

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 1 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "GENERAL PROVISIONS," BY CREATING SECTION 1-15, ENTITLED "FEE SCHEDULE," TO PROVIDE THAT ALL FEES AND CHARGES ESTABLISHED BY THE CITY COMMISSION SHALL BE SET FORTH IN APPENDIX A TO THE CITY CODE, ENTITLED "FEE SCHEDULE"; PROVIDE FOR AN ANNUAL ADJUSTMENT FOR CERTAIN SPECIFIED FEES AND CHARGES TO REFLECT INCREASES IN THE CONSUMER PRICE INDEX; AND PROVIDE THAT CERTAIN OTHER FEES AND CHARGES SHALL BE SUBJECT TO ADJUSTMENT AS OTHERWISE PROVIDED IN THE CITY CODE; AND BY AMENDING APPENDIX A TO THE CITY CODE, ENTITLED "FEE SCHEDULE," TO CONSOLIDATE FEES AND CHARGES ESTABLISHED BY THE CITY COMMISSION, AND TO IDENTIFY WHICH FEES AND CHARGES SHALL BE SUBJECT TO ANNUAL ADJUSTMENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, during the Fiscal Year 2018-19 budget process, the City Commission directed the City Administration to review the City of Miami Beach's (the "City") current approaches for annually indexing the City's rates, fees, and charges (collectively, the "City Fees"), and identify which City Fees should be subject to annual adjustment to reflect changes in the Consumer Price Index ("CPI"); and

**WHEREAS**, the purpose of the review was to ensure that the City Fees keep up with inflation, and are sufficient to recover the costs of providing services to the City's residents and customers; and

**WHEREAS**, annual rate indexing is viewed favorably by credit rating agencies, and can better position the City for higher credit ratings, and lower interest rates associated with debt financing for high-priority capital improvements; and

**WHEREAS**, various City departments collaborated to develop recommendations and identify which City Fees should be subject to annual adjustment; and

**WHEREAS**, the Office of Management and Budget subsequently retained a consultant (GovRates, Inc.) to assist with developing recommendations for annual indexing; and

**WHEREAS**, the Mayor and the City Commission hereby determine that this Ordinance will promote transparency, eliminate inconsistencies, and streamline the procedure for adjustments to City Fees.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

**SECTION 1.** Chapter 1 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 1  
GENERAL PROVISIONS**

\* \* \*

**Sec. 1-15. Fee schedule.**

(a) Fee schedule established. The fees and charges established by the city commission shall be set forth in Appendix "A" to this Code, entitled "Fee Schedule."

(b) Annual adjustment.

(1) Consumer price index. Certain fees and charges, as identified in Appendix "A", shall be subject to annual adjustment by the city manager, effective October 1st of each year, to reflect increases in the Consumer Price Index for the Miami-Fort Lauderdale-West Palm Beach, Florida area, as published by the Bureau of Labor Statistics of the United States Department of Labor. By September 1st of each year, the city manager shall (i) determine the percentage increase, if any, in the Consumer Price Index, pursuant to the applicable formula for each fee or charge, as set forth in Appendix "A"; (ii) adjust the amount of any fees and charges that are identified in Appendix "A" as subject to annual adjustment; (iii) publish a revised fee schedule on the City's website; and (iv) transmit the revised fee schedule to the city's codifier, for publication in Appendix "A".

(2) Other annual adjustments. Certain specified fees and charges, including the purchased water pass-through rate, purchased sanitary sewer pass-through rate, and monthly user rates for the water system and sanitary sewer system shall be subject to adjustment from time to time, pursuant to the provisions set forth in sections 110-166 (for water rates) and 110-168 (for sanitary sewer rates), respectively.

(c) Conflicting provisions. In the event of a conflict between a fee or charge set forth in the Code, and a fee or charge set forth in Appendix "A", the fee or charge set forth in Appendix "A" shall govern, regardless of the date of enactment of the conflicting Code provision.

**SECTION 2.** Appendix "A" to the City Code, entitled "Fee Schedule," is hereby amended as set forth in Exhibit "A" to this Ordinance.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

Underline denotes additions  
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner Mark Samuelian)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney  
NK  
8/28/19  
\_\_\_\_\_  
Date