

ORDINANCE NO. 92-03

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA,  
PROVIDING A PROCEDURE FOR RESOLVING ANY DISPUTES FROM  
ANY PERSON WHO IS REQUIRED TO CONNECT TO PHASE II OF THE  
CITY'S WASTEWATER COLLECTION AND TRANSMISSION SYSTEM  
ARISING FROM CITY'S ACTIVITIES ASSOCIATED THEREWITH;  
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to provide a  
procedure to resolve disputes from any person who is required to  
connect to Phase II of the City's Wastewater Collection and  
Transmission System arising from City's Activities associated  
therewith;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF  
THE CITY OF WEST MIAMI, FLORIDA:

Section 1. The City of West Miami hereby enacts the  
following procedure for resolving any dispute arising from the  
City's conduct of activities associated with the Wastewater  
Collection and Transmission System Phase II Project (hereinafter  
referred to as Phase II), as follows:

1. Any person who is required to connect to Phase II  
when completed and in operation that can demonstrate that an  
improper action by the City of West Miami in the above activities  
has caused, or will cause, a material adverse effect on such  
person use of Phase II, shall file at the office of the City  
Clerk, a written protest within ten (10) calendar days of having  
become aware of such action. Any notice of protest filed after  
the deadline or not containing parts (a) through (e) of the  
following may not be considered:

- (a) The name and address of the user;
- (b) A statement describing the disputed action and giving reasons that the action was believed improper;
- (c) A statement describing how and when the user became aware of the disputed action;
- (d) A statement of how the user is, or will be, adversely affected;
- (e) A statement of the relief sought;
- (f) Any other information material to the protest.

2. Within seven calendar days of receipt of the protest, the City Manager or his designee may provide an opportunity to settle the dispute by mutual agreement.

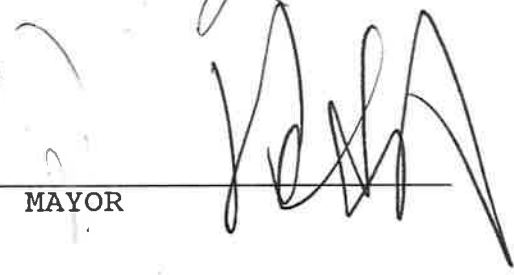
3. The dispute may be resolved at a formal hearing. The City Manager or his designee shall, within fourteen calendar days of receipt of the protest, set a hearing location and date to be held no earlier than fourteen calendar days and no later than thirty calendar days after receipt of the protest. At the hearing the protester shall present evidence and testimony and may ask questions of witnesses. The City of West Miami representatives, consultants, and witnesses may present testimony about the disputed action. Within ten calendar days of the conclusion of the hearing, the City Manager or his designee shall render a written decision along with the justification for the decision.

4. If the protester does not accept the propriety of the City Manager's or his designee's decision, it may appeal for reconsideration by the City Commission. The appeal must be received at the office of the City Clerk within five calendar days after the decision is rendered. The appeal must contain the information provided in (a) through (f) and the justification for requesting reconsideration. The City Manager or his designee shall, within five days, designate a time and place for a public

meeting of the City Commission at which the appeal is to take place. A copy of the appeal documentation must be provided to any party which potentially would be directly and adversely affected by the relief sought. At the meeting, the justification for the City Manager's or his designee's decision shall be presented, and the petitioner shall have the opportunity to present evidence and testimony. Decisions of the City Commission shall be final.


Section 2. This ordinance shall become effective upon passage.

PASSED AND ADOPTED this 20 day of May, 1992.

APPROVED:   
\_\_\_\_\_  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
CITY CLERK

Approved as to form and sufficiency

  
\_\_\_\_\_  
CITY ATTORNEY

Roll Call Vote:

Mayor Reboredo Y  
~~Commissioner~~ ABSENT  
~~Vice Mayor~~ Sosa  
~~Commissioner~~ Y  
VICE MAYOR DIAZ-PADRON  
Commissioner Herbert Y  
Commissioner Trigo Y

ord-dispute