

**ORDINANCE \_\_\_\_\_**

**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 TO AMEND THE CITY'S SOLID WASTE FEE SCHEDULE, AND AMENDING APPENDIX "A" TO THE CITY CODE OF THE CITY OF MIAMI BEACH, ENTITLED "FEE SCHEDULE," IN ORDER TO MODIFY THE RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL FEE CHARGED PURSUANT TO CHAPTER 90 OF THE CITY CODE, ENTITLED "SOLID WASTE"; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, at the July 25, 2018 City Commission meeting, City Commission passed Resolution 2018-30433, which authorized the Administration to enter into negotiations with Progressive Waste Solution of Florida, Inc. DBA Waste Connections of Florida; and

**WHEREAS**, the Administration recommends that the Mayor and City Commission accept the December 14, 2018 recommendation of the Finance and Citywide Projects Committee (FCWPC) to pass through the increase in contract costs for solid waste collection services to the residents utilizing the City's solid waste collection and disposal services; and

**WHEREAS**, at the December 14, 2018 FCWPC meeting, the FCWPC agreed with the recommendation of the Administration and recommended approval of an the increase in the residential solid waste collection and disposal fee due to the need to pass through the City's future annual contract costs (increase in solid waste collection contract costs due to an increase in the Consumer Price Index (CPI), and the Miami-Dade County "tipping" fee for disposal of the residential waste in a county solid waste disposal site) to the residential program users; and

**WHEREAS**, the City Administration recommends that the City Commission approve the increase to the Solid Waste fees, as reflected below in Appendix "A," entitled "Fee Schedule," of the City Code.

**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 (FCWPC) at its December 4, 2018 meeting; to amend Appendix "A" entitled "Fee Schedule," to reflect the increased cost for the collection and disposal of residential solid waste.

**Section 2.** The City Code of the City of Miami Beach at Appendix "A," entitled "Fee Schedule" is hereby amended, as follows:

	<b><u>Chapter 90. Solid Waste</u></b>
	<b><i>Article III. Collection and Disposal</i></b>

<b>Division 3. Rates, Charges, Billing Procedures</b>		
<b>Section of this Code</b>	<b>Description</b>	<b>Amount</b>
90-137(a)	Single-family residences, townhouses, per month*	29.9245.33
	Duplex, per month per unit	29.92
	Apartments, condominiums with less than <u>nine (9)</u> dwelling units, per month, per dwelling unit*	25.94 <u>40.90</u>
	<p><u>*The above residential solid waste collection and disposal rates shall be automatically adjusted annually on January 1st, according to the increase or decrease in the consumer price index (CPI), of All Urban Areas, for the 12-month average, when compared to the published price on the date of the adjustment to the published price for January 1<sup>st</sup> of the previous year, with no annual maximum adjustment to exceed three percent (3%). The CPI calculation shall apply only to the solid waste collection cost portion of the fee. The portion of the fee for disposal shall be automatically adjusted annually on January 1<sup>st</sup>, to reflect a pro-rata share of the City's actual pass-through costs for disposal of residential solid waste in a Miami-Dade County disposal site (i.e. to reflect any annual increase in the County's "tipping" fee).</u></p> <p>The rates 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</p>	

**SECTION 2. REPEALER**

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

**SECTION 3. SEVERABILITY**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 4. 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 a part of the Code of the City of Miami Beach, Florida. 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 5. EFFECTIVE DATE**

This Ordinance shall take effect 10 days after enactment.

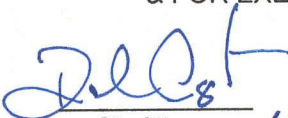
**ATTEST:**

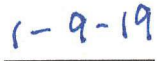
\_\_\_\_\_  
Dan Gelber, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

First Reading: January 16, 2019  
Second Reading: February 13, 2019

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

  
\_\_\_\_\_  
Date

(Sponsors: Commissioners Ricky Arriola, Mark Samuelian, & John Elizabeth Aleman)