

ORDINANCE NO. 2019-099

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING HIALEAH, FLA. ORDINANCE 2018-93 (SEPTEMBER 24, 2018) THAT ADOPTED THE PUBLIC WORKS FUND BUDGET FOR FISCAL YEAR 2018-2019 TO APPROVE AND RATIFY A REDUCTION IN APPROPRIATIONS IN THE AMOUNT OF \$16,823,486 AND TO APPROVE AND RATIFY ALL UNENCUMBERED APPROPRIATION BALANCE TRANSFERS WITHIN AN OFFICE OR DEPARTMENT OR FROM ONE OFFICE OR DEPARTMENT TO ANOTHER FOR A NEW YEAR-END PUBLIC WORKS FUND BUDGET IN THE TOTAL AMOUNT OF \$100,928,188; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY IN VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, budgeted appropriations were reduced by an estimated amount of \$16,823,486 as reflected in "Exhibit B"; and

WHEREAS, within the last six months of the fiscal year 2018-19 the City transferred unencumbered appropriation balances within an office or department or from one office or department to another as set forth in the schedule attached as "Exhibit A;" and

WHEREAS, pursuant to Florida Statutes Section 166.241(4), the governing body of a municipality may amend a budget within sixty days following the end of the fiscal year; and

WHEREAS, the City now wishes to amend its fiscal year 2018-2019 Public Works Fund budget accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Amendment of Hialeah, Ordinance 2018-93 (September 24, 2018).

The Public Works Fund Budget for the City of Hialeah, Florida, for the Fiscal Year 2018-2019 approved and adopted by Hialeah, Fla. Ordinance No. 2018-93 (September 24, 2018) is hereby amended by \$16,823,486 in reduced appropriations for a new year-end total Public Works Fund Budget in an amount of \$100,928,188. All appropriations within an office or department or from one office or department to another and all supplemental appropriations for Fiscal Year 2018-2019, not previously approved by Council, are hereby approved, confirmed and ratified.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of November, 2019.

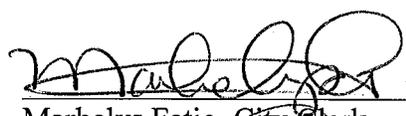
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



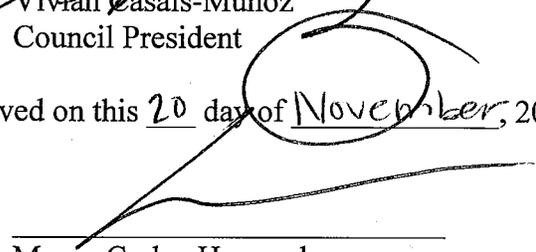
Vivian Casals-Muñoz
Council President

Attest:

Approved on this 20 day of November, 2019.

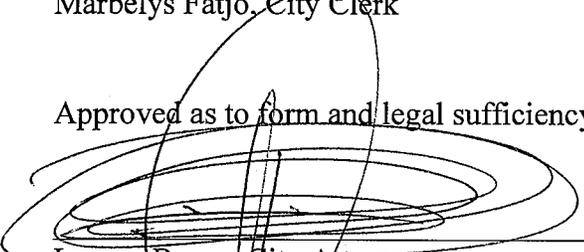


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena Bravo, City Attorney

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Ordinance was adopted by a 7-0 vote with Councilmembers,
Caragol, Zogby, Hernandez, Casals-Munoz, De La Rosa, Perez and
Cue-Fuente voting "Yes".

**FY 2018-19 Year End COMPLETED Budget Transfers - Public Works (April - September)
EXHIBIT: A**

| DEPARTMENT NAME | FUND TYPE | DATE POSTED | ACCOUNT DESCRIPTION | DEPARTMENT BUDGET | ADJUSTMENT AMOUNT | PERCENT CHANGE | TRANSFERRED FROM | COMMENTS |
|-----------------------------------|-----------|-------------|----------------------------------------------------------------------|------------------------|---------------------------------------|----------------|--------------------|---------------|
| SOLID WASTE | 401 | 9/19/2017 | Miscellaneous Expenses Utility-Waste Disposal | | (2,000.00) 2,000.00 | | Operating Expenses | Disposal Fees |
| SUBTOTAL | | | | \$17,794,658.00 | \$0.00 | 0.00% | | |
| | | 09/25/19 | Professional Services Printing & Binding Refunds-Fees | | (63,055.00) 17,055.00 46,000.00 | | | |
| | | 09/25/19 | Capital Outlay-Infrastructure Repair & Maintenance-Infrastructure | | (416,357.00) 416,357.00 | | | |
| | | 09/25/19 | Contractual Services Professional Services | | (120,566.00) 120,566.00 | | | |
| WATER & SEWER SERVICES | 450 | 08/20/19 | Contingency Reserve Communication Services | | (174,542.00) 174,542.00 | | | |
| | | 07/29/19 | Contingency Reserve Repair & Maintenance-Equipment | | (35,000.00) 35,000.00 | | | |
| | | 07/29/19 | Capital Outlay-Infrastructure Professional Services | | (259,517.00) 259,517.00 | | | |
| | | 05/07/19 | Contingency Reserve Repair & Maintenance-Equipment | | (20,615.00) 20,615.00 | | | |
| SUBTOTAL | | | | \$99,957,016.00 | \$0.00 | 0.00% | | |
| NET TOTAL | | | | | \$0.00 | | | |

EXHIBIT B PUBLIC WORKS

| | FY 2018-2019 | FY 2018-2019 | |
|----------------------|------------------------|-------------------|-----------------|
| | <u>Original Budget</u> | <u>Projection</u> | <u>Variance</u> |
| <i>Revenue</i> | | | |
| Solid Waste Fees | 17,794,658 | 18,211,200 | 416,542 |
| <i>Expense</i> | | | |
| Solid Waste Division | 17,794,658 | 18,211,200 | (416,542) |

| | FY 2018-2019 | FY 2018-2019 | |
|-------------------------------------|------------------------|-------------------|------------------|
| | <u>Original Budget</u> | <u>Projection</u> | <u>Variance</u> |
| <i>Revenue</i> | | | |
| Water & Sewer Fees | 99,957,016 | 82,716,988 | (17,240,028) |
| <i>Expense</i> | | | |
| Water & Sewer Combined Services | 20,162,343 | 16,302,307 | 3,860,036 |
| Water Utility Services | 20,856,802 | 16,923,071 | 3,933,731 |
| Sewer Utility Services | 47,910,721 | 42,661,181 | 5,249,540 |
| Water & Sewer Reverse Osmosis Plant | <u>11,027,150</u> | <u>6,830,429</u> | <u>4,196,721</u> |
| | 99,957,016 | 82,716,988 | 17,240,028 |

| | FY 2018-2019 | FY 2018-2019 | |
|--------------------------------|---------------------------|---------------------------|--------------------------|
| | <u>Original Budget</u> | <u>Projection</u> | <u>Variance</u> |
| Revenue Total | 117,751,674 | 100,928,188 | (16,823,486) |
| Expense Total | <u>117,751,674</u> | <u>100,928,188</u> | <u>16,823,486</u> |
| Revenues - Expenditures | 0 | 0 | 0 |

ORDINANCE NO. 2018-093

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF HIALEAH, FLORIDA, INCLUDING A BUDGET FOR THE SOLID WASTE DIVISION, FOR FISCAL YEAR 2019, COMMENCING ON OCTOBER 1, 2018 AND ENDING ON SEPTEMBER 30, 2019; APPROVING WATER AND SEWER RATE INCREASES, AS PROVIDED FOR HEREIN, TO MAINTAIN PROPER RATIOS OF OPERATING REVENUES AND OPERATING EXPENSES AS REQUIRED BY LOAN AGREEMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor of the City of Hialeah, Florida has submitted an Annual Budget for the City of Hialeah with reasonable appropriations for all estimated expenditures necessary to carry on the City government for Fiscal Year 2019; and

WHEREAS, the Annual Budget for Fiscal Year 2019 is comprised of an General Fund budget, and a budget for the Public Works Fund, Street Transportation Fund, Stormwater Fund, Special Revenue Fund, Capital Project Fund and Debt Service Fund; and

WHEREAS, the annual budget for the Public Works Fund shows reasonable appropriations for all program expenses anticipated for Fiscal Year 2019 based upon proposed increases to service rates, fees and charges as provided for herein; and

WHEREAS, effective October 1, 2018, the Miami-Dade County Water and Sewers Department has advised the City that the current wholesale water rate of \$1.8341 per 1,000 gallons will decrease to \$1.7628 per 1,000 gallons and the wholesale wastewater or sewer rates will remain the same at \$3.0937 per 1,000 gallons (wet/dry seasons) for Fiscal Year 2019; and

WHEREAS, the Department of Public Works is required by loan agreements to maintain certain ratios of operating income to operating expenses; and

WHEREAS, the Public Works Fund budget proposes an increase in the water and wastewater service charges of 9.6% beginning October 1, 2018, including a 2.9% increase in the Consumer Price Index designated "Consumer Price Index for All Urban Consumers (CPI)" as issued by the Bureau of Labor Statistics; and

WHEREAS, the Solid Waste Division Budget also proposes an increase in the residential solid waste and recyclables fee from \$27.99 per month to \$29.98 monthly beginning October 1, 2018 to correspond with a 2.9% increase in the Consumer Price Index designated "Consumer Price Index for All Urban Consumers (CPI)" as issued by the Bureau of Labor Statistics.

WHEREAS, the Public Works Fund budget, including budgeted revenues and expenditures, has been submitted to the City Council; and

WHEREAS, all applicable legal requirements pertaining to public notices and hearings have been satisfied within specified deadlines and prior to final adoption of this ordinance; and

WHEREAS, the City Council has examined and carefully considered the proposed budget, in duly assembled meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The budget of the Department of Public Works in the total amount of \$117,751,674, consisting of the Water and Sewers Division budget in the amount of \$99,957,016 and the Solid Waste Division budget in the amount of \$17,794,658, as provided for in Annual Budget for the City of Hialeah, Florida for Fiscal Year 2019, commencing on October 1, 2018 and ending September 30, 2019, and incorporated in this Ordinance by reference, is hereby confirmed, approved and adopted in all respects.

Section 3: The retail water and sewer rates and miscellaneous fees and charges, including a 2.9% increase in connection with a Consumer Price Index (CPI) adjustment, as provided for in "Exhibit 1" attached hereto and made a part hereof are hereby confirmed, approved and adopted and shall become effective October 1, 2018.

Section 4: The residential solid waste and recyclables fee service charge increase from \$27.99 per month to \$29.98 monthly, in connection with a 2.9% adjustment in the Consumer Price Index is hereby confirmed, approved and adopted and shall become effective October 1, 2018.

Section 5: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 7: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 8: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

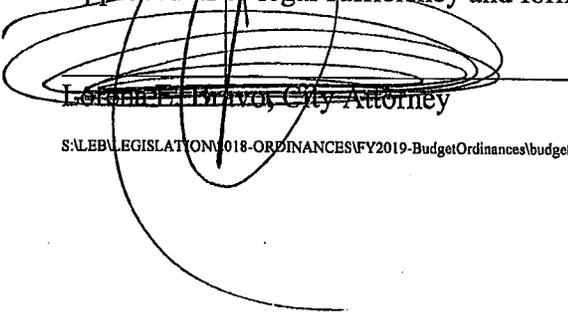
PASSED and ADOPTED this 24 day of September, 2018.

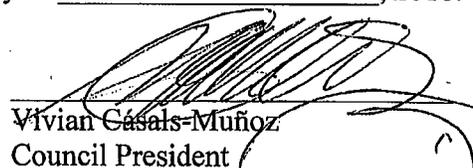
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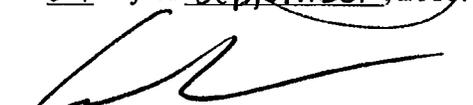

Marbelys Fatio, City Clerk

Approved as to legal sufficiency and form:


Leonel P. Briva, City Attorney


Vivian Casals-Munoz
Council President

Approved on this 27 day of September, 2018.


Mayor Carlos Hernandez