

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RECOMMENDATION OF AECOM TO MODIFY THE METHODOLOGY FOR CALCULATING THE EQUIVALENT RESIDENTIAL UNIT (ERU) FOR STORMWATER UTILITY USAGE, AND DIRECTING THE CITY ADMINISTRATION TO DRAFT AN ORDINANCE AMENDING CHAPTER 110 OF THE CITY CODE TO IMPLEMENT THE MODIFIED ERU CALCULATION FROM 791 TO 849 SQUARE FEET OF IMPERVIOUS AREA.**

**WHEREAS**, the City's utility rates are structured to collect the necessary revenues to meet operating and maintenance costs of the infrastructure, to cover debt service for bonds, and to maintain adequate operating fund reserves; and

**WHEREAS**, at the September 10, 2014 City Commission meeting the Administration introduced the first reading of an ordinance to amend Chapter 110 of the City Code, seeking to adjust the stormwater utility rates; and

**WHEREAS**, following the meeting, the City Commission advised the Administration of various communications they received from several residents questioning the veracity of the stormwater rate methodology; wondering whether the rates proposed were fairly apportioned (as some residents believed that homeowners should pay more, others believed that condominium owners should pay less, and others believed that persons living in high risk flood areas should pay a greater amount of the utility rate); and

**WHEREAS**, during the discussion, the City Attorney advised the City Commission that the City's current stormwater rate methodology was established in 1996, and, at that time was supported by an analysis and rate report prepared by the City's consultant, CH2M Hill; and

**WHEREAS**, at the second reading hearing of the Ordinance, on September 30, 2014, the City Commission approved Ordinance No. 2014-3898, and amended the stormwater utility rates for Fiscal Year 2014/15; and

**WHEREAS**, despite adopting the stormwater utility rates, the City Commission continued the discussion as to the utility rate methodology, which is currently known as the Equivalent Residential Unit (ERU), which is calculated at 791 square feet of impervious area (the estimated 1996 calculation for charging private properties for the public drainage utilized by their property because of the impervious area that results in stormwater runoff); and

**WHEREAS**, based upon the foregoing, the City enlisted the assistance of AECOM, the City's flooding and sea level rise consultant, to review the current stormwater rate methodology; and

**WHEREAS**, the City Commission also directed that AECOM complete its report and to modify the appropriate ERU methodology, and for the City Administration to prepare an ordinance amending Chapter 110 to reflect the modified ERU methodology; and

**WHEREAS**, on May 31, 2016, the Mayor's Blue Ribbon Panel on Sea Level Rise was presented with AECOM's recommendation, which reviewed the present methodology and provided alternatives to modify the current method of calculating the ERU; and

**WHEREAS**, on June 17, 2016, the Finance and Citywide Projects Committee was presented with the AECOM recommendation, and the Committee recommended that the methodology be reviewed with individual Commissioners and placed on the next City Commission agenda; and

**WHEREAS**, AECOM recommended that the ERU calculation be modified from 791 square feet to 849 square feet of impervious area, as the impervious area of private property has increased in the past 20 years; and

**WHEREAS**, the City Manager recommends accepting the recommendation of AECOM to modify the methodology for calculating the Equivalent Residential Unit (ERU) for stormwater utility usage; and also requests that the City Commission direct the City Administration to draft an ordinance amending Chapter 110 of the City Code to implement the modified ERU calculation from 791 to 849 square feet of impervious area.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby accepts the City Manager's recommendation to modify the methodology for calculating the Equivalent Residential Unit (ERU) for stormwater utility usage, and direct the City Administration to draft an ordinance amending Chapter 110 of the City Code to implement the modified ERU calculation from 791 to 849 square feet of impervious area.

**PASSED AND ADOPTED this \_\_\_\_ day of July, 2016.**

ATTEST:

\_\_\_\_\_  
Rafael Granado, City Clerk

\_\_\_\_\_  
Philip Levine, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*Rafael Granado*  
City Attorney

7/11/16  
Date