

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY MANAGER TO UTILIZE TEMPORARY PUMPS AND GENERATORS TO COMBAT FLOODING ONLY IN EMERGENCY SITUATIONS AFFECTING THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS; REQUIRING THE CITY MANAGER TO OBTAIN CITY COMMISSION APPROVAL IN ADVANCE, WHEN POSSIBLE, OR OBTAIN AFTER-THE-FACT APPROVAL, WHEN ADVANCED AUTHORIZATION IS NOT POSSIBLE, FOR ANY FUTURE DEPLOYMENT OF TEMPORARY PUMPS AND GENERATORS; AND REQUIRING THE CITY MANAGER TO IDENTIFY A DEDICATED FUNDING SOURCE TO CONTINUE TO UTILIZE TEMPORARY PUMPS AND GENERATORS IN EMERGENCY SITUATIONS.**

**WHEREAS**, pursuant to Section 403.031 of the Florida Statutes, a stormwater management program is the City's institutional strategy for stormwater management, including regulating urban, and other stormwater effects; and

**WHEREAS**, the City created its stormwater management system, which system is designed and constructed or to be implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution (or otherwise affect the quantity and quality of discharges from the system); and

**WHEREAS**, the City's Stormwater Utility created in 1992 is the funding mechanism for the design, construction, and maintenance of the stormwater management program by assessing the costs of the program to the beneficiaries based on their relative contribution to the system's needs; and

**WHEREAS**, on October 18, 2000, the City Commission adopted Resolution 2000-24127 referred to as the Master Bond Resolution, for authorizing and securing stormwater revenue bonds; and

**WHEREAS**, the City stormwater policy requires property owners to construct on-site stormwater management systems to handle their stormwater volume; and

**WHEREAS**, to meet the needs of the City, the City is investing over \$400 million in various infrastructure improvements, which improvements will need to be made over an estimated span of 10 years; and

**WHEREAS**, such infrastructure improvements include installing larger pipes and pump stations, and raising roads to ensure that the roads do not flood in the future for a 10-year rainfall event; and

**WHEREAS**, on October 1, 2016, the City increased its stormwater rate from \$16.67 to \$22.67 or \$6 in order to support the debt service for the Series 2017 \$100 million stormwater bonds and to cover issuance cost of such bonds.

**WHEREAS**, the Series 2017 bonds were issued in December 2017, 14 months subsequent to the rate increase; and

**WHEREAS**, the increase was expected to generate \$7.8 million in debt service revenue; and

**WHEREAS**, the City added approximately \$7million generated from the increase rate to its reserves for the period ended September 30, 2017; and

**WHEREAS**, in 2017, the implementation of temporary pumps culminated in a Fiscal Year 2017 expenditure of \$469,352 on temporary pumps and generators; and

**WHEREAS**, to date, for fiscal year 2018, temporary pump expenditures have been \$1,100,000, and it is anticipated that \$493,000 will be expended on temporary pumps throughout the remainder of the fiscal year, which is during the heart of hurricane season; and

**WHEREAS**, the temporary pump rental fees, for the actual pumps and back-up generators, is not reimbursable under the stormwater bonds; and

**WHEREAS**, the City does not have a dedicated funding source to continue to fund the temporary pump rentals, including the temporary pumps and generators; and

**WHEREAS**, the stormwater rates being paid by the residents are dedicated to funding the debt service for all stormwater bonds, and to pay for other operating and capital expenses that are included in the fiscal year budget; and

**WHEREAS**, without a renewable funding source which proceeds can be used for temporary pumps and generators, the City cannot continue to fund such temporary relief from flooding and sea level rise; and

**WHEREAS**, annually, the City faces King Tides, hurricanes and heavy rain events and the City needs to continue with its infrastructure improvements to provide permanent relief from these types of events; and

**WHEREAS**, the Mayor and City Commission wants to cease utilizing the temporary pumps and generators as it would be fiscally irresponsible to do so without a dedicated funding source, and to solely use the temporary pumps and generators under the following circumstances: (1) if a water event can be predicted, for example, a King Tide event, then the City Commission could authorize the expenditure for temporary pumps and generators to combat the King Tide, with an identifiable funding source; or (2) if there is an emergency situation, for example, a hurricane event, then to protect the health, safety, and welfare of the residents and visitors of Miami Beach, and utilize temporary pumps and generators, provided that at the next City Commission meeting, the City Commission pass a resolution to authorize, after-the-fact, the emergency expenditure on temporary pumps and generators, with an identifiable funding source.

The temporary pumps and generators are not to be utilized for routine flooding or maintenance purposes, as the City needs to ensure that the capital projects proposed under the City's Stormwater Master Plan, and as funded through the various stormwater bonds, are timely constructed.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that the Mayor and City Commission direct the City Manager to utilize temporary pumps and generators to combat flooding only in emergency situations affecting the health, safety, and welfare of residents; require the City Manager to obtain City Commission approval in advance, when possible, or obtain after-the-fact approval, when advanced authorization is not possible, for any future deployment of temporary pumps and generators; and require the City Manager to identify a dedicated funding source to continue to utilize temporary pumps and generators in emergency situations.

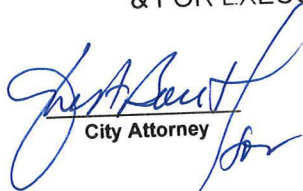
**PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

**ATTEST:**

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

\_\_\_\_\_  
Rafael G. Granada, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
Date