

11. In order to offset the City's expense of maintaining records of repayment to be paid, subsequent connectors shall pay the City a repayment administration fee (R.A.F.), which shall be in addition to the refund designated for payment to ORIGINAL APPLICANT. The R.A.F. amount shall be five (5) percent of the refund to ORIGINAL APPLICANT, but the R.A.F. shall not be less than two thousand and five hundred dollars (\$2,500.00). The ORIGINAL APPLICANT and those subsequent connectors not required to pay refunds designated for payment to an ORIGINAL APPLICANT shall not pay an R.A.F.
12. Total amount of refunds to ORIGINAL APPLICANT shall not exceed the cost of the facilities less the cost of that portion of the facilities hydraulically required by ORIGINAL APPLICANT on annual average daily flow basis. In the event that the City has contributed to the over-sizing of the facilities, total amount of refunds to ORIGINAL APPLICANT shall be reduced by the amount contributed by the City.
13. The ORIGINAL APPLICANT will be required to submit a cost estimate for all improvements prior to obtaining a City permit and approval to commence construction. If costs appear to be unusually excessive for market conditions at the time of application, the City may reject the project.
14. The City, or its agents, shall have the right to audit any records and books of the ORIGINAL APPLICANT or any contractors or any sub-contractors to the extent such books and records related to the performance of this agreement or any subcontract to this agreement. Such records and books shall be maintained by the ORIGINAL APPLICANT, contractor or any subcontractor for a period of three (3) years from the date the transfer of ownership is recorded.

Such records and books shall reflect control accounts and detail accounts prepared in accordance with generally accepted accounting principles. Such books and records shall be made available to the City, or its agents, within the Miami-Dade County area.

If the City, or its agents' audit discloses a cumulative actual variance of three percent (3%) or more from amounts reported to the City the ORIGINAL APPLICANT, contractor or subcontractor, such audit shall be at the ORIGINAL APPLICANT's expense, in which case such audit costs and any over billing shall be immediately paid to the City by the contractor.
15. Should unusual circumstances arise whereby a subsequent connector would be required to make excessive refunds designated for payment to one or more ORIGINAL APPLICANTS or insufficient refunds, the City may be requested to review and resolve such a case individually, upon written application to the City.

16. Refunds for gravity sewers, wastewater lift/pumping stations and force mains shall be due the ORIGINAL APPLICANT from the date of transfer of ownership of the sewer facilities to the City is recorded and after the DERM "Final Construction Report" signed by a professional engineer who designed the system, stating that the system is ready for its intended use.
17. In those situations in which sanitary sewer improvements within the scope of this section have been made by a Community Development District (the "CDD") as authorized by Chapter 190, Florida Statutes, any repayment which is due from the subsequent connector to the ORIGINAL APPLICANT shall be payable to the CDD unless otherwise provided by the Miami-Dade County Ordinance which created the CDD. Any such refund made to the CDD shall be administered by the City pursuant to an agreement (the "Refund Agreement") entered into between the subsequent connector, CDD and the City. The Refund Agreement shall be subject to the approval of the City Manager and shall be approved as to form and legal sufficiency by the City Attorney. It is intended that the Refund Agreement provides for the owners of the specially assessed property within the CDD to benefit from the authorized refund to the extent consistent with this section and Chapter 190, Florida Statutes.

Section 3. Severability.

That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code.

That it is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the City of Coral Gables; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5 Effective Date

This Ordinance shall become effective immediately upon adoption on second reading, and shall also be applied retroactively to wastewater system improvements which were completed no earlier than two (2) years prior to the date of the final adoption of this Ordinance.


PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF SEPTEMBER, A.D.,
2007.

(Moved: Anderson / Seconded: Kerdyk)
(Yeas: Withers, Anderson, Cabrera, Kerdyk, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-3)


ATTEST


WALTER J. FOEMAN
CITY CLERK

APPROVED:


DONALD D. SLESNICK II
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


ELIZABETH M. HERNANDEZ
CITY ATTORNEY

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-07

A RESOLUTION ESTABLISHING MINIMUM REQUIREMENTS FOR LIABILITY INSURANCE; REQUIRING WORKERS COMPENSATION INSURANCE WHERE APPLICABLE; REQUIRING AUTOMOBILE LIABILITY INSURANCE WHERE APPLICABLE; PROVIDING FOR REVIEW OF INSURANCE REQUIREMENTS BY THE HUMAN RESOURCES DIRECTOR; AND RESCINDING RESOLUTION NO. 25786.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the minimum requirements for Liability Insurance are hereby established for all entities and individuals who have or will enter into an agreement, lease, or contract with the City of Coral Gables and/or are obligated to indemnify and hold the City of Coral Gables harmless through a permit, resolution, ordinance or statute that does not contain specific insurance requirements, as hereinafter set forth:

1. That all individuals and entities are required to evidence insurance coverage applicable to residential properties (one to four family dwellings) under a personal liability insurance policy with a minimum limit of liability of \$300,000 per occurrence for Bodily Injury and Property Damage Liability.
2. That all individuals and entities are required to evidence insurance coverage applicable to commercial properties under a commercial general liability insurance policy with a minimum limit of liability of \$500,000 per occurrence for Bodily Injury and Property Damage Liability.
3. That increased limits and/or other types of coverage may be required by the City including, but not limited to special risks.
4. That evidence of such insurance coverage shall be provided to the City in the form of a certificate of insurance that is acceptable to the City, including copies of all required endorsements. The City shall be entitled to receive a complete copy of any required insurance policy for review upon request.

5. That the City shall be named as additional insured on a primary and non-contributory basis, said policy shall be endorsed to include a waiver of subrogation, and contain a "severability of interest" or a "cross liability" clause without obligation of a premium payment by the City.
6. That Insurance Companies providing such coverage shall endeavor to provide the City with 30 days (10 days for non-payment of premium) advance written notice of cancellation if said policies are cancelled or non-renewed for any reason. However, it will be the legal obligation of the individual or entity evidencing insurance coverage to the City to provide by receipted delivery, any notice of cancellation, non-renewal and/or notice of claim to the attention of the City Manager, City Attorney or Human Resources Director
7. That evidence of statutory Workers Compensation coverage is required, where applicable.
8. That evidence of automobile liability insurance with limits of liability equal to or greater than the limits of liability required for personal liability and/or commercial general liability insurance is required, where applicable.
9. That self-insured retentions, self-insurance and/or captive insurance programs are permitted should the City determine that the individual or entity evidencing such coverage has the ability to finance such self-insured retention, self-insurance or captive insurance program. The City may require some form of financial guarantee to allow such self-insured retention, self-insurance and/or captive insurance program.
10. That all insurance policies evidenced to the City or required by the City shall provide coverage for any indemnification and/or hold harmless provision of any City permit, agreement, lease, contract, resolution or ordinance of the City and these instruments shall be considered, at a minimum, insured contracts by definition.
11. That the Human Resources Director or designee shall be responsible for reviewing and approving insurance requirements for compliance with the requirements as set forth herein or as contained within any City permit, agreement, lease, contract, resolution, ordinance and/or statute and is hereby authorized to approve requested waivers of such insurance requirements.
12. That this resolution supersedes Resolution No. 25786 and said resolution shall be and is hereby revoked, repealed and rescinded.

SECTION 2. That said resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS EIGHT DAY OF JANUARY, A.D., 2008

(Moved: Cabrera/ Seconded: Anderson)

(Yeas: Cabrera, Kerdyk, Withers, Anderson, Slesnick)

(Unanimous: 5-Vote)

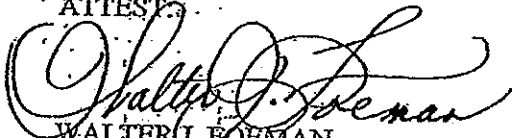
(Agenda Item: H-2)

APPROVED:



DONALD D. SLESNICK, II
MAYOR

ATTEST:



WALTER J. POEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY