

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AT ITS JULY 27, 2018 MEETING; AND AMENDING THE CITY CODE, AT APPENDIX "A" ENTITLED "FEE SCHEDULE," TO MAKE THE CITY'S RESIDENTIAL RECYCLING FEE REFLECT THE ACTUAL COST OF THE RESIDENTIAL RECYCLING PROGRAM, THE COST PAID TO THE CONTRACTOR TO COLLECT THE WASTE, AND THE CITY SERVICE FEE; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City desires to change the residential recycling program fee to accurately reflect all costs; and

WHEREAS, the Sanitation Division currently pays \$3.52, for recycling under a Memorandum of Understanding ("MOU") between Miami-Dade County (County) and City of Miami Beach for Inclusion in the Miami-Dade County Curbside Recycling Program (the Program), which was executed on January 28, 2009; and

WHEREAS, the MOU, at Section VI, Payments, at paragraph (3), states the following:

During the first fiscal year (between October 1, 2008 and September 30, 2009) of this Interlocal Agreement and annually thereafter through the final year of the Agreement, the unit prices paid by the Municipality to the County for the services to be provided will be adjusted by the percent change in the Consumer Price Index (CPI), All Urban Consumers, South Urban, All items, annual average during the previous Service Year, not to exceed three percent (3%) based on the change in such Index from October 1 through September 30 of the previous year. The source of the consumer price indices applied in the annual adjustment to the Collection Payment shall be the U. S. Bureau of Labor Statistics. Each adjustment shall be in effect for the following 12-month period. The Amount paid per Household shall be extended to all Households served based on the Household counts provided by the County in accordance with provisions of this Agreement; and

WHEREAS, since Miami-Dade County began collecting single stream recyclables eight years ago, the City has absorbed these costs with no increase in price to residents; and

WHEREAS, Miami-Dade County is proposing a \$0.10 (or 2.71% Consumer Price Index or CPI) increase to the recycling fee for Fiscal Year 2018/19, which will increase the fee from \$3.52 per month, per household, to \$3.62, per month, per household, effective October 1, 2018; and

WHEREAS, the Sanitation Division can no longer subsidize the recycling fee; and

WHEREAS, the Sanitation Division has a contract with Progressive Waste Solutions, Inc. to provide for the collection of residential waste and the cost of this service to the City is currently \$25.12 per household; and

WHEREAS, the difference between the current charge to provide the service for single family units of \$41.56, and the actual cost to the City, \$25.12, is \$16.44, which amount is used to fund litter control services, illegal dumping, pre/post storm related debris removal, and utilized to cover administrative fees related to management of the contract and invoices; and

WHEREAS, the difference between the charge to provide the service for multi-family properties with less than nine (9) dwelling units of \$37.13, and the cost to the City of \$25.12, is \$12.01, which is also used to fund litter control services, illegal dumping, pre/post storm debris removal and administrative fees related to management of the contract and billings; and

WHEREAS, at the July 27, 2018 Finance and Citywide Projects Committee meeting, the Committee recommended capturing all the costs; and pass through the Miami-Dade recycling fee, the contract price to collect the residential waste, and the City service fee subject, to an annual CPI increase effective October 1, 2019; and

WHEREAS, the proposed single family residential rate is proposed to include the following components: \$3.62 for recycling pass-through costs from Miami-Dade County, \$25.12 for the current rate paid to the waste contractor, and \$16.44 for the City service fee, which totals \$45.18, per month (\$542.16 annually, per single family residence); and

WHEREAS, the City of Coral Gables and the Village of Key Biscayne provide a similar level of service as the City of Miami Beach and, in comparison, the City of Coral Gables charges an annual fee to single family residences of \$750, and the Village of Key Biscayne's annual fee is \$645, as compared to the City of Miami Beach proposed annual fee of \$542.16.

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

SECTION 1. The Mayor and City Commission accept the recommendation of the Finance and Citywide Projects Committee at its July 27, 2018 meeting; to amend the City Code, at Appendix "A" entitled "Fee Schedule," to reflect the actual cost of the residential recycling program, the cost paid to the contractor to collect the waste, and the city service fee subject to an annual CPI adjustment.

SECTION 2. Amending Appendix A, to the City Code, entitled "Fee Schedule" as follows:

	APPENDIX A - FEE SCHEDULE	
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Section of the Code	Description	Amount
Section of the Code	CHAPTER 90 SOLID WASTE	Amount
	<i>Article III. Collection and Disposal</i>	
	<i>Division 3. Rates, Charges, Billing Procedures</i>	
90-137 (a)	Single-family residences, townhouses, per month; <u>Total of Miami-Dade County Recycling Pass-through charge plus fee paid pursuant to contract waste collection services plus city service fee*</u>	41.56 <u>\$45.18**</u>
	Duplex per month, per unit;	37.13
	Apartments, condominiums with less than <u>nine (9)</u> dwelling units, per month, per dwelling unit; <u>Total of Miami-Dade County Recycling Pass-through charge plus fee paid pursuant to contract waste collection services plus city service fee*</u>	37.13 <u>\$40.75**</u>
	The will be adjusted annually to reflect the increases or decreases in the consumer price index for consumers in the southeast United States for all items, and in the Miami-Dade County tipping fees, unless otherwise directed by the city commission *The City Service Fee will be adjusted annually to reflect the increases or decreases in the consumer price index for consumers in the southeast United States for all items, and in the Miami-Dade County tipping fees, unless otherwise directed by the city commission <u>* The city service fee is subject to an annual CPI adjustment whereas CPI is defined as All Urban Consumers, Miami- Fort Lauderdale, as published by Bureau of Labor Statistics (the " Effective Price Index") as reported for the month of April of the current year compared to the index reported for the immediately preceding month of April. By way of example, the Effective Price Index published by Bureau of Labor Statistics — All Urban Consumers, Miami- Fort Lauderdale, as of April 2015 was 245.195 and as of April 2016 was 248.741 or a change of 1.446% which shall be applied to the applicable Operating Expenses reported for Fiscal Year 2015.</u> <u>**Monthly billable amount to be published annually</u>	
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SECTION 3. 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 Code of the city of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED and ADOPTED this _____ day of _____, 2018.

ATTEST:

Mayor Dan Gelber

Rafael E. Granado, City Clerk

First Reading: September 12, 2018
Second Reading:

(Sponsor: Commissioner Ricky Arriola)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Del O. S. I.
City Attorney

9-5-18
Date