariffs, or terms and conditions of service on their customers consuming local solar electricity supplied by a third party that are not imposed on their other customers of the same type or class who do not consume local solar electricity.

(b) PURCHASE AND SALE OF LOCAL SMALL-SCALE SOLAR ELECTRICITY.

(1) A local solar electricity supplier, as defined in this section, shall not be subject to state or local government regulation with respect to rates, service, or territory, or be subject to any assignment, reservation, or division of service territory between or among electric utilities.

(2) No electric utility shall impair any customer's purchase or consumption of solar electricity from a local solar electricity supplier through any special rate, charge, tariff, classification, term or condition of service, or utility rule or regulation, that is not also imposed on other customers of the same type or class that do not consume electricity from a local solar electricity supplier.

(3) An electric utility shall not be relieved of its obligation under law to furnish service to any customer within its service territory on the basis that such customer also purchases electricity from a local solar electricity supplier.

(4) Notwithstanding paragraph (1), nothing in this section shall prohibit reasonable health, safety and welfare regulations, including, but not limited to, building codes, electrical codes, safety codes and pollution

control regulations, which do not prohibit or have the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier as defined in this section.

(c) DEFINITIONS. For purposes of this section:

(1) "local solar electricity supplier" means any person who supplies electricity generated from a solar electricity generating facility with a maximum rated capacity of no more than 2 megawatts, that converts energy from the sun into thermal or electrical energy, to any other person located on the same property, or on separately owned but contiguous property, where the solar energy generating facility is located.

(2) "person" means any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, government entity, and any other group or combination.

(3) "electric utility" mean every person, corporation, partnership, association, governmental entity, and their lessees, trustees, or receivers, other than a local solar electricity supplier, supplying electricity to ultimate consumers of electricity within this state.

(4) "local government" means any county, municipality, special district, authority, or any other subdivision of the state.

(d) ENFORCEMENT AND EFFECTIVE DATE. This amendment shall be effective on January 3, 2017.

The ballot title for the proposed amendment is "Limits or Prevents Barriers to Local Solar Electricity Supply." The ballot summary for the proposed amendment states:

Limits or prevents government and electric utility imposed barriers to supplying local solar electricity. Local solar electricity supply is the non-utility supply of solar generated electricity from a facility rated up to 2 megawatts to customers at the same or contiguous property as the facility. Barriers include government regulation of local solar electricity suppliers' rates, service and territory, and unfavorable electric utility rates, charges, or terms of service imposed on local solar electricity customers.

Ballot Title and Summary

Section 101.161(1), Florida Statutes, sets forth substantive and technical requirements for the ballot title and summary, stating in pertinent part:

Whenever a constitutional amendment . . . is submitted to the vote of the people, a ballot summary of such amendment . . . shall be printed in clear

IN THE SUPREME COURT OF FLORIDA

Case Numbers SC15-780 and SC15-890

**ADVISORY OPINION TO THE ATTORNEY GENERAL
RE: LIMITS OR PREVENTS BARRIERS TO
LOCAL SOLAR ELECTRICITY SUPPLY**

**ADVISORY OPINION TO THE ATTORNEY GENERAL
RE: LIMITS OR PREVENTS BARRIERS TO
LOCAL SOLAR ELECTRICITY SUPPLY (FIS)**

**BRIEF OF INTERESTED PARTIES
FLORIDA LEAGUE OF CITIES, INC., and
FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.**

IN OPPOSITION TO THE PROPOSED AMENDMENT

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Counsel for the Florida League of Cities, Inc., and
Florida Municipal Electric Association, Inc.

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The proposed amendment will disrupt contractual relationships between and among municipalities and utilities that enter into franchise agreements to provide electric utilities to municipal citizens. The Solar Initiative will reduce revenues available to municipalities and utilities under Florida law and, as a result, municipalities will curtail services to citizens or will be forced to pass additional fees inequitably onto non-solar customers in order to recoup revenue losses. These impacts are not disclosed to the electors in the ballot title and summary, as required.

The Solar Initiative will significantly impact the ability of the state and local governments from protecting the health, safety, and welfare. Irrespective of how reasonable or necessary such protections are, if they have the effect of prohibiting in a particular instance the generation or supply of solar energy, the protections will be disallowed.

The Solar Initiative violates the constitutional single-subject requirement by engaging in logrolling in that it forces a voter to balance a preference for solar power against the adverse fiscal impacts that the Initiative may have by resulting in inequitable rate structures between solar and non-solar utility customers. The Solar Initiative also performs multiple functions of government, including local governments and the state, and impairs the lawmaking power of the Florida

Legislature. The impacts are unauthorized and therefore the Solar Initiative should not be placed on the ballot for elector consideration.

STATEMENT OF INTEREST

A. THE FLORIDA LEAGUE OF CITIES, INC.

The Florida League of Cities, Inc. ("League") has a special interest in the ballot initiative titled, "Limits or Prevents Barriers to Local Solar Electricity Supply" ("Solar Initiative") as a result of the anticipated financial and operating impacts of the Solar Initiative on Florida municipalities.

The League is a voluntary organization whose membership consists of municipalities and other units of local government rendering municipal services in the State of Florida. The League membership comprises more than 400 municipalities. Under its Charter, its purpose is to work for the general improvement of municipal government and its efficient administration, and to represent its members before various legislative, executive, and judicial branches of government on issues pertaining to their general and fiscal welfare.

The issues of interest to the League with respect to the Solar Initiative are:

- The material financial impact to municipalities based upon a reduction in franchise fees and public service tax revenues that will be received by Florida's municipalities.

- The financial impact on Florida's municipally-owned electric utilities because the proposal appears to prohibit a municipal utility from charging fees and conditioning service on solar energy customers that are rationally related to a utility's cost of accommodating the solar energy customer.
- The lack of clarity in the Solar Initiative language that will cause confusion and require litigation in order to ascertain its parameters.

The League does not oppose solar energy. In fact, the League currently is appearing as an amicus in a pending case in this Court in support of a law that permits cities to loan money to citizens to fund energy efficiency and renewable energy improvements to their homes. See, *Florida Bankers Association v. Florida Development Finance Corporation*, Case No. SC14-1603. For the reasons indicated above, however, the League brings to the attention of the Court the significant financial and operating impacts the Solar Initiative will have on Florida's municipalities.

B. THE FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.

The Florida Municipal Electric Association, Inc. ("FMEA"), is the statewide trade association for 33 of Florida's public power retail electric utilities.¹ Founded in 1942 in response to the WWII fuel shortages, for more than 70 years FMEA has been committed to supporting its public power members in their goals for reliable

¹ General information concerning FMEA as well as specific data about its public power members can be found at its website: www.publicpower.com.

and low-cost electric service to their communities. FMEA's member utilities provide approximately 15 percent of Florida's electric load, which translates to serving approximately three million Floridians.

Like the League, the FMEA is not opposed to solar energy. As the League has done, the FMEA also currently is appearing as an amicus in a pending case in support of a law that permits cities to loan money to citizens to fund energy efficiency and renewable energy improvements to their homes. See, *Florida Bankers Association v. Florida Development Finance Corporation*, Case No. SC14-1603.

If the Solar Initiative is approved, however, the retail customers of FMEA's members will be greatly incentivized to develop local solar facilities. This is an untenable position for FMEA's members, as they would be deprived of the right or ability under law to mitigate an ever-increasing cost shift to non-solar customers. Should more homes and businesses become solar customers as a result of the Solar Initiative, cost-shifting between solar and non-solar customers – as explained in greater detail, *infra* – could become quite substantial, particularly if municipal utilities are not allowed to fully recoup the cost of accommodating these solar customers.

C. EFFECT OF SOLAR INITIATIVE ON MUNICIPALITIES AND ELECTRIC UTILITIES

The Solar Initiative would permit a “local solar electricity supplier” to use solar energy to generate up to two megawatts of electricity and to either consume it on the supplier’s property to sell it to the owners of “contiguous” property. The amendment prohibits electric utilities, including municipal electric utilities, from charging any fee or placing any service condition on the solar-generated electricity supplier’s customers that are not imposed on the utility’s other customers. The amendment permits laws designed to protect the public’s health, safety, and welfare so long as the laws don’t prohibit “the supply of solar-generated electricity by a local solar electricity supplier.”

(1) Effect on Franchise Agreements and Fees

Many Florida municipalities charge franchise fees to electric utilities to permit the electric utility to provide electric service within the municipality’s jurisdiction. For the Fiscal Year ending September 30, 2012 (the most recent information available), Florida’s municipalities derived approximately \$563 million in franchise fees.²

Franchise fees are negotiated fees that are charged to the electric utility to provide electric service within the municipality. See, *Florida Power Corporation v. City of Winter Park*, 887 So. 2d 1237 (Fla. 2004); *City of Plant City v. Mayo*,

² See, edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm.

337 So. 2d 966 (Fla. 1976). The consideration from the municipality in exchange for the fees consists of three parts: (1) the privilege of using the municipality's rights-of-way, (2) the municipality's agreement not to compete with the electric utility, or to not allow others to compete with the electric utility, during the term of the franchise, and (3) a fee paid to the municipality to offset the costs incurred by the municipality as a result of the electric utility's disparate and exclusive use of public property. *City of Hialeah Gardens v. Dade Cnty.*, 348 So. 2d 1174 (Fla. 3rd DCA 1977); *Santa Rosa Cnty. v. Gulf Power Co.*, 635 So. 2d 96 (Fla. 1st DCA 1994), rev. denied, 645 So. 2d 452 (Fla. 1994); *Flores v. City of Miami*, 681 So. 2d 803 (Fla. 3rd DCA 1996). The electric utility collects the franchise fee from the customers who receive service within the municipality. See, Rule 15-6.100, F.A.C.

The prevailing practice in the electric industry is to account for solar-generated electricity through the use of a "net meter" installed by the electric utility. As electricity flows from the utility to the solar power generator, the meter records the amount of electricity flowing to the generator. When solar-generated electricity flows from the solar power generator to the electric utility, the meter literally "spins backwards." If the meter reads more than it did the last time it was read, this indicates that the solar generator has used more electricity than it generated, and the electric utility bills the owner the "net amount." For example,

assume that a customer's bill ordinarily would be \$200, but that customer generates \$125 in solar-generated electricity. In this case, the customer would only be billed \$75, the difference between the ordinary bill and the solar-generated electricity.

If the meter reads less than the last time it was read, that indicates that the solar energy generator generated more electricity than was used. In that case, the net amount is "banked" in the generator's account and is applied to the electric bill for the following month. As an example, if the customer's bill ordinarily would be \$125, and the same customer generates \$200 in solar energy, a \$75 credit will be banked to the customer's account. In either case, the generator results in lower revenues to the electric utility than otherwise as a result of the solar-generated electricity.

It is clear that the primary purpose of the Solar Initiative is to increase the amount of electricity generated by solar power. In doing so, the Solar Initiative undoubtedly will reduce the revenue streams of electric utilities. As a result, franchise fee revenues to municipalities will likewise be reduced, as franchise fees are based on a percentage of an electric utility's gross revenues. There will be impacts to the electric utility customer as a result. The electric rates will increase for those who cannot or do not generate solar energy, which would include seniors and middle-income citizens, and those who are not permitted to install solar

electric facilities, such as renters. Alternatively, municipalities will decrease services to accommodate the reductions in revenue occasioned by the Solar Initiative.

The Solar Initiative also will impair the consideration that the municipality provides to the electric utility in return for the franchise fee, as the municipality will no longer be able to prohibit others from providing electric services within the municipality. It therefore is likely that extant franchise agreements will no longer be valid due to decreased consideration, in that the franchise fee will no longer bear a reasonable nexus to the cost of using municipal rights-of-ways. See, *Alachua Cnty. v. State*, 737 So. 2d 1065 (Fla. 1999); see also, *Santa Rosa Cnty. v. Gulf Power Co.*, *supra*.

Further, franchise agreements often contain provisions that permit the electric utility to terminate the franchise agreement if any other person is permitted to provide electric services within the municipality, whether authorized by the municipality or through enactment of any law authorizing the same. Candidly, these provisions may be ameliorated somewhat by other provisions that may be contained in franchise agreement that give a municipality the right to purchase the electric utility's infrastructure upon termination of the agreement.

Notwithstanding, it is clear that the Solar Initiative will disrupt the current

contractual relationships between municipalities and the electric utilities, as well as the franchise fee revenue that municipalities derive from the relationships.

(2) Effect on Public Service Tax

Florida law permits municipalities to levy a tax on the purchase of electricity in an amount not to exceed ten percent of the payments received by the electric utility. The tax is paid by customers who receive service from an electric utility within a municipality. Section 166.231, Fla. Stat. For the fiscal year ending December 30, 2012 (the most recent information available), municipalities received approximately \$666 million from the public service tax on electricity.³ The Solar Initiative undoubtedly will cause a reduction in the public service tax revenues that municipalities currently derive from the public service tax on electricity.

The clear purpose of the Solar Initiative is to increase the production of solar-generated electricity. As stated above in “(1) Effect on Franchise Agreements and Fees,” the prevalent practice in the industry is to use “net metering” to account for solar-generated electricity. Those municipalities that levy the public service tax on electricity undoubtedly will experience a reduction in public service tax revenues as a result of the Solar Initiative.

³ See, edr.state.fl.us/content/local-government/data/revenues.expenditures/munifiscal.cfm.

In that case, it is likely that municipalities will be faced with two options. The municipality either will absorb the loss in revenues by decreasing municipal services, or recoup the lost revenues by increasing the public service tax – to the extent authorized by law – on all of its citizens. In the latter instance, the effect will be to shift a portion of the solar generator’s tax burden to those citizens who cannot install solar energy facilities, including those who are unable to afford the capital costs of the facilities, such as seniors and middle-income citizens, as well as those not allowed to install solar-electric facilities, such as renters.

(3) Effect on Non-Solar Generating Customers

The Solar Initiative seeks to limit or prevent

regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production.

“Contiguous property” is not defined in the proposed amendment, but clearly it includes individual parcels of real property that abut each other; large developments wherein real parcels abut one another, and shopping centers and shopping malls containing multiple businesses. Its impact therefore impacts a greater number of properties than may be inferred from its language.

The “regulatory and economic barriers” that are included within the terms of the Solar Initiative include “rate, service and territory regulations” that may be imposed by the state or local governments. Further, the “regulatory and economic

barriers” include “imposition by electric utilities of special rates, fees, charges, tariffs, or terms and conditions of service” on customers consuming solar electricity, unless they are also imposed on other customers of the “same type or class” who do not consume local solar electricity.

Solar-generated electricity is inherently sporadic and uncertain and is thus not dependable. Solar-generating facilities are unable to produce electricity when it is overcast, after sunset, and during storm events. They also are unable to generate electricity when they are shut down for maintenance reasons. Moreover, there is currently no economically viable method to store solar-generated electricity during these nonproductive periods. Therefore, solar electric customers must use conventional electricity when solar-generating facilities are unable to generate electricity. Concomitantly, electric utilities must continue to maintain the infrastructure necessary to provide electric service to solar energy customers irrespective of whether the customer is able to generate solar electricity.

Moreover, customers who generate solar electricity have a disparate cost impact on a utility’s infrastructure that is not shared by the customers who do not generate or consume solar electricity. As examples of the activities that will generate disparate cost impacts to solar and non-solar customers, electric utilities must monitor the flow of solar electricity through transmission lines and transfer stations, must account for the solar generated electricity, must conduct safety

inspections during the construction of solar generating facilities, must conduct safety reviews of the facilities' electrical systems, and must install meters. A fair reading of the Solar Initiative will not permit the utility to charge the solar energy customer for the disparate impact that the solar customer will have on the utility's system. Rather, citizens who do not generate or consume solar generated electricity will subsidize those who do.

This inequitable shifting of costs would be especially significant for smaller municipal utilities. Florida's municipal electric utilities vary greatly in size, from the Jacksonville Electric Authority – which has approximately 422,315 customers and a peak load of 2,665 MW – to the City of Moore Haven, which has approximately 1,058 customers and a peak load of 3.8 MW. In fact, of FMEA's 33 members, six utilities have peak loads less than 10 MW. The Solar Initiative would allow any person to enter into a municipal electric utility's service territory and supply electricity generated from a solar-generating facility of up to 2 MW to an existing customer and its contiguous properties, with no cap on the aggregate capacity of the generation on the utility's system.

As a result, the Solar Initiative could have a substantial impact on a municipal electric utility's system. It would not take many of these solar generating systems to engulf a small municipal electric utility's entire system. In such instance, however, the utility still would be required to maintain the generation and

distribution assets necessary to meet its entire load (i.e., its full potential load assuming all solar generation is offline).

Since the customers purchasing power from the solar generation would not be contributing fully to the fixed costs associated with the utility's generation and distribution system – and the Solar Initiative would prohibit the utility from directly assigning these costs to the solar generators or customers – these costs would be passed on to the non-solar customers. In a town with fewer than 1,000 customers to bear these costs, the impact to a non-solar customer would be quite significant.

Additionally, most municipal electric utilities require the solar energy customer to install a “disconnect switch” so that a utility worker repairing or maintaining the system is able to turn off the switch to disable temporarily the solar energy system. The owner in turn is able to switch the system back on when power is restored. Other electric utilities must remove the meter physically to assure that the solar energy system is turned off and the electric lines are not operating as “hot.” Again, when overall power is restored, the electric utility must return and reinstall the meter. The Solar Initiative, however, will not permit the electric utility to charge these costs to the solar energy customer. As a result, the Solar Initiative will require citizens who do not generate or consume solar generated electricity – inequitably – to subsidize the costs of those who do.

(4) Effect on Public Health, Safety, and Welfare

The Solar Initiative permits laws designed to protect the public's health, safety, and welfare so long as the laws do not operate to prohibit "the supply of solar-generated electricity by a local solar electricity supplier." In doing so, the initiative would impair numerous necessary public health, safety, and welfare regulations having the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier. To name a few, wetlands protection laws, construction setback lines, pollution abatement measures, and nuisance abatement ordinances effectively could operate to prohibit a local solar electricity supplier from generating solar energy on a parcel of property.

ARGUMENT

1. BALLOT TITLE AND SUMMARY ARE NOT CLEAR AND UNAMBIGUOUS

The Solar Initiative's ballot summary and title do not meet the requirements set forth in section 101.161, Florida Statutes. The Solar Initiative fails to disclose to the electors a number of impacts to municipalities, regulated electric utilities under contract to municipalities, electric utility customers, and the citizenry at large through impacts to the public health, safety, and welfare.

In order to pass legal muster, a ballot title and summary must be clear and unambiguous and must fairly inform voters of the chief purpose of the amendment and not mislead the public. *Advisory Opinion to Attorney General re Prohibiting State Spending for Experimentation that Involves the Destruction of a Live Human Embryo*, 959 So. 2d 210, 213-14 (Fla. 2007). To meet this requirement, a ballot's title and summary must, in clear and unambiguous language, fairly inform the voter of the chief purpose of the amendment. *Id.*

The Court must determine whether the language of the ballot title and summary, as written, mislead the public. *Id.* The ballot title and summary may not be read in isolation, but must be read together when the Court makes this determination. *Advisory Opinion to the Attorney Gen. re Fla. Amendment to Reduce Class Size*, 816 So.2d 580, 585 (Fla. 2002). Since the ballot title and summary are the only information available to the electors, their completeness and

accuracy are of paramount importance in the determination as to whether the proposed amendment may appear on the ballot. *Armstrong v. Harris*, 773 So. 2d 11, 13 (Fla. 2000).

Although the title of the Solar Initiative, “Limits or Prevents Barriers to Local Solar Electricity Supply,” may at first blush appear to be clear and unambiguous, the ballot summary is defective because it does not appropriately convey to the voter the reasonably foreseeable impacts that the proposed amendment will have on municipal franchise agreements with electric utilities, municipal revenues, additional costs to electric utility customers who do not generate or consume local solar electricity, and the public health, safety, and welfare. Further, the Solar Initiative ballot summary does not accurately reflect the provisions included within the proposed amendment itself.

The title and ballot summary convey a sentiment that the purpose of the amendment would be to remove barriers to solar production by implying that the true purpose of the amendment would be to remove restrictions on the harnessing and transmittal of solar energy. While the Solar Initiative does call for the removal of regulatory barriers on production, much of the amendment would have the de facto effect of repealing, or requiring the adjustment of, rates, fees, charges, and tariffs on customers.

As outlined above in the Statement of Interest in “(1) Effect on Franchise Agreements and Fees,” the Solar Initiative will disrupt the current contractual relationships between municipalities and the electric utilities, as well as the franchise fee revenues municipalities derive from the contractual relationships. For the reasons outlined, supra, the Solar Initiative doubtless will result in reduced revenues from franchise fees available to municipalities and utilities. These revenue reductions will result in reduced services to municipal citizens, or will result in utility rate increases passed on to citizens. None of these impacts are disclosed in the ballot title and summary of the Solar Initiative.

At the least, the Solar Initiative will impact and disrupt the current contractual relationships municipalities have with electric utilities. As outlined above in the “Statement of Interest,” municipalities enter into exclusive contracts with utilities to provide electricity to customers. The Solar Initiative would impact those contractual obligations without disclosing the impact thereof to the electors. And, while municipalities may ultimately choose to purchase an electric utility in these circumstances, any additional costs resulting therefrom will be passed along to municipal residents. This realistic potential is not disclosed to the voter.

Further, as discussed above in the Statement of Interests in “(2) Effect on Public Service Tax,” once again municipal revenues will be reduced as a result of the Solar Initiative. In such a case, a municipality will reduce its services to its

citizens, increase utility rates or increase taxes to recoup the losses in municipal revenues.

Likewise, as iterated above in the Statement of Interests in “(3) Effect of Cost Shift to Non-Solar Generating Customers,” the Solar Initiative does not permit the utility to charge the solar energy customer for the disparate impact that the solar customer will have on the utility’s system. In practice, solar generation requires utilities to monitor the flow of solar electricity through transmission lines and transfer stations, to account for the solar-generated electricity, to conduct safety inspections during the construction of solar-generating facilities, to conduct safety reviews of the facilities’ electrical systems, and to install net meters. Solar generation as contemplated by the Solar Initiative will result in inequitable cost shifts to citizens who do not generate or consume solar, and those citizens will be required to subsidize those who do. The ballot summary does not disclose these impacts to the electors.

The Solar Initiative therefore is misleading in that it does not reflect the true consequences of the amendment. The Solar Initiative incentivizes solar generation at the expense of non-solar customers. Solar customers benefit from the reliability and stability of the grid without paying their full share of its costs because the grid must be built and maintained to serve their full load, regardless of how much solar energy is actually produced. At the modest level of solar that currently exists, the

subsidy could potentially be remedied through additional charges and fees on solar customers, which the Solar Initiative will not allow, and the ballot summary does not reveal this to the electors.

As well, the Solar Initiative impairs government's ability to protect fully the public health, safety, and welfare. For example, governmental regulations that derive from delegated legislative authority could be negated by the Solar Initiative. These could include regulations adopted: under the "Florida Air and Water Pollution Control Act," section 403.011, et seq.; under the "Pollution Prevention Act," section 403.072, et seq.; under the "Brownfields Redevelopment Act," section 376.77, et seq.; for the abatement of nuisances caused by storm water management or other water control systems, section 373.433; and for control of epidemics through quarantine by the Department of Health, section 381.00315. None of those potentially significant impacts to regulations protecting the public health, safety, and welfare are disclosed to the electors through the ballot summary.

Also in a broader sense, the purpose of the Solar Initiative is not simply to limit or prevent barriers for local solar electric supply, but instead to create favorable market conditions to solar energy providers that will impact adversely the general public through all of the impacts outlined above. Therefore, the title and summary effectively "hide the ball" as to the true purpose and consequences of

the amendment, which the Court has held to be unacceptable. *Armstrong*, 773 So. 2d at 16.

The Solar Initiative is unclear and ambiguous as to its application for customer-owned renewable generation. The ballot title and summary state that the Solar Initiative intends to limit or prevent barriers to entry to “local solar electricity supply.” The Solar Initiative defines a “[l]ocal solar electricity supplier,” as a person who supplies solar energy to “any other person.” It is not at all clear from a reading of this language as to the effect the Solar Initiative would have on customer-owned renewable generation, and its potential impact is not revealed to the voter.

2. THE PROPOSED AMENDMENT DOES NOT MEET THE SINGLE SUBJECT REQUIREMENT OF ARTICLE XI, SECTION 3 OF THE FLORIDA CONSTITUTION

Article XI, section 3 of the Florida Constitution states that any amendment proposed by the people, except those limiting the power of the government to raise revenue, shall embrace but one subject and matter directly connected therewith. Florida Constitution (1998). To accomplish this dictate, the amendment must manifest a “logical and natural oneness of purpose.” *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984).

The single-subject requirement has two distinct purposes. The first of these purposes is to prevent “logrolling,” the practice of including two separate issues

together to aid in the passing of an unpopular issue. *Advisory Opinion to the Attorney Gen. re the Med. Liab. Claimant's Comp. Amendment*, 880 So. 2d 675, 677 (Fla. 2004) (quoting *Advisory Opinion to the Attorney Gen. re Fla. Transp. Initiative for Statewide High Speed Monorail, Fixed Guideway or Magnetic Levitation Sys.*, 769 So. 2d 367, 369 (Fla. 2000)) The test for logrolling is met when a proposed amendment “may be logically viewed as having a natural relation and connection as component parts or aspects of a single dominant plan or scheme. Unity of object and plan is the universal test.” *Advisory Opinion to Attorney Gen. re: Additional Homestead Tax Exemptions*, 880 So. 2d 646, 649 (Fla. 2004).

In this regard, the Solar Initiative engages in logrolling by placing the elector in the untenable position of balancing a preference for solar power against the adverse impacts that the Initiative may have in terms of eliminating special rates, fees, and charges for solar-generated electricity, and the accompanying potentially untoward economic consequences on customer utility rates overall. The balancing that the Solar Initiative would require of electors violates the single-subject requirements.

The second purpose of the constitutional single-subject requirement is to prevent a single amendment from substantially altering or performing the functions of multiple aspects of government. Here, the test is a functional one that examines what the amendment actually does. A proposed amendment can affect multiple

branches of government and still pass the court's review. See, *Advisory Opinion to the Attorney General – Limited Political Terms in Certain Elective Offices*, 592 So. 2d. 225, 227 (Fla. 1991) (“We have found proposed amendments to meet the single subject requirement even though they affected multiple branches of the government.”). But “where such an initiative performs the functions of different branches of government, it clearly fails the functional test of the single-subject limitation the people have incorporated into article XI, section 3, Florida Constitution.” *Evans v. Firestone*, 457 So. 2d 1351, 1354 (Fla. 1984); *Advisory Op. re Property Rights*, 699 So. 2d 1304, 1308 (Fla. 1997) (“In addition, we find that this initiative would have a distinct and substantial effect on more than one level of government.”) The Solar Initiative violates these constitutional proscriptions in a number of ways.

First, the Florida Public Service Commission is statutorily authorized to approve “territorial agreements between and among rural electric cooperatives, municipal electric utilities, and other electric utilities under its jurisdiction” and to resolve disputes arising under the agreements. § 366.04, Fla. Stat. The Solar Initiative would not only impair contract rights existing pursuant to such agreements by providing that local solar electricity suppliers would not be “subject to any assignment, reservation, or division of service territory between or among

electric utilities” but would also deprive the Public Service Commission of its jurisdiction in these regards.

The Solar Initiative also would substantially affect Article III, Section 2 of the Florida Constitution. That section grants municipalities “governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services” not in conflict with state law. Some of municipalities own and operate municipal electric utilities under these constitutional provisions. The Solar Initiative would disallow municipal utilities the power to charge any rates that are in conflict with the Solar Initiative. It would further forbid these municipalities from entering into agreements or exercising rights provided by such agreements for exclusive geographical service territories in conflict with the Initiative.

The Initiative also substantially impacts Article III powers of both municipalities and counties by providing:

[N]othing in this section shall prohibit reasonable health, safety and welfare regulations, including, but not limited to, building codes, electrical codes, safety codes and pollution control regulations, *which do not prohibit or have the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier* as defined in this section.

Solor Initiative § (b)(4) (emphasis added). As discussed in the Argument component regarding clarity of the ballot summary, supra, the Solar Initiative thus would impact the police powers of local governments by banning regulations

protecting the public health, safety, and welfare if they would prevent the operation of a solar electricity supplier notwithstanding a compelling need for, or the reasonableness of, the regulation.

Moreover, the Solar Initiative would deprive the Legislature of a significant component of its lawmaking power. See, *Evans v. Firestone*, 457 So. 2d at 1354 (“In *Fine*, we found multiplicity of subject matter because the proposed amendment would have affected several *legislative* functions.”) (emphasis in original).

The Initiative would preclude the Legislature from exercising its lawmaking power with respect to rates, service, or territories of a local solar electricity supplier. See, Initiative § (b)(1). The Solar Initiative also would restrict the Legislature’s lawmaking power over classifications, terms, or conditions of service of electric utilities in connection with customers of local solar electricity suppliers. See, Initiative § (b)(2).

Additionally, the Solar Initiative would block the Legislature from exercising its lawmaking power with respect to public policy formulations. The Legislature currently is empowered to make law with respect to solar energy, but would be fundamentally restricted under the Solar Initiative as to the extent of its public policymaking prerogatives. The Legislature, for example, would be prohibited from imposing rate restrictions with respect singularly to solar-

generated electricity, and would be stripped of its ability to prescribe utility rate guidelines unless in conformance with the Solar Initiative.

The effects on the multiple government powers are not authorized in a constitutional initiative. These effects are only authorized in a constitutional revision. The Solar Initiative thus violates the single-subject rule and cannot be countenanced by the Court and allowed on the ballot.

CONCLUSION

The Solar Initiative does not comport with the requirements of the Florida Constitution nor the dictates of the Florida Statutes. The Court should determine that the proposed amendment therefore cannot legally be placed on the ballot.

Respectfully submitted,

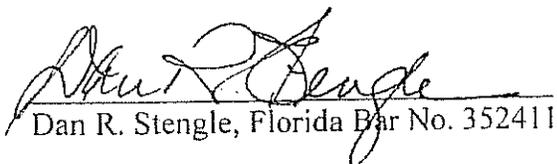
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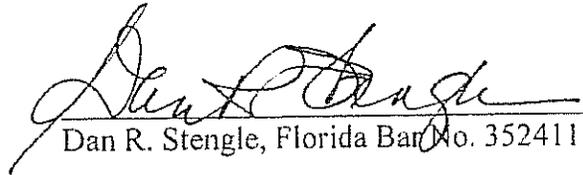
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by electronic mail to the E-Service List provided for the above-styled and numbered cases in the Florida Supreme Court this 10th day of June, 2015.


Dan R. Stengle, Florida Bar No. 352411

CERTIFICATE OF FONT SIZE

I HEREBY CERTIFY that this document is presented in Times New Roman font, 14-point style, a font that is proportionately spaced as required by the Florida Rules of Appellate Procedure.


Dan R. Stengle, Florida Bar No. 352411