

ORDINANCE NO. 1473

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES ENTITLED, "UTILITIES", AT ARTICLE III, ENTITLED "WATER" BY AMENDING DIVISION 4 ENTITLED "RATES, CHARGES, FEES AND BILLING PROCEDURES", SPECIFICALLY AT SECTION 19-96 ENTITLED "RATES FOR ALL CONSUMERS" TO RESTATE AND AFFIRM THE METHODOLOGY FOR CALCULATION OF WATER RATES FOR UTILITY BILLS AND TO UPDATE THE WATER RATES FOR FISCAL YEAR 2021-2022; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, in April of 2012, the City of North Miami ("City") contracted with Black & Veatch to conduct a comprehensive water and sewer rate study which included a financial plan, cost of service analysis, and a conservation-based utility rate structure; and

WHEREAS, the rate study determined that the revenues generated under the existing water and sewer rates are not sufficient to fund the utility's obligations and do not adequately recover the City's costs for operation, maintenance, debts service requirements, and capital improvements of the utility; and

WHEREAS, section 19-148 of the City Code of Ordinances provides for adjustments to rates upon the approval of a resolution adopting a rate structure analysis plan; and

WHEREAS, on April 10, 2012, the Mayor and City Council passed Resolution 2012-R-52 which approved and adopted the "Revenue Requirements, Cost of Service and Rate Design for Water and Sewer Service" study completed by Black & Veatch; and

WHEREAS, as authorized by Resolution 2012-R-52, the City updated its billing practices and methodologies in accordance with study's recommendations and transitioned the City's utility billing structure to a tiered consumption-based billing model; and

WHEREAS, the proposed ordinance language sets forth the current billing practices of the City as approved by Resolution 2012-R-52; and

WHEREAS, Black and Veatch has completed an updated water and sewer rate study for fiscal years 2022, 2023, 2024, 2025, and 2026; and

WHEREAS, the updated rate study recommends an increase of 6.00% for water rates and 9.00% for sewer rates for Fiscal Year 2021-2022; and

WHEREAS, pursuant to Section 180.136, Florida Statutes, notice has been sent to all water and wastewater customers notifying the public of the proposed increase to the water and sewer rates and of the time and dates of the public hearings; and

WHEREAS, the Mayor and City Council have reviewed the updated rate study and have adopted a resolution approving the study recommendations and authorizing the implementation of the rate increases contained therein; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that it is in the best interest of the residents of the City to amend Chapter 19 to restate and affirm the methodology for calculation of utility bills as well as to update the water rates for fiscal year 2021-2022.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Chapter 19 of the City Code of Ordinances, entitled “Utilities” is hereby amended at Article III entitled “Water” at Division 4 entitled “Rates, Charges, Fees and Billing Procedures” to restate and affirm the methodology for calculation of utility bills as follows:

CHAPTER 19. UTILITIES

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ARTICLE III. WATER

* * * * *

DIVISION 4. – RATES, CHARGES, FEES AND BILLING PROCEDURES

Sec. 19-96. - Rates for all consumers.

- (a) *Minimum service charge.* Every water supply service shall have a monthly minimum service charge on each service installed, varying with and based upon the size of the service line

required and installed in accordance with the rules of the water department. This minimum service charge may be increased annually by the consumer price index (CPI) or from time to time by resolution of city council ~~and shall entitle the consumer, without excess charges, to have supplied through the meter a minimum of five thousand (5,000) gallons of water:~~

Size of Service (inches)	Minimum Monthly Service Charge
$\frac{3}{4}$	\$ 10.33 <u>13.79</u>
1	19.98 <u>26.68</u>
1½	48.99 <u>65.41</u>
2	121.56 <u>162.28</u>
<u>2 in. (2) meter</u>	<u>162.28</u>
3	218.23 <u>291.35</u>
4	435.79 <u>581.79</u>
6	822.68 <u>1,098.33</u>
8 and larger	1,451.24 <u>1,937.48</u>

There shall not be a rental charge on meters.

(b) ~~Commodity Consumption charges.~~ In addition to the minimum monthly service charge, there shall be a commodity charge for all water supply service within the service area of the city water and sewer utility which shall be calculated upon the following: The following consumption charges for metered water apply to all retail customers:

(1) ~~Residential Water Consumption Rates (single-family, townhouses, duplexes, triplexes, multiple family dwellings, apartments and condominiums):~~ monthly billing cycle, uniform rate of ninety-four cents (\$0.94) per thousand gallons per month, for all consumption greater than five thousand (5,000) gallons per month.

	<u>Monthly Water Consumption</u>	<u>Quarterly Water Consumption</u>	<u>Consumption charge per 1,000 gallons</u>
<u>Base Consumption</u>	<u>0 to 5,000</u>	<u>0 to 15,000</u>	<u>\$2.09</u>
<u>First Increment</u>	<u>5,001 to 12,000</u>	<u>15,001 to 36,000</u>	<u>2.93</u>
<u>Second Increment</u>	<u>12,001 to 20,000</u>	<u>36,001 to 60,000</u>	<u>3.76</u>
<u>Third Increment</u>	<u>Above 20,000</u>	<u>Above 60,000</u>	<u>4.19</u>

(2) Apartment Water Consumption Rates (multiple family dwellings with four (4) units or more, apartments and condominiums):

	<u>Monthly Water Consumption</u>	<u>Quarterly Water Consumption</u>	<u>Consumption charge per 1,000 gallons</u>
<u>Base Consumption</u>	<u>0 to 2,000</u>	<u>0 to 6,000</u>	<u>\$1.95</u>
<u>First Increment</u>	<u>2,001 to 4,000</u>	<u>6,001 to 12,000</u>	<u>2.05</u>
<u>Second Increment</u>	<u>4,001 to 7,000</u>	<u>12,001 to 21,000</u>	<u>2.15</u>
<u>Third Increment</u>	<u>Above 7,000</u>	<u>Above 21,000</u>	<u>2.35</u>

(23) Commercial Water Consumption Rates (stores, office buildings, financial institutions, restaurants, cafeterias, bars, lounges, public and private schools, all businesses engaged in manufacturing, processing or services, trailer parks, motels and hotels): ~~uniform rate of one dollar and sixty-seven cents (\$1.67) per one thousand (1,000) gallons per month, for all consumption greater than five thousand (5,000) gallons per month.~~

	<u>Monthly Water Consumption</u>	<u>Quarterly Water Consumption</u>	<u>Consumption charge per 1,000 gallons</u>
<u>Base Consumption</u>	<u>0 to 15,000</u>	<u>0 to 45,000</u>	<u>\$1.90</u>
<u>First Increment</u>	<u>15,001 to 75,000</u>	<u>45,001 to 225,000</u>	<u>2.52</u>
<u>Second Increment</u>	<u>75,001 to 315,000</u>	<u>225,001 to 945,000</u>	<u>2.85</u>
<u>Third Increment</u>	<u>Above 315,000</u>	<u>Above 945,000</u>	<u>3.81</u>

(4) Sprinkler Water Consumption Rate (all irrigation):

<u>Water Consumption</u>	<u>Consumption charge per 1,000 gallons</u>
<u>All Usage</u>	<u>\$ 3.85</u>

(5) Mobile Home Water Consumption Rates (mobile homes):

<u>Water Consumption</u>	<u>Consumption charge per 1,000 gallons</u>
<u>0 to 295,000</u>	<u>\$ 2.00</u>
<u>Above 295,000</u>	<u>2.90</u>

(6) City Water Consumption Rates (City facilities):

<u>Water Consumption</u>	<u>Consumption charge per 1,000 gallons</u>
<u>0 to 60,000</u>	<u>\$ 1.88</u>

<u>60,001 to 405,000</u>	<u>2.82</u>
<u>405,001 to 780,000</u>	<u>3.38</u>
<u>Above 780,000</u>	<u>3.83</u>

(c) *Billing cycles generally.* On all water supply service, each and every billing cycle shall be a complete period in itself and no excess consumption of water during one (1) billing cycle shall be charged against the minimum service charge or be added to the consumption of any other billing cycle.

(d) *Residential ~~rates~~ accounts.* Water rates for residential accounts (residential, mobile homes and apartment rates) shall be calculated as follows:

(1) *Monthly billing cycle.*

a. The minimum monthly service charge shall be determined in accordance with the size of ~~service provided~~ the water meter multiplied by the number of living units.

b. The ~~commodity~~ consumption charges shall be ~~ninety-four cents (\$0.94) per one thousand (1,000) gallons above the minimum of five thousand (5,000) gallons and added to the minimum monthly service charge.~~

(2) *Quarterly billing cycle.*

a. The minimum quarterly service charge shall be determined by multiplying the minimum monthly service charge ~~based on the size of service~~ by three (3).

b. The ~~commodity~~ consumption charges shall be ~~ninety-four cents (\$0.94) per one thousand (1,000) gallons above the minimum of fifteen thousand (15,000) gallons and added to the minimum quarterly service charge.~~

c. The water bill for the billing cycle period shall be the sum of the minimum monthly service charge and the ~~commodity~~ consumption charges.

(3) *Calculation of multiple-family dwelling consumption with a common master meter for billing purpose.*

a. ~~The average volume of water used by each condominium or apartment unit shall be determined by dividing the total consumption of the condominium or apartment building during its billing period by the total number of units in the condominium or apartment building and rounding to the nearest one thousand (1,000) gallons. The total water consumption of the condominiums or apartment units on an account shall be obtained from reads of the master~~

water meter associated with the property. The total consumption for the account per billing period shall be used to calculate the consumption portion of the water bill using the billing rate tiers in effect as authorized by passage of a City Ordinance or adoption of a City Resolution.

b. The minimum service charge for each condominium or apartment unit shall be based on a service of three-quarter inch. That value is to be multiplied by the number of living units to determine the minimum service charge.

c. ~~The average total bill per condominium or apartment unit building shall be determined calculated by adding the consumption charges to the minimum service charge per unit and the average commodity charge per unit. The commodity charge shall be based on the average volume of water used by each condominium or apartment unit.~~

d. The total bill for the condominium or apartment building shall be calculated by determining the average bill per unit and multiplying the bill by the number of units in the condominium or apartment building.

(e) *Commercial rates accounts.* Water rates for commercial accounts shall be calculated as follows:

(1) *Monthly billing cycle.*

a. The minimum monthly service charge shall be determined in accordance with the size of service provided.

b. ~~The commodity consumption charges shall be one-dollar and sixty-seven cents (\$1.67) per thousand gallons above the minimum of five thousand gallons (5,000) gallons and added to the minimum monthly service charge.~~

(2) *Quarterly billing cycle.*

a. The minimum quarterly service charge shall be determined by multiplying the minimum monthly service charge based on the size of service by three (3).

b. ~~The commodity consumption charges shall be one-dollar and sixty-seven cents (\$1.67) per thousand gallons above the minimum of fifteen thousand (15,000) gallons and added to the minimum quarterly service charge.~~

(3) *Semiannual billing cycle*

a. The minimum quarterly service charge shall be determined by multiplying the minimum monthly service charge by six (6).

b. The consumption charges shall be added to the minimum quarterly service charge.

c. The water bill for the billing cycle period shall be the sum of the minimum monthly service charge and the consumption charges

~~(f) *Capital improvement fee—Water.* A monthly capital improvement fee for water capital projects shall be charged to all residential and commercial water customers as follows:~~

~~(1) Residential \$14.00~~

~~(2) Commercial \$150.56~~

~~(g) *Capital improvement fee—Sewer.* A monthly capital improvement fee for sewer capital projects shall be charged to all residential and commercial sewer customers as follows:~~

~~(1) Residential \$0.98~~

~~(2) Commercial \$10.47~~

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this

Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 12th day of October, 2021.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 26th day of October, 2021.

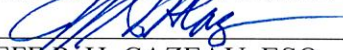

PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Estimé-Irvin

Vote:

Mayor Philippe Bien-Aime

X (Yes) (No)

Vice Mayor Scott Galvin

X (Yes) (No)

Councilwoman Cassandra Timothe, MPA

X (Yes) (No)

Councilwoman Mary Estimé-Irvin

X (Yes) (No)

Councilman Alix Desulme, Ed.D.

X (Yes) (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.