

City of Coral Gables City Commission Meeting
Agenda Item E-5
March 11, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

City Manager, Patrick Salerno

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

Heather Encinosa, Attorney with Nabors Giblin and Nickerson, Tallahassee

E-5 [Start: 10:28:25 a.m.]

An Ordinance of the City of Coral Gables, Florida, relating to capital improvements and related services providing a special benefit to local areas with the City; authorizing the imposition and collection of special assessments to fund the cost of capital improvements and related services providing a special benefit to local areas within the city; providing certain definitions; providing for the creation of assessment areas; providing a procedure to impose special assessments; establishing procedures for notice and adoption of assessment rolls and for correction of errors and omissions; providing that assessments constitute a lien on assessed property upon adoption of the assessment rolls; authorizing hardship assistance and certain exemptions; providing a procedure for voluntary assessment programs; providing a procedure for collection of special assessments; providing a mechanism for the imposition of assessments on government property; repealing sections 58-19, 58-20, 58-22 through 58-49 and 58-53 of the

City of Coral Gables Code of Ordinances; providing for severability; and providing an effective date.

Mayor Cason: Agenda Item E-5 is an ordinance on First Reading relating to capital improvements and related to services, providing a special benefit to local areas within the City. Mr. Manager.

City Manager Salerno: Thank you Mayor, Commissions. Item E-5 is An Ordinance of the City of Coral Gables, Florida, relating to capital improvements and related services providing a special benefit to local areas with the City; authorizing the imposition and collection of special assessments to fund the cost of capital improvements and related services providing a special benefit to local areas within the city; providing certain definitions; providing for the creation of assessment areas; providing a procedure to impose special assessments; establishing procedures for notice and adoption of assessment rolls and for correction of errors and omissions; providing that assessments constitute a lien on assessed property upon adoption of the assessment rolls; authorizing hardship assistance and certain exemptions; providing a procedure for voluntary assessment programs; providing a procedure for collection of special assessments; providing a mechanism for the imposition of assessments on government property; repealing sections 58-19, 58-20, 58-22 through 58-49 and 58-53 of the City of Coral Gables Code of Ordinances; providing for severability; and providing an effective date. Members of the Commission we have with us today Heather Encinosa with the firm of Nabors and Giblin from Tallahassee. Heather would you like to give an overview on this ordinance please?

Ms. Encinosa: Thank you City Manager. My name is Heather Encinosa; I'm with Nabors Giblin and Nickerson. What this ordinance does is it's a procedural ordinance for the imposition of capital assessments within the City. As such this ordinance provides for the creation of assessments areas, it outlines the procedures for both the initial the first year and the annual imposition of special assessments which would be done by subsequent resolution. It outlines various collection options, including the tax bill collection method as provided in Chapter 197 of Florida Statutes. It also includes a procedure for voluntary assessments where citizens may come and petition the Board or the Commission to impose assessments for various neighborhood improvements through a petition and ballot initiative process. It replaces your existing local improvement act, which is currently found in Article II of Chapter 58 of your Code. This is an old Code provision that was done more than 20 years ago. This new ordinance accomplishes much of the same things, but it provides compatibility with the tax bill collection method and it provides you with more flexibility because we are using your Home Rule rather than Chapter 170 of Florida Statutes. On that note of flexibility, special assessments generally are a Home Rule tool that is designed to provide you with greater options and flexibility in funding local improvements throughout your City, rather than relying solely on ad valorem taxes. Assessments

are not taxes; ad valorem taxes are based strictly upon property value, special assessments you have the flexibility to determine how you want to levy them. Do we want to use property values as a component?- do we want to use front footage?- do we want to use building area?- all those options are available to you when you use special assessments. Ad valorem taxes constitutionally must be uniform throughout the City. You are going to impose one rate, you can't bury it based upon where you are looking at doing an improvement. With special assessments you have the flexibility to say, we are doing the improvement here, these people are primarily going to benefit, so we are going to focus our assessment program there so that the other parts of the City that aren't benefitted aren't paying. Ad valorem taxes can be used for any city purpose; in contrast special assessments are going to be legally restricted. If you impose them to fund an improvement you have to use the money to put that improvement in place, so that's an additional check and balance on that, the use of those funds. Ad valorem taxes when you pledge those to secure debt that's general obligation debt. Constitutionally that requires a referendum to go forward. In contrast you can use assessments to secure long term debt, you have that option available to you, but your full faith and credit or your ad valorem taxes are not pledged. Therefore, a referendum is not required. If you have any other questions, I'd be happy to answer.

Commissioner Keon: Thank you for that explanation. Thank you.

Mayor Cason: So these could – I'm just thinking of the kind of things looking for these could be used for, it could be like our historic street light proposal that we have under the Neighborhood Renaissance Program, it could be bury underground power lines, could be put sewers in except of septic tanks in certain neighborhoods, is that the kind of....

City Manager Salerno: Yes.

Mayor Cason: All of those things. Any discussion? Do I have a motion?

Vice Mayor Kerdyk: So moved.

Mayor Cason: Vice Mayor makes the motion, Commissioner Quesada seconds.

City Attorney Leen: Mr. Mayor was there any public comment?

Mayor Cason: We didn't have any speaker cards, is that correct?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: OK. So close the public hearing. So the Vice Mayor makes the motion, Commissioner Quesada seconds it.

City Clerk

Commissioner Lago: (Absent)

Commissioner Quesada: Yes

Commissioner Keon: Yes

Vice Mayor Kerdyk: Yes

Mayor Cason: Yes

(Vote: 4-0)

[End: 10:34:10 a.m.]