

## 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 Solutions of FL, Inc. d/b/a Waste Connections of Florida; and

**WHEREAS**, at the December 14, 2018 Finance and Citywide Projects Committee (FCWPC) meeting, the FCWPC agreed with the recommendation of the Administration and recommended approval of the increase in the residential solid waste collection and disposal rate, due to the need to pass through, to the residential program users, 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); and

**WHEREAS**, the Administration recommends that the Mayor and City Commission accept the December 14, 2018 recommendation of the 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**, the City Administration recommends that the City Commission approve the increase to the Solid Waste fees, as reflected below in Appendix "A," "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 hereby accept the recommendation of the Finance and Citywide Projects Committee (FCWPC), at its December 14, 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>
	<i>Article III. Collection and Disposal</i>

	<i>Division 3. Rates, Charges, Billing Procedures</i>	
<i>Section of this Code</i>	<i>Description</i>	
90-137(a)	Single-family residences, <del>townhouses</del> , 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>* The above rates for residential solid waste collection and disposal services will be subject to periodic adjustment, as follows:</p> <ul style="list-style-type: none"> <li>• The solid waste collection portion of the rate shall be automatically adjusted, for the period covering the preceding fiscal year, annually, on January 1<sup>st</sup>, according to the percentage increase or decrease in the consumer price index (CPI), of All Urban Consumers (CPI-U): U.S. city average, under the expenditure category entitled, "Garbage and trash collection (Unadjusted Percent Change)". The CPI adjustment for solid waste collection shall be subject to a maximum annual increase of three percent (3%).</li> <li>• The solid waste disposal portion of the rate shall be automatically adjusted 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).</li> </ul> <p><del>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.</del></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:**

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Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

First Reading: January 16, 2019

Second Reading: February 13, 2019

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Rafael E. Granado  
City Attorney *AM*

1/24/19  
Date