

RESOLUTION No. 10 - 27

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, ESTABLISHING A CHINESE DRYWALL FUND NOT TO EXCEED \$250,000.00; AUTHORIZING THE CITY MANAGER TO ESTABLISH POLICIES AND PROCEDURES TO RELEASE FUNDS; ESTABLISHING WAIVER OF PERMIT FEES FOR HOMES BUILT WITH CHINESE DRYWALL; IDENTIFYING THE CODE COMPLIANCE DEPARTMENT AS THE DEPARTMENT FOR MONITORING THE RELEASE OF SAID FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Code Compliance Department of the City of Doral (the "City") has identified over 100 homes in the City that have been built with Chinese Drywall; and

WHEREAS, the Mayor and City Council wish to assist with the rebuilding of homes that have been affected with Chinese drywall; and

WHEREAS, the Cost of repairs of these homes that are not covered by insurance are between \$25,000.00 and \$100,000.00; and

WHEREAS, a separate grant fund needs to be established that allows for a waiver of permit fees associated with repairs of homes affected with Chinese Drywall;

WHEREAS, the Building Department will be reimbursed from the grant fund for the cost of the permits to insure that the Building Department can sustain itself during this process;

WHEREAS, the Code Compliance Department has been proactively assisting home-owners whose homes have been identified with Chinese Drywall;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF DORAL, FLORIDA AS FOLLOWS:**

Section 1. The City Council of the City of Doral, Florida hereby authorizes the establishment of a Chinese drywall fund in the amount of \$250,000 to be managed by the Code Compliance Department.

Section 2. The City Council approves the policy and procedures established by the City Manager (Attachment "A") for the waiver of permit fees by the Building Department and the release of funds from the Chinese drywall fund to compensate the Building Department for such waiver.

Section 3. The Code Compliance Department shall report back to the City Council within in a year of the adoption of this resolution as to the status of the program.

Section 4. This Resolution shall take effect immediately upon adoption.

[Section left blank intentionally]

The foregoing resolution was offered by Councilman Cabrera who moved its adoption. The motion was seconded by Councilman DiPietro and upon being put to a vote, the vote was as follows:

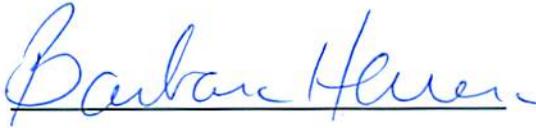
Mayor Juan Carlos Bermudez	Yes
Vice Mayor Robert Van Name	Yes
Councilman Pete Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes

PASSED and ADOPTED this 10th day of February, 2010.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JIMMY MORALES, ESQ., CITY ATTORNEY

EXHIBIT “A”



Memorandum

Date: January 26, 2009

To: Honorable Mayor and City Council

Via: Yvonne Soler-McKinley *YMS*
City Manager

From: Albert P. Childress *APC*
Director
Code Compliance Department

Subject: Resolution Establishing a Chinese Drywall Fund to be managed by the Code Compliance Department

Recommendation

Staff hereby recommends the approval of the proposed Resolution which establishes policies and procedures developed by the City Manager for the release of funds to the Building Department for waiver of Building Permit fees associated with repairs of homes built with Chinese drywall.

Background

A previous Resolution designated \$250,000 of general funds undesignated fund balances to be appropriated for the creation of the Chinese drywall fund for the purposes of waiving permit fees for homes affected with Chinese Drywall. The previous Resolution authorized the City Manager to expend up to \$250,000 to reimburse the Building Department for purposes of waiving of Building Permit fees associated with repairs of homes with Chinese drywall.

This proposed Resolution approves policies and procedures for the release of the Chinese Drywall Funds to the Building Department when Building permit fees are waived. The Code Compliance Department would be the department responsible to determine if fees should be waived and then notify the Building Department that the appropriate application has been submitted. Once the Building Department has issued permits for the repair of Chinese drywall the Code Compliance Department would be notified. The Code Compliance would review the paper work and determine the appropriate amount of

funds to be reimbursed and notify the Finance Department to make a transfer of the funds from the Chinese Drywall fund to the Building Department's permit fee account.

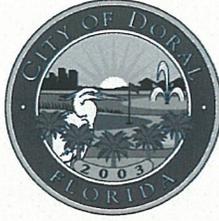
The policy and procedures established by the City Manager can be reviewed under "Attachment A". The Resolution requires that the Code Compliance Department report back to the Mayor and City Council within a year of the approval of the Resolution to report on the progress of the program and just how many of the over 100 homes that have been identified as having been built with Chinese drywall have taken advantage of the waiver of the permit fees.

Impact

Potential impact of \$250,000 to the budget.

Recommendation

Approve the resolution that establishes policies and procedures that were developed by the City Manager for the release of funds to the Building Department. The Building Department would be reimbursed for waivers of Building permit fees for homes that were built with Chinese Drywall.



Procedures for Chinese Drywall Replacement

1. Any owner or authorized agent who intends to alter or repair an existing building, including the replacement of Chinese drywall and all related associated repairs, must first apply to obtain a building permit.
2. Property owners applying for a building permit for repairs of alterations associated with defective Chinese drywall must have his/her property inspected by the City of Doral Code Compliance Department.
3. Owner of a single family residence, townhome, or multi-family condominium type dwelling, who obtains a permit to repair defective Chinese Drywall and the repair costs are **not** covered under his/her homeowner's insurance policy and/or any builder's warranty or liability insurance may be eligible for a permit fee waiver.
4. The Property owner must submit a "Defective Chinese Drywall Affidavit Form" attesting that the existing drywall was confirmed by City of Doral Code Compliance Department to be defective Chinese Drywall and that the scope of the permit is limited to its replacement and does not include additional improvements or alterations not associated with defective Chinese drywall. The Building plans examiner must confirm that this statement is part of the permit submittal. If the property owner completed the portion of the Defective Chinese Drywall Affidavit indicating he/she is paying all cost associated for the repairs without any reimbursement the permit fee can be waived.
5. To obtain a refund of permit fees previously paid for replacement of defective Chinese Drywall in a single family residence, townhome, or multi-family condominium type dwelling, the following must be submitted to the Building Department:
 - A written request from the permit holder requesting refund of the permit fees and a copy of the validated permit card. The letter must also state that the permit holder is authorizing the refund to be issued to the property owner.
 - "Defective Chinese Drywall Affidavit" attesting that the existing drywall was confirmed by the City of Doral Code Compliance Department to be defective Chinese drywall and that the scope of the permit is limited to its replacement and does not include additional improvement or alterations not associated with defective Chinese drywall. The property owner must have completed the portion of the affidavit indicating he/she is paying all cost associated for the repairs without any reimbursement.

6. Permit applicant cannot allow permit to expire. Renewal of permit associated with defective Chinese drywall repairs or alterations will be assessed regular permit fees.
7. The permit fee waiver associated with defective Chinese drywall is only a one-time waiver.