

ORDINANCE NO. 2021-107

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REDUCING THE CURRENT RATE ON ALL SALES OF WASTEWATER SERVICE AND ALL SALES OF WATER SERVICE WITHIN THE CITY AS PAYMENT IN LIEU OF FRANCHISE FEE PURSUANT TO HIALEAH, FLA. CODE §94-163 FOR FISCAL YEAR 2022 FROM 7.5% TO 4% BEGINNING OCTOBER 1, 2021; REPEALING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 94-163, as amended, of the Code of Ordinances of the City of Hialeah, Florida, provides for the payment in lieu of franchise fee by the Utility for the use and occupation of the City's rights-of-way and public lands within the City; and

WHEREAS, the payment is based on a percentage of all sales of water and wastewater services in the City in an amount equal to no less than 3% and no greater than 6% of the bi-monthly rates, fees and charges, as provided by the contemporaneous amendment to Section 94-163 adopted September _____, 2021; and

WHEREAS, the rate must be set and adopted each year concurrently with the adoption of the budget; and

WHEREAS, the Council must reaffirm the rate by resolution where no adjustment to the current rate is proposed or adopt an ordinance where an upward or downward adjustment is proposed; and

WHEREAS, the current rate for all sales of water and for all sales of wastewater service is currently 7.5%; and

WHEREAS, the Council finds it is in the best interest of the public to adjust the rate down to 4% beginning October 1, 2021.

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

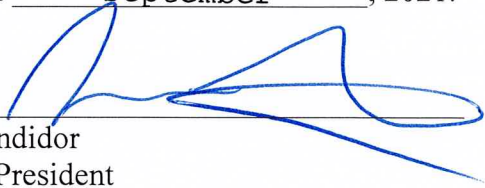
Section 1: The foregoing recitations in the preamble to this Ordinance are hereby incorporated and adopted by reference as if fully set forth herein.

Section 2: The current rate of 7.5% for all sales of water and wastewater service provided within the City as payment in lieu of franchise fee pursuant to Hialeah, Fla. Code §94-163 for Fiscal Year 2022, beginning on October 1, 2021 is hereby reduced to 4%.

Section 3: Effective Date.

This resolution 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 29 day of September, 2021.



Jesus Tundidor
Council President

Attest:

Approved on this 29 day of September, 2021.

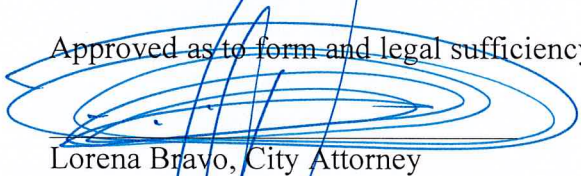


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena Bravo, City Attorney

Ordinance was adopted by 5-0-2 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and Council Member De la Rosa and Council Member Hernandez absent.