

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-5**  
**June 16, 2015**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**  
**Commissioner Pat Keon**  
**Commissioner Vince Lago**  
**Vice Mayor Frank Quesada**  
**Commissioner Jeannett Slesnick**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**City Attorney, Craig E. Leen**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Finance Director, Diana Gomez**

**Public Speaker(s)**

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Agenda Item E-5 [10:04:55 a.m.]

A Resolution relating to the provision of the fire protection services, facilities and programs in the City of Coral Gables, Florida establishing the estimated assessment rate for fire protection assessments for the fiscal year beginning October 1, 2015; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof and providing for an effective date.

Mayor Cason: Let's do E-5. You are going to do that as well.

City Attorney Leen: Mayor, E-5 is a Resolution relating to the provision of the fire protection services, facilities and programs in the City of Coral Gables, Florida establishing the estimated assessment rate for fire protection assessments for the fiscal year beginning October 1, 2015; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof and providing for an effective date. As with the last one, this sets the

maximum roll and there will be a future public hearing where individuals can come in and contest that, but this is also listed as a public hearing so we should hold one today as well.

Mayor Cason: OK.

Ms. Gomez: And nothing has changed in terms of the fee, for the fire fee for this year so it remains the same, nothing's changed in the program.

Mayor Cason: Do we have any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: Close this public hearing portion. Discussion?

Commissioner Keon: I'd like to talk about it, the fire fees. From a policy perspective I think that fire protection services is something that should be covered through taxes, through our property taxes, it's part of the public safety and should be paid through – and I think that often cities and counties and whatever go to fees because they don't – because of the effect – it allows them to generate more revenue without any discussion related to taxes, it does the same exact same thing as a tax. I had some questions about who actually pays the fire fee and in the document that we have it states that, no fire protection fee assessment shall be imposed upon a parcel of govern property, a building located on a parcel of institutional property. This building is wholly exempt from the ad valorem taxation under Florida Law. Our government lease these building is wholly exempt from the ad valorem tax under Florida Law, however the exemption provided herein does not include government leases that are wholly exempt from ad valorem taxation nor does it apply to any government property that is owned by federal whatever – and so it goes on about, there is a discussion in here about a property located on a parcel of institutional property whose use is wholly exempt from ad valorem taxes. What I want to know is, I asked if you can provide me with the definition with regard to institutional properties and I guess there is some of them that I want to know, whether or not they actually pay the fire fee. When there was a discussion about the fire fee. Some of the support for it is that everyone pays a fire fee and that we have churches and other non-for-profit and those types of uses that although they are not paying property taxes, they would still pay the fire fee, which turns out that that's not the case, they don't pay the fire fee. But I'm looking at under your Code I was given, as institutional is a club or a hall that is private; private clubs not pay the fire fee?

City Attorney Leen: Let me answer that although she can certainly answer too. No, they are institutional for purposes of those “clock” codes they are called, but they also have to be exempt from ad valorem taxation. Unless a private club was a non-profit organization, they would be

subject to the fire fee, and I checked that with Heather Ensinosa, our special counsel. So to be exempt from the fire fee, you have to be institutional and you have to be exempt from ad valorem taxation. But certainly religious institutions, schools, unless they are for-profit they can...

Mayor Cason: How about women's clubs?

Ms. Gomez: Again, if it's a non-profit....

Commissioner Keon: But if it's a county club, is the country club a non-profit?

Ms. Gomez: If its non-profit then...

Commissioner Keon: Do they pay ad valorem taxes?

Ms. Gomez: I would have to double-check, but I think they do.

Commissioner Keon: You think they do – pardon me?

Ms. Gomez: You said the country club.

Commissioner Keon: Right, the country club even though it's in our building, it's operated as a private entity.

Ms. Gomez: If it's operating as a private, they will pay.

Commissioner Keon: They will pay.

Ms. Gomez: For instance, any property that's for-profit that we own the property, but the business being is a for-profit they will pay. If it's a non-profit governmental use it's not our property, then they won't pay. It's based on whether or not they are considered not paying property taxes.

Commissioner Slesnick: So the Biltmore Hotel will be paying a fire fee.

Ms. Gomez: They would not because they fall under the exemption of the fact that they are government leasehold whose building is wholly exempt from ad valorem taxation under Florida Law, so they are...

Commissioner Keon: They were granted a special exemption by the legislature.

Ms. Gomez: Correct.

Commissioner Keon: ...under their – so they don't. But I guess what I'm asking about is private clubs.

Ms. Gomez: If its private for profit they do pay.

Mayor Cason: How much money does this bring us each year and I'd like the City Manager.

Ms. Gomez: \$2.9 million.

Mayor Cason: \$2.9 million.

Commissioner Keon: But I'll also ask you if we maintain the same millage rate going forward this year and don't reduce the millage rate, how much do we increase our tax?- how much do we collect?

Ms. Gomez: Without exact numbers when I looked at it a bit ago, if we did not...

Commissioner Keon: If we maintain the current rate.

Ms. Gomez: Correct, it would generate and additional \$500,000, \$600,000.

Commissioner Keon: We would only generate \$500,000, \$600,000?

Ms. Gomez: Keeping the millage rate.

Commissioner Keon: If we...

Ms. Gomez: Not reducing it in the way that we had been reducing it over the past couple of years.

Commissioner Keon: OK. So if we didn't reduce it, it would only....

Ms. Gomez: Correct. The last time I checked, it was a little while ago, so.

Commissioner Keon: So it would be \$500,000, and we collect \$3 million on this. You know I'm interested in who collects and who doesn't. One of the things here says adult care, does the Palace pay?

Ms. Gomez: The Palace? I believe they do, because they pay property tax, yes.

Commissioner Keon: So they will pay the fire fee?

Ms. Gomez: Yes – correct.

Commissioner Keon: OK. You know from a policy perspective, I don't think we should charge for our things that are part of our government services that should be paid for through taxes, but all I want to know who pays and who doesn't, if you can let me know who doesn't pay the fire fee. Some of these like clubs and those sorts of things, who doesn't pay the fire fee. You don't have to tell me now.

Ms. Gomez: No, no. I'm just trying to think of what the easiest way to get that information, since it goes on the tax bill it goes through – the collector is Miami-Dade. I can try and see if I can get a listing of every single folio on the property...

City Attorney Leen: Heather can work with Diana.

Ms. Gomez: It will take a little bit of time, but yes, I can get you a listing of it.

City Attorney Leen: She can get you examples like from each category of who does or doesn't pay the fire fee and then you'll have an idea.

Ms. Gomez: It will just take a little bit of time, but yes, I can get that information to you.

Commissioner Keon: OK. Thank you.

Mayor Cason: So we are going to vote on this one time, right?

Ms. Gomez: It will come back for the public hearing for the actual position of it.

Commissioner Lago: When will that be coming back?

Ms. Gomez: I believe it's coming back August – September 8<sup>th</sup>, I'm not sure.

Commissioner Lago: I also would like to see a response to what Commissioner Keon was just mentioning right now...

Ms. Gomez: Then I can have that information before the public hearing, but it's either – I think it's the September 8<sup>th</sup> meeting.

Commissioner Lago: Besides having it before the public hearing, I want to put it on the record also. I think its important information that everybody should know, which I don't currently have.

Commissioner Keon: I don't know either.

City Manager Swanson-Rivenbark: We'll circulate it once the research is done.

Commissioner Keon: Thank you.

Commissioner Lago: Thank you.

Mayor Cason: Is this a public hearing this portion as well?

City Attorney Leen: Yes.

Mayor Cason: Do we have speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: So we'll close the public hearing. Anymore discussion? We have a motion on E-5?

Commissioner Lago: I'll make a motion.

Mayor Cason: Commissioner Lago makes the motion. Second?

Vice Mayor Quesada: Second.

Mayor Cason: Vice Mayor seconds.

City Clerk

Commissioner Lago: Yes

Vice Mayor Quesada: Yes  
Commissioner Slesnick: Yes  
Commissioner Keon: Yes  
Mayor Cason: Yes  
(Vote: 5-0)

[End: 10:14:09 a.m.]