

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-148 (AS AMENDED)

A RESOLUTION AMENDING ORDINANCE 2015-17, AS AMENDED, TO ADJUST THE STORM WATER FEE, SANITARY SEWER CHARGES, AND SOLID WASTE COLLECTION FEES, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2015-17 passed and adopted by the City Commission on June 16, 2015 and subsequently amended by Resolution 2016-75, as permitted by the Ordinance, established fees for various licenses, permits, services and penalties by the City of Coral Gables; and

WHEREAS, the City Commission has determined that it is necessary to recover the City's costs of providing these services; and

WHEREAS, the Storm Water Fee will increase from \$8.80 to \$11.89 per Equivalent Residential Unit (ERU) per month; and

WHEREAS, Sanitary Sewer Charges will increase from \$2.7879 to \$2.9779 per CCF for less than 1 CCF to 5 CCFs, from \$5.3271 to \$5.6901 per CCF for greater than 5 CCFs to 9 CCFs, from \$5.4168 to \$5.7860 per CCF for greater than 9 CCFs, from \$3.25/month to \$3.4715/month for 5/8" meters and from \$10.94 to \$11.6856 for 1" meters; and

WHEREAS, Solid Waste Collection Fees will increase for residential customers as follows: General Residential Property– discounted annual fee (if paid on or before August 15, 2016) from \$729 to \$743 and from \$812 to \$869 for payments made as part of the tax bill; Auxiliary Living Units– discounted annual fee (if paid on or before August 15, 2016) from \$364 to \$371 and from \$408 to \$435 for payments made as part of the tax bill.

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

SECTION 1. 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 Commission revises the Fee Schedule as follows:

Stormwater Management Utility Fee Schedule. City Code Section 78-162	
Stormwater services – residential service	\$11.89 per dwelling unit per month.
Stormwater services – non-residential service	\$11.89 per ERU (Equivalent Residential Unit of 2,346 sq. ft.) per month.

Sewer Service Charges. City Code Section 78-100	
Residences, duplexes, apartments, hotels, motels, and all other buildings and structures, except as provided below, or each unit thereof having a separate water meter per month per CCF (1CCF =748 Gallons):	
0 to 5 CCF	\$2.9779 per CCF
6 to 9 CCF	\$5.6901 per CCF
10 CCF and over	\$5.7860 per CCF
5/8" meters	\$3.4715/month
1" meters	\$11.6856/month
Hospitals, universities and similar type institutions, such reasonable rates by contract as may be deemed equitable, taking into consideration volume of sewage, delivery of sewage directly to the city's main pressure sewers, and any other relevant factors.	

Solid Waste Collection Fee Schedule. City Code Section 54-187		
Residential, , auxiliary living unit, , multi-family, condominium, and apartments of six units or less:		
A. Garbage and trash (maximum volume based on structure):	Discounted Annual Rate	Annual Rate
General Residential Property (max. two 30-gallon cans, one cubic yard of trash per week)	\$743.00	\$869.00
One auxiliary living unit (each unit max. one 30-gallon can and one-half (1/2) cubic yard of trash per week)	\$371.00	\$435.00
B. Large bulky item pickup fee:		
For special pickup of large household or other bulky items (e.g. furniture, appliances, fixtures, large tree stumps, etc.)	\$50.00 each piece	
C. Code violation trash removal dispatch fee:		
For dispatching a special trash removal operation associated with a code violation	\$50.00 each occurrence plus \$10.00 per cubic yard of trash	

D. Excess trash removal fee:	
For removal of excess trash in quantities greater than maximum allowed yardage per type of structure	\$10.00 per cubic yard
E. Special solid waste collection service fees:	
Trash – Fee for deployment of trash collection crew on an unscheduled day	\$150.00 per incident plus \$10.00 per cubic yard collected

SECTION 3. Future amendments to the Zoning Code that change the numbering of the code sections for which fees are charged in this document shall not affect the particular fees or fines. Future amendments to the City Code that change the numbering of the code sections for which fees are charged in this document shall not affect the particular fees or fines.

SECTION 4. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

SECTION 5. This resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF JUNE, A.D., 2016.

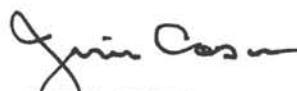
(Moved: Keon / Seconded: Quesada)

(Yeas: Slesnick, Keon, Lago, Quesada, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: H-2)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

From: Leen, Craig
Sent: Friday, August 05, 2016 12:46 PM
To: Davis, Yolande; Sansores, Imelys
Cc: Gomez, Diana
Subject: Fwd: Correction to resolution
Attachments: image001.png; ATT00001.htm; image002.png; ATT00002.htm; Agenda Resolution - Amend Sanitary Sewer Fees.docx.html; ATT00003.htm; Agenda cover - amend Sanitary Sewer Fees.pdf.html; ATT00004.htm; Reso 2015-196.pdf.html; ATT00005.htm; FY17 Utility Fee Increase Options - Pass Thrus & Coll Events - Draft.pdf.html; ATT00006.htm

Here was the opinion.

Sent from my iPhone

Begin forwarded message:

From: "Leen, Craig" <cleen@coralgables.com>
Date: July 14, 2016 at 7:00:23 PM EDT
To: "Foeman, Walter" <wfoeman@coralgables.com>, "Urquia, Billy" <burquia@coralgables.com>
Cc: "Ramos, Miriam" <mramos@coralgables.com>, "Gomez, Diana" <dgomez@coralgables.com>, "Kleiman, Keith" <kkleiman@coralgables.com>
Subject: **FW: Correction to resolution**

City Attorney Opinion

In the circumstances described, it is a scrivener's error that can and should be corrected by the City Attorney under section 2-201(e)(9) of the City Code. The material point is that this particular sanitary sewer charge is increasing by 6.81% (along with the other sanitary sewer charges that are also increasing by 6.81%), and that this was understood by the Commission based on the handout provided to them with the item that states the charges are increasing by 6.81%. It was clearly the Commission's will to increase these charges by 6.81%, which this correction accomplishes for this particular fee.

In addition, it is clear this is a scrivener's error. Resolution No. 2015-196 indicates that the fee at issue was at \$2.7879 prior to enactment of Resolution No. 2016-148, which is the number that the 6.81% increase should be measured from. It would be incorrect to measure the increase from the prior, lower number (which was no longer the number under Resolution No. 2015-195). Indeed, the correct number to measure the increase from was established in Resolution No. 2015-195 at \$2.7879. This is a matter of public record. In such circumstances, the scrivener's error should be corrected to accurately reflect the starting value of the rate (\$2.7879) being increased by 6.81%, and the correct rate that is now being charged (\$2.9779) following the 6.81% increase.

This opinion is issued pursuant to sections 2-201(e)(1), (8), and (9) of the City Code. The resolution should be corrected to reflect the accurate figures and 6.81% increase.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way