

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2014-224 (AS AMENDED)

A RESOLUTION OF THE CITY COMMISSION
RELATED TO CRITERIA FOR WAIVER OF APPEAL
FEES FOR CITY RESIDENTS DEMONSTRATING
FINANCIAL HARDSHIP.

WHEREAS, as the governing body of the City, the Commission recognizes the importance of its ability to review decisions made by City Boards through appeal; and

WHEREAS, the Commission recognizes that certain applicants may experience a substantial burden or financial hardship from the fee, thereby impairing their ability to appeal City Board decisions to the Commission; and

WHEREAS, the Commission wishes to establish a criteria whereby a request for a fee waiver may be evaluated in order to move forward with an appeal of a City Board decision;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. The City Attorney, with the approval of the City Manager or its designee, will consider a waiver of appeal fees where a timely appeal is filed, and an applicant for a fee waiver makes a written request to the City Attorney. The City Attorney, with the approval of the City Manager or its designee, shall grant a fee waiver where the following conditions are presented by the applicant:

- (a) The applicant resides within 1,000 feet of the property at issue in the appeal and the applicant's residential use is affected by the appeal;
- (b) The applicant's income is equal to or below two hundred percent (200%) of the then-current federal poverty guidelines prescribed by the United States Department of Health and Human Services for the size of the applicant's household or the applicant presents proof in a form acceptable to the City Attorney that the applicant would suffer an extraordinary financial hardship if required to pay the fee; and
- (c) The applicant appeared at the hearing and presented objections to the Board action being appealed, or submitted written objections in advance of the hearing. This requirement should normally be present for a fee waiver to be granted except for in extraordinary circumstances where the applicant demonstrates excusable neglect for failing to do so.

SECTION 3. In addition to the provisions above, a fee waiver will be available to all applicants who present to the City Attorney a petition requesting a fee waiver signed by thirty households within a thousand feet of the subject property.

SECTION 4. In waiving the fee, the City Commission would still generally require the payment of any hard costs of the City (i.e. transcript, publication, and mailed notice). The only possible exception would be in cases of exceptional financial hardship, to be determined by the City Attorney, with the approval of the City Manager or its designee, or where the City is already bearing the cost for another reason (i.e., the transcript is already being ordered for another Board's review).

SECTION 5. The foregoing provisions shall in no way be deemed to limit the City Commission's discretion to waive any appeal fees when it deems such a waiver is appropriate.

SECTION 6. That said Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF OCTOBER, A.D., 2014.

(Moved: Quesada / Seconded: Kerdyk)
(Yeas: Kerdyk, Lago, Quesada, Keon, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: I-2)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY