

City of Coral Gables City Commission Meeting
Agenda Item E-2
December 16, 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, 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)

Ed Dion, Special Counsel, Nabors Giblin & Nickerson

Agenda Item E-2 [Start: 12:15:49 p.m.]

A RESOLUTION OF THE CITY OF CORAL GABLES, FLORIDA ELECTING TO
USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL
ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY;
STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS
RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cason: Craig, it's your E-2.

City Attorney Leen: Yes, Item E-2. Let me read it into the record, Mr. Mayor. This is a public hearing item. It is a Resolution of the City Commission of Coral Gables, Florida, electing to use a uniform method of collecting non ad valorem special assessments levied within the incorporated area of the City; fitting a need for such levy; providing for the mailing of the

Resolution; and providing for an effective date. Mr. Mayor, this is an issue; was originally your item; was an issue that you raised regarding overdue, garbage fees and other types of overdue fees.

Mayor Cason: And we had, I think, four different types, four categories of people that owed the City money, and when we tallied it all up, it came to \$3.7 million; some people for 20 years have decided not to pay their garbage bill. They're all liened, but apparently, they don't care. So if I recall, there are 803 residences that had decided not to pay their garbage bill. So this is a way for us to collect the chunk of money, which can be used for all kinds of good projects so.

City Attorney Leen: Mr. Mayor, I'm going to turn it over to the City Manager and to the Finance Director, but before I do, what this is doing is in the past, we've always been able to put a lien on the property, but this will allow us to actually put it on the tax bill, even for the past due amounts. It's going to be through a resolution. It also will apply to let's say for example, we do work on a house. For example, we cut the lawn where we have to secure a residence. We have what's called a "Special Assessment Lien." Now we can actually put that on the tax bill as well. That secures that for all times. So anyone who comes into that property, that takes precedence over all other liens, so it's a very good way to proceed. With that, I will turn it over.

City Manager Swanson-Rivenbark: And Diana's here for questions, and we also have outside counsel.

Mayor Cason: OK. This has been done elsewhere, right?

City Attorney Leen: Yes, Mr. Mayor. I'd like to ask special counsel, you all remember Heather Encinosa. This is one of her fellow counsel. Heather was not available, but he's very knowledgeable of this area.

Edward Dion: Ed Dion with Nabors Giblin & Nickerson. I'm one of Heather's partners. We do this all over the State of Florida for at least a hundred municipalities or counties, both for

collecting past-due assessments, like you're doing here, as well as for the nuisance abatement types of things where you go in and you have to seal a property, or something like that.

Commissioner Lago: Could I ask a quick question? I don't expect you to have maybe the answer. But when we move in this direction, have other municipalities seen a spark, an immediate payback by passing this Ordinance?

Mr. Dion: That have to pay. It's on the tax bill. If they don't --

Commissioner Lago: But I mean, do you see people come forward like immediately and not wait until the tax bill is due?

Mr. Dion: I don't have that...

Commissioner Lago: Hey, don't forget, when you pay your taxes once a year.

Mayor Cason: It's interesting, we continually send letters to these people.

Mr. Dion: Right.

Mayor Cason: They ignore them. And even after we've been discussing this for a year, I'd ask for an alphabetical list to compare when we started and now, and only a few people have paid, so jawboning has not worked.

Finance Director Gomez: Right.

Mayor Cason: And basically, we the taxpayers, are subsidizing eight hundred and some people who choose not to pay.

Mr. Dion: And Mayor, if I may? When you put it on the tax bill, they can't choose to just pay their taxes to the City and not pay this assessment. They have to pay the entire tax bill.

Mayor Cason: Great. So this would be people have a chance between the time we pass it and what date to pay this?

Finance Director Gomez: Right.

Mr. Dion: Right now all we're doing is we're providing a notice of intent to the tax collector and the property appraiser as required by statute.

Mayor Cason: Right.

Mr. Dion: Starting October 1st, is when you will start the assessment process and get it on next year's tax bill.

Ms. Gomez: So we will come before you at some point during the summer to do the initial assessment resolution, which is also giving notice to the public that it's going to happen and on the tax roll for November, and then we'll have the final resolution; I believe it's around the end of August, early September. We have to get that information to the property appraiser by end of September, I believe it is. And before then, we will send out a notice. Once the initial assessment is put out, we will have a notice to the individual taxpayers to say "This is due." You need to pay it by this date, whatever that date, probably August or something like that or early August, and then they will have to pay. If not, it's notice that they will go on the tax bill, and so they'll see it on the...

Vice Mayor Kerdyk: Just for further clarification.

Finance Director Gomez: Yes.

Vice Mayor Kerdyk: This is past due.

Ms. Gomez: Correct. We are not collecting the annual...

Vice Mayor Kerdyk: This is not for the annual fees?

Finance Director Gomez: No.

Vice Mayor Kerdyk: OK.

Finance Director Gomez: It's just past due.

Vice Mayor Kerdyk: I just want to be sure.

Finance Director Gomez: And we're only doing amounts that are past due greater than about \$800, because that means that it's more than one year past due.

Mayor Cason: Yeah, because we have people that it's been 20 years have not paid.

Finance Director Gomez: Right.

Commissioner Lago: Let me ask you a question in regards to your staff. Like the Mayor mentioned, you're talking about 800 bills here, you're going to be noticing the tax collector. How is that going to impact your staff in reference to workload?

Finance Director Gomez: I think it will be fine because again, the assessment process, at the end of the day, it's sending a file to the tax collector's office or to the property appraiser in order for them to include it on the tax bill. Payments come in with the taxes, so that's how we normally get our taxes now. So I don't see too much of an issue with staff. We are using the services of Governmental Services Group, which is who we use for the fire assessment fee to move forward with all the mailing and everything associated with the assessment and the tax roll. But in terms of our staff, I think we're fine to deal with it.

Mayor Cason: Any discussion? Do we have a motion?

Commissioner Keon: I'll move it.

City Attorney Leen: Mr. Mayor, it's a public hearing item. I'm sorry.

Mayor Cason: Oh, do we have anybody from the public who wants to speak? If not, we close the public hearing.

Commissioner Keon: I'll make the motion.

Vice Mayor Kerdyk: I'll second it.

Mayor Cason: Commissioner Keon makes the motion; Vice Mayor seconds. City Clerk.

Commissioner Keon: Yes.

Vice Mayor Kerdyk: Yes.

Commissioner Lago: Yes.

Commissioner Quesada: Yes.

Mayor Cason: Yes.

[End: 10:10:30 a.m.]