



## **ORDINANCE # 2010-02**

**AN ORDINANCE OF THE CITY OF WEST MIAMI RECOGNIZING A FISCAL URGENCY IN THE WATER ENTERPRISE FUND; AUTHORIZING THE CITY MANAGER TO CHARGE A FEE TO COMMERCIAL ESTABLISHMENTS AND APARTMENT UNITS IN EXCESS OF FOUR (4) UNITS WITHIN THE "C" (COMMERCIAL) USE DISTRICTS AND "A" (APARTMENT) USE DISTRICTS; TO BE PAID IN TWO INSTALLMENTS , JUNE 15<sup>TH</sup>, 2010 AND SEPTEMBER 15<sup>TH</sup>, 2010 FOR FISCAL YEAR ENDING 9/30/2010 TO MAKE UP THE SHORTFALL CAUSED BY THE TRUE-UP CHARGES BY MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT; PROVIDING FOR AUTHORIZATION TO CONTINUE BILLING THE TRUE-UP CHARGE IN FUTURE FISCAL YEARS FOR AS LONG AS MIAMI-DADE COUNTY BILLS THE CITY OF WEST MIAMI FOR THE TRUE-UP EXPENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, True-Up as defined by Miami-Dade County is the cost/credit to each participating municipality; and

**WHEREAS**, As defined by the Office of Miami-Dade Water and Sewer Department Operating Budgets, True-Up costs are comprised of the yearly review of the total Operational and Maintenance, Bond and Debt Services for Water Treatment Capital Improvements, and Renewal and Replacements in their system; and

**WHEREAS**, Every year Miami-Dade County conducts a review of the wholesale water sales to participating municipalities and they determine if the municipality has met their budgetary projections; and

**WHEREAS**, When a municipality falls short of meeting their revenue goals, Miami-Dade Water and Sewer is authorized to come back and charge truly the cost of providing the water service to that particular entity; and

**WHEREAS**, The City of West Miami has projected an approximate deficit of \$80,000.00 for fiscal year 2009-2010; and

**WHEREAS**, The City of West Miami has paid Miami-Dade County Water and Sewer Department a total of \$ 61,000.00 in True-Up charges this Fiscal Year 2009-2010 and \$ 15,963.00 for the Fiscal Year 2007-2008, for a total of \$ 76,963.00 unfunded payments made to Miami-Dade County Water and Sewer Department; and

**WHEREAS**, As of March 2010 the City of West Miami is running approximately a \$ 139,000.00 deficit in the Water Enterprise Fund; and

**WHEREAS**, These increases were not passed on to the City's water customers, thus causing and unfunded financial liability; and

WHEREAS, As mandated by Statute, the City of West Miami must have a balanced budget; and

WHEREAS, In order to comply with State Laws the City of West Miami must design a system of passing through certain costs to consumers in order to balance our budget.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA AS FOLLOWS:

SECTION 1. That in consideration of the above, the Mayor and City Commission of the City of West Miami hereby authorize the City Manager to establish the following schedule for water consumption:

- a) A fee of \$ 335.00 to be charged to commercial establishments and apartment units in excess of four (4) units within the "C" (Commercial) use districts and "A" (Apartment) use districts to be paid in two installments.
- b) The two installments shall be paid by the following dates and amounts:
  - 1<sup>st</sup> installment - due by June 15<sup>th</sup>, 2010 in the amount of \$ 167.50
  - 2<sup>nd</sup> installment - due by September 15<sup>th</sup>, 2010 in the amount of \$ 167.50

SECTION 2.. The charges shall be determined and adjusted in a pro rata basis pursuant to the amounts charged by Miami-Dade Water and Sewer Department in a yearly basis.

SECTION 3. The effective date of this Ordinance shall be upon approval of the Mayor and City Commission.

PASSED AND ADOPTED this 2nd day of June 2010.

APPROVED:

  
EDUARDO H. MUÑINA, MAYOR

ATTEST:

  
ANNERY GONZALEZ, ACTING CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:

  
JOSE A. VILLALOBOS, CITY ATTORNEY

**ROLL CALL VOTE:**

<b>MAYOR EDUARDO H. MUHIÑA</b>	<b><u>Y</u></b>
<b>VICE-MAYOR JUAN M. BLANES</b>	<b><u>Y</u></b>
<b>COMMISSIONER CANDIDA BLANCA</b>	<b><u>Y</u></b>
<b>COMMISSIONER LUCIANO L. SUAREZ</b>	<b><u>Y</u></b>
<b>COMMISSIONER ELSA J. VAZQUEZ</b>	<b><u>Y</u></b>

**1<sup>st</sup> Reading:** May 19<sup>th</sup>, 2010  
**Published:** May 23<sup>rd</sup>, 2010  
**2<sup>nd</sup> Reading:** June 2<sup>nd</sup>, 2010