

**ORDINANCE NO. 2017-061**

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF HIALEAH, FLORIDA, FOR FISCAL YEAR 2018, COMMENCING ON OCTOBER 1, 2017 AND ENDING ON SEPTEMBER 30, 2018, IN THE TOTAL AMOUNT OF \$120,338,700, INCLUDING THE BUDGET FOR THE SOLID WASTE DIVISION OF \$16,503,700; APPROVING WATER AND SEWER RATE INCREASES, AS PROVIDED FOR HEREIN, TO HELP OFFSET WHOLESALE WATER AND SEWER RATE INCREASES IMPOSED BY MIAMI DADE COUNTY EFFECTIVE OCTOBER 1, 2017, AND 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**, effective October 1, 2017, the Miami-Dade Water and Sewers Department has advised the City that the current wholesale water rate of \$1.7341 per 1,000 gallons will increase to \$1.8341 per 1,000 gallons and the wholesale wastewater or sewer rates will increase from \$2.9477 per 1,000 gallons on average (wet/dry seasons) to \$3.0937 per 1000 gallons (wet/dry seasons) for Fiscal Year 2018; and

**WHEREAS**, as a result of the expiration of the agreement with the County for a wholesale water rate discount dated October 6, 2008, the City is now responsible for paying the County the current wholesale water rate as established by the County; and

**WHEREAS**, since the City will continue to purchase its water and receive wastewater disposal service from the County, the City finds that it is in the best interest to pass through the County increases to the City's consumers; and

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

**WHEREAS**, based on the City's intent to privatize recycling collection services before the end of the first quarter of Fiscal Year 2018, the Solid Waste Division Budget, as proposed, considers revenue from the sale of equipment as additional revenue sources beginning on January 1, 2018; and

**WHEREAS**, the Solid Waste Division Budget also proposes an increase in the residential solid waste and recyclables fee from \$27.00 per month to \$27.99 monthly beginning January 1, 2018 which includes an adjustment commensurate with an increase in the Consumer Price Index designated "Consumer Price Index for All Urban Consumers (CPI)" as issued by the Bureau of Labor Statistics.

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 \$120,338,700, consisting of the Water and Sewers Division budget in the amount of \$103,835,000 and the Solid Waste Division budget in the amount of \$16,503,700, as provided for in the City of Hialeah, Florida budget for Fiscal Year 2018, commencing on October 1, 2017 and ending September 30, 2018, is hereby approved and adopted.

**Section 3:** The retail water and sewer rates and miscellaneous fees and charges in connection with a Consumer Price Index (CPI) adjustment, as provided for in "Exhibit 1" attached hereto and made a part hereof are hereby approved and adopted.

**Section 4:** The sewer rate increase to in the amount commensurate with the wholesale rate increase of \$3.0937 per 1,000 gallons imposed by Miami Dade County by action of the Board of County Commissioners, in connection with a Consumer Price Index (CPI) adjustment is hereby approved and adopted.

**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.**

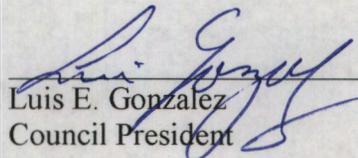
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

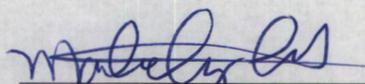
PASSED and ADOPTED this 2 day of October, 2017.

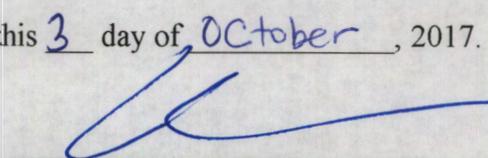
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

  
Luis E. Gonzalez  
Council President

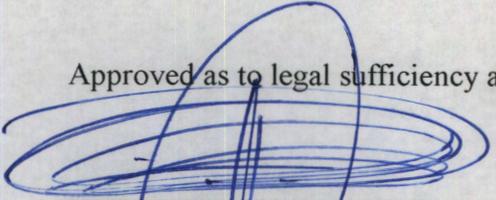
Attest:

Approved on this 3 day of October, 2017.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Cue-Fuente, Lozano and Casáls-Muñoz voting "Yes", & Councilmember Garcia-Martinez absent.

Ordinance was heard on Second Reading November 14, 2017 and adopted by a (7-0) unanimous vote due to required advertising.