ORDINANCE NO. 2013-64

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2013-2014 COMMENCING ON OCTOBER 1, 2013 AND ENDING ON SEPTEMBER 30, 2014, IN THE TOTAL AMOUNT OF $82,371,794.00; AND APPROVING WATER AND SEWER RATE INCREASES, AS ATTACHED HERETO, TO HELP OFFSET WHOLESALE SEWER RATE INCREASES IMPOSED BY MIAMI DADE COUNTY EFFECTIVE OCTOBER 1, 2013, IN CONJUCTION WITH A CONSUMER PRICE INDEX (CPI) ADJUSTMENT AND TO MAINTAIN PROPER RATIOS OF OPERATING REVENUES AND OPERATING EXPENSES AS REQUIRED BY LOAN AGREEMENTS AND THE SOLID WASTE BUDGET OF $14,556,749.00 WHICH REPRESENTS NO INCREASE IN SOLID WASTE FEES AND CHARGES; 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, 2013, the Miami-Dade Water and Sewers Department has advised the City that the wholesale water rate of $1.7142 per 1,000 gallons will not be increased from the previous year but the wholesale wastewater or sewer rates will increase to $2.4523 per 1,000 gallons on average (wet/dry season) for Fiscal Year 2013-2014; and

WHEREAS, the wholesale water rate of $ 1.7142 per 1,000 gallons is established following the expiration of the wholesale water rate discount in accordance with a City-County agreement dated October 6, 2008 phasing-out the wholesale water rate discount received by the City; and

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

WHEREAS, the Department of Public Works is required by loan agreement to maintain ratios of operating income to operating expenses.

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

Section 1: The budget of the Department of Public Works of the City of Hialeah, as attached hereto and made a part hereof, in the total amount of $82,371,794.00 for Water and Sewers and $14,556,749.00 for Solid Waste, for the Fiscal Year 2013-2014 commencing on October 1, 2013 and ending September 30, 2014, is hereby approved and adopted.

Section 2: 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 3: The City of Hialeah, Florida hereby approves sewer rate increase to help offset wholesale rate increases in an amount equal to the increase wholesale sewer rate of $2.4523 per 1,000 gallons imposed by Miami Dade County by action of the Board of County Commissioners, in conjunction with a Consumer Price (CPI) adjustment.

Section 4: The City of Hialeah, Florida hereby confirms and approves the annual Consumer Price Index (CPI) adjustment of water and sewer rates pursuant to Hialeah Code § 94-153(c), in the amount of 1.5% designated "Consumer Price Index for All Urban Consumers (CPI)" as issued by the Bureau of Labor Statistics.

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 2013-2014 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.

PASSED and ADOPTED this 23 day of September, 2013.

Isis Garcia Martinez
Council President

Attest:

Marbelys Fatjo, Acting City Clerk

Approved on this 24 day of September, 2013.

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

FY 2013-2014 WATER AND SEWER RATES

RATE CHARGES ARE FOR UNITS OF 100 GALLONS FOR WATER AND SEWER

FISCAL YEAR	2013-2014		2012-2013	
	MONTHLY	BI-MONTHLY	MONTHLY	BI-MONTHLY
WATER	$/100g	$/100g	$/100g	$/100g
READINESS TO SERVE FEE	4.65	9.31	4.58	9.17
100-5,000 g	0.209	0.209	0.199	0.199
5,001-10,000 g	0.226	0.209	0.215	0.199
10,001-20,000 g	0.238	0.226	0.226	0.215
20,001-40,000 g	0.258	0.245	0.245	0.233
40,001-50,000 g	0.258	0.258	0.245	0.245
50,001-100,000 g	0.281	0.258	0.267	0.245
>100,001 g	0.281	0.281	0.267	0.267
SEWER				
READINESS TO SERVE FEE	4.81	9.4	4.74	9.26
100-5,000 g	0.417	0.417	0.361	0.361
5,001-10,000 g	0.449	0.417	0.388	0.361
10,001-20,000 g	0.464	0.449	0.401	0.388
20,001-40,000 g	0.53	0.485	0.458	0.419
40,001-50,000 g	0.53	0.53	0.458	0.458
50,001-100,000 g	0.534	0.534	0.461	0.461
>100,001 g	0.534	0.534	0.461	0.461

NOTE: THE DEPARTMENT IS COMPLETING A STUDY OF ALL WATER AND SEWERS MISCELLANEOUS FEES AND CHARGES AND WILL PRESENT THE RESULTS TO THE CITY COUNCIL ONCE COMPLETED.

Prepared by AV September 5, 2013

Exhibit "1"