

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2016-2017 COMMENCING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017, IN THE TOTAL AMOUNT OF \$126,158,500, INCLUDING THE SOLID WASTE BUDGET OF \$16,237,500; APPROVING WATER AND SEWER RATE INCREASES, AS ATTACHED HERETO, TO HELP OFFSET WHOLESALE WATER AND SEWER RATE INCREASES IMPOSED BY MIAMI DADE COUNTY EFFECTIVE OCTOBER 1, 2016, IN CONJUNCTION WITH A CONSUMER PRICE INDEX (CPI) ADJUSTMENT 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, 2016, the Miami-Dade Water and Sewers Department has advised the City that the wholesale water rate will remain the same as the previous year's rate at \$1.7341 per 1,000 gallons and the wholesale wastewater or sewer rate will increase from \$2.7879 per 1,000 gallons on average (wet/dry seasons) to \$2.9477 per 1000 gallons (wet/dry seasons) for Fiscal Year 2016-2017; and

WHEREAS, the City finds that it is in the best interest to recoup and help defray the increases imposed by Miami Dade County so that the City will continue to pay Miami Dade County for the purchase of its water and disposal of its wastewater by approving the commensurate increased rates provided herein; and

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

WHEREAS, the Solid Waste Division Budget proposes no change in the residential solid waste fee for the fiscal year 2016-2017; and

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 total budget of the Department of Public Works of the City of Hialeah, as attached hereto and made a part hereof, in the amount of \$126,158,500, comprised of \$109,921,000 for the Water and Sewers Division and \$16,237,500 for the Solid Waste Division, for the Fiscal Year 2016-2017 commencing on October 1, 2016 and ending September 30, 2017 is hereby approved and adopted.

Section 3: The City of Hialeah, Florida hereby approves retail water and sewer rates and miscellaneous fees and charges in conjunction with a Consumer Price (CPI) adjustment as attached hereto and made a part hereof as Exhibit "1".

Section 4: The City of Hialeah, Florida hereby confirms and approves the annual Consumer Price Index (CPI) adjustment based on the "Consumer Price Index for All Urban Consumers (CPI)" as issued by the Bureau of Labor Statistics of 1% for water and sewer rates pursuant to Hialeah Code § 94-153(c).

Section 5: The City of Hialeah, Florida hereby approves adjustments to water and sewer rates to maintain proper operating ratios of operating revenues to operating expenses as for Fiscal Year 2016-2017 required by loan agreement

Section 6: Repeal of Ordinances in Conflict.

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

Section 7: 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 8: Severability Clause.

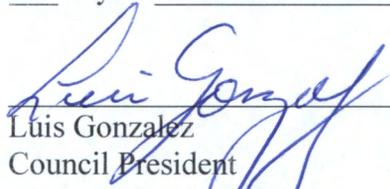
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 9: Effective Date.

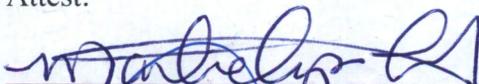
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 186.041
PRIOR TO FINAL READING.

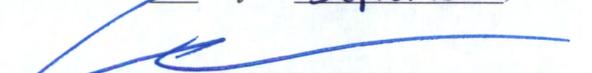
PASSED and ADOPTED this 26 day of September, 2016.


Luis Gonzalez
Council President

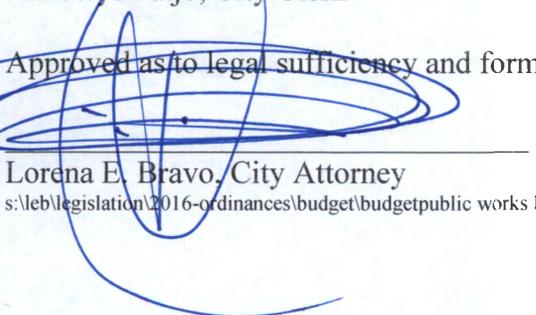
Attest:


Marbelys Fatjo, City Clerk

Approved on this 28 day of September, 2016.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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Ordinance was adopted by a (5-1-1) with Councilmembers, Gonzalez, Caragol, Lozano, Hernandez and Casáls-Muñoz voting "Yes". Councilmember Garcia-Martinez voting "No" and Council Vice-President Cue-Fuente absent.