



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA
VIRTUAL SPECIAL COMMISSION MEETING
Tuesday, June 16, 2020 6:30 pm
Meeting ID: 916 2568 3818



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

Mayor O'Halpin

Vice-Mayor Kennedy

Commissioner Ross

Commissioner Samaria

Commissioner Tudor

3 Pledge of Allegiance

4 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

5 Resolution

5.a Resolution 2020-30 - Imposing Annual Solid Waste Assessment for FY 20-21



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE VILLAGE FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR PUBLIC HEARING AND NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6 Old Business

6.a Manager's Report - by Commissioner Kennedy



6.b Discussion on Chief of Police contract - by Commissioner Samaria



7 New Business

7.a Calendar of Village Responsibilities - by Commissioner Kennedy



7.b Discussion on Construction Site Requirements - by Commissioner Ross



8 Reports

8.a Village Attorney

8.b Village Manager

8.c Board / Committee Reports

8.d Commission

Mayor O'Halpin

Vice-Mayor Kennedy

Commissioner Ross

Commissioner Samaria

Commissioner Kennedy

9 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

Village of Biscayne Park meeting on June 16, 2020 at 6:30 pm with Social Distancing Modifications

The Village of Biscayne Park is using Zoom to hold the Virtual Public Meeting via communications media technology as authorized by Governor DeSantis' Executive Order 20-69. Members of the public may also use Zoom to view and participate in the meeting online. Zoom is a cloud platform for video and audio conferencing, collaboration, chat and webinars across mobile devices, laptops, desktops, telephones and room systems.

Public Comment

Anyone who wishes to provide public comment will be able to do so by participating in the City Council meeting via the Zoom platform and/or telephone by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of 24 hours no later than two (2) hours before the meeting via email to the Village Clerk at villageclerk@biscayneparkfl.gov.

Instructions on How to Watch, Listen and/or Participate in the Virtual Meeting:

To access the Zoom Virtual Public Meeting of June 16, 2020 at 6:30 pm, you have the following options:

Zoom meeting instructions for the public participants:

Download the "Zoom Client for Meetings" to your computer or laptop here: <https://zoom.us> and click on Join a Meeting. . When prompted to join a meeting, enter the meeting ID. use the link below to join the meeting.

If you are using a tablet or smartphone, download zoom from the device's app store.

For the June 16, 2020 meeting please use the meeting link

<https://zoom.us/j/91625683818>

to attend electronically and watch the meeting by computer, tablet or smartphone.

For additional information or assistance please contact the following prior to the meeting:

1. For public comment questions: Roseann Prado, Village Clerk, villageclerk@biscayneparkfl.gov or 305-899-8000

Public Comment

1. Access audio of the Zoom meeting via phone:

You may access the audio from your phone by dialing: 305-893-4427. When the Meeting ID is requested, enter **916 2568 3818** followed by # key. When asked for a participant ID, press # key. If you would like to speak during public comment, please press *9 on your phone to activate the “raise your hand” feature of Zoom. Comments will be limited to three (3) minutes.

2. Watch the meeting online and provide public comment during the meeting: Use the “raise your hand” feature and be recognized at the direction of the Chair. Comments will be limited to three (3) minutes.



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 5.a

REGULAR MEETING

TO: Honorable Mayor & Members of the Village of Biscayne Park
Commission

FROM: David Hernandez, Interim Village Manager

DATE: June 16, 2020

TITLE: Resolution 2020-30 – Imposing Annual Solid Waste Assessment for
FY 2020-2021

Recommendation

Staff recommends approval of Resolution No. 2020-30, with the contractual increase based upon the GMS cost analysis and breakdown for the proposed Annual Waste Fee Assessment for FY 2020-2021.

Background

All garbage, trash and recycling costs to the Village are paid for through the non-ad valorem Solid Waste Fee Assessment paid by each property owner in addition to their ad valorem taxes. The Sanitation Fund is a separate fund from the General Fund.

The estimated Solid Waste Assessment for fiscal year 2020-2021 is \$481.51 per residential unit, which is \$58.03 more than the fiscal year 2019-2020 Solid Waste Assessment based on the anticipated increase to the Village's annual Sanitation budget from \$530,283.00 to \$625,000.00.

Adjustments were also made to both administrative and direct overhead fees that the Sanitation Fund pays back to the General Fund.

With the adjustments made as outlined above, the total Sanitation Fund budget is \$625,000 and the solid waste fee assessments for Fiscal Year 2020-21 will be \$481.51.

The Village Commission will hold a public hearing on September 01, 2020 at 7:00 p.m. at Log Cabin, 640 NE 114th Street, Biscayne Park, FL and consider comments on the Solid Waste Assessment, and re-impose the Solid Waste Assessment for Solid Waste Services for fiscal year 2020-2021, and collecting such assessments on the same bill as ad valorem taxes.

The Village Clerk shall publish a notice of the public hearing. Publication of the notice shall be no later than August 9, 2020 in a newspaper generally circulated within Miami-Dade County.

The Village Clerk shall provide notice of the public hearing by first class mail to the owner of each assessed property reclassified or issued a new Certificate of Occupancy (C.O.) pursuant to a building permit for a dwelling unit not included on the assessment roll approved for the prior fiscal year. Such notice shall be mailed no later than August 9, 2020.

Attachments

- Resolution No. 2020-30
- Exhibit A
- Proposed FY 2020-2021 Budget Sanitation
- Sanitation Fund FY 2020-2021
- Overhead Costs

Prepared by: Roseann Prado, Village Clerk

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RESOLUTION NO. 2020-30

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE VILLAGE FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR PUBLIC HEARING AND NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 4.09 of the Village of Biscayne Park Charter and Section 17.4 of the Biscayne Park Land Development Code (“Code”) authorize the Village of Biscayne Park (“Village”) to impose a non-ad valorem solid waste management fee assessment (“Solid Waste Assessment”); and

WHEREAS, the Village utilizes the Miami-Dade County Property Appraiser’s Office (“County”) to disclose the Solid Waste Assessment on the County’s TRIM notices to residents, and collect the Solid Waste Assessment utilizing the County’s property tax bills to residents; and

WHEREAS, the Village Administration has completed an analysis of the projected budget and determined the Solid Waste Assessment to provide Village residents with the necessary solid waste services and management (“Solid Waste Services”); and

WHEREAS, all assessed properties in the Village receive a special benefit from the provision of Solid Waste Services; and

WHEREAS, the estimated Solid Waste Assessment for fiscal year 2020-2021 is \$481.51 per residential unit, which is \$58.03 more than the fiscal year 2019-2020 Solid Waste Assessment based on the anticipated increase to the Village’s annual Sanitation budget from \$530,283.00 to \$625,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

1 **Section 1. Recitals.** The above recitals are true and correct, and incorporated herein
2 by this reference and are hereby adopted as the legislative and administrative findings of the
3 Village Commission.

4
5 **Section 2. Preliminary Rate Resolution.** This Resolution constitutes the preliminary
6 rate resolution, which initiates the annual process for updating the assessment roll and directs the
7 re-imposition of Solid Waste Assessment for the fiscal year beginning October 1, 2020.

8
9 **Section 3. Funding of Solid Waste Services.** Upon the imposition of Solid Waste
10 Assessment for Solid Waste Services against assessed property located within the Village, the
11 Village shall provide Solid Waste Services to such property. Each assessed property benefits from
12 the Village's provision of Solid Waste Services in an amount not less than the Solid Waste
13 Assessment imposed against such property computed in the manner set forth in this Resolution.

14
15 **Section 4. Annual Solid Waste Assessment.** For Fiscal Year 2020-2021, the
16 estimated total cost of providing Solid Waste Services is approximately \$603,410.00 (net of
17 discounts and collection fees). Accordingly, the Village approves a preliminary rate of assessment
18 equal to \$481.51 for each property assessed for Solid Waste Services for fiscal year 2020-2021
19 and future fiscal years. The Village Manager will prepare, or cause to be prepared, an updated
20 assessment roll for the fiscal year beginning October 1, 2020. The following information shall be
21 included on the updated assessment roll:

- 22
23 (1) A summary description of all assessed properties within the Village conforming to the
24 description contained on the tax roll.
25 (2) The name and address of the owner of record of each property as shown on the Tax
26 Roll.
27 (3) The amount of the Solid Waste Assessment attributable to each property receiving
28 Solid Waste Service.

29
30 The Village Clerk shall maintain a copy of this Resolution and the updated assessment roll on file
31 in the office of the Village Clerk and is open to public inspection. The foregoing method of
32 determining the Solid Waste Assessment for Solid Waste Services is a fair and reasonable method
33 of apportioning the cost of Solid Waste Services among the assessed properties.

34
35 **Section 5. Public Hearings.** The Village Commission will hold a public hearing on
36 September 01, 2020 at 7:00 p.m. at Log Cabin, 640 NE 114th Street, Biscayne Park, FL and
37 consider comments on the Solid Waste Assessment, and re-impose the Solid Waste Assessment
38 for Solid Waste Services for fiscal year 2020-2021, and collecting such assessments on the same
39 bill as ad valorem taxes.

40
41 **Section 6. Notice by Publication.** The Village Clerk shall publish a notice of the
42 public hearing in substantially the form attached as Appendix A. Publication of the notice shall
43 be no later than August 9, 2020 in a newspaper generally circulated within Miami-Dade County.

44
45 **Section 7. Notice by Mail.** The Village Clerk shall provide notice of the public
46 hearing by first class mail to the owner of each assessed property reclassified or issued a new
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1 Certificate of Occupancy (C.O.) pursuant to a building permit for a dwelling unit not included on
2 the assessment roll approved for the prior fiscal year. Such notice shall be mailed no later than
3 August 9, 2020.

4
5 **Section 7. Severability.** If any section, sentence, clause or phrase herein is held to be
6 invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity
7 of the remaining portions of this Resolution.

8
9 **Section 8. Effective Date.** This Resolution shall become effective immediately upon
10 its adoption.

11
12
13 PASSED AND ADOPTED this 16th day of June, 2020.

14
15 The foregoing Resolution was offered by _____, who moved its
16 adoption. The motion was seconded by _____, and upon being put to a
17 vote the vote was as follows:

18
19 Virginia O’Halpin, Mayor _____
20 MacDonald Kennedy, Vice Mayor _____
21 Roxanna Ross, Commissioner _____
22 Daniel Samaria, Commissioner _____
23 William Tudor, Commissioner _____
24

25
26 VILLAGE OF BISCAYNE PARK

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29 _____
30 Virginia O’Halpin, Mayor

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33 ATTEST:

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37 _____
38 Roseann Prado, Village Clerk

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40
41 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
42 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

43
44
45 _____
46 John R. Herin, Jr., Interim Village Attorney
47
48
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EXHIBIT A

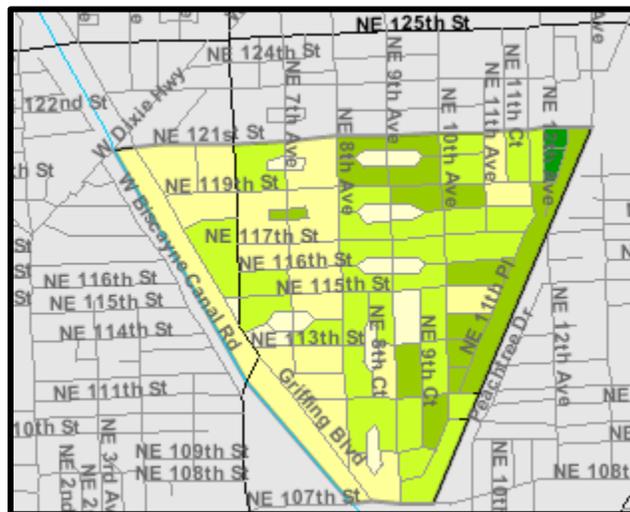
NOTICE OF PROPOSED INCREASE TO ANNUAL NON-AD VALOREM ASSESSMENT FOR RESIDENTIAL SOLID WASTE VILLAGE OF BISCAYNE PARK, FLORIDA

Notice is hereby given that the Commission of the Village of Biscayne Park will hold a Public Hearing on the proposed 2020 Non-Ad Valorem Assessment Roll on Tuesday, September 1 2020 at 7:00 p.m. at Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161. The purpose of the Public Hearing is to receive comments from the public regarding the proposed increase to the solid waste non-ad valorem assessment roll prior to taking final action.

The proposed solid waste assessment to be levied against each affected parcel for 2020 totals **\$ 481.51 per residential unit**. This proposed assessment amount was calculated based on the projected increase to the municipality's sanitation fund budget for 2020–2021 to \$625,000. The proposed amount reflects a \$58.03 increase per residential unit from the 2020 solid waste assessment amount of \$423.48 per residential unit. The Village of Biscayne Park will collect a total revenue of \$603,410 by this solid waste assessment. The Village Commission may AMEND or ALTER the proposed assessment at the Public Hearing.

All non-ad valorem assessments approved by the Village Commission will be included on the 2020-21 Combined Property Tax Bill distributed by the Miami-Dade County Tax Collector in October 2020. The non-ad valorem assessment will be payable November 1, 2020 through March 31, 2021. Per Florida Statutes, a failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

Affected property owners have the right to appear at the Commission's Public Hearing on this matter and the right to file written objections with the Village Clerk by emailing to VillageClerk@biscayneparkfl.gov or by regular mail to Village Clerk, Village of Biscayne Park, 600 N.E. 114 Street, Biscayne Park, Florida 33161. A map of the area assessed is below.



Fiscal Year 2019-20 Budget - Village of Biscayne Park

402 SANITATION		Adopted Budget 2019-20	Actual 2019-20 Thru 3/31	Projected 2019-20 Thru 9/30	Variance Budget to Proj	Manager RECOMMENDED 2020-21	Variance 2019-20 to 2020-20
Revenues	Explanation of Line Item	\$ 423.48				\$ 481.51	
004-300-34300-10000	Sanitation Assessment	548,826	461,396	521,385	27,441	625,000	76,174
	Special Trash Pickup	3,410	40	90	(3,320)	3,410	(0)
004-300-34300-10000	Disc. for Early Payment	-21,953	0	-21,953	0	-25,000	(3,047)
Total Revenues Sanitation		530,283	461,436	499,522	24,121	603,410	73,126
TOTAL SALARIES & BENEFITS		0	0	0	0	0	0
Operating Expenses	Explanation of Line Item						
004-320-53800-34000	Contractual Services - Solid Waste Collection	437,011	215,728	449,785	(12,774)	485,811	48,800
004-320-53800-48000	Advertising Special Pick-Up	1,000	0	1,000	0	1,000	0
004-300-58100-10000	Direct Departmental Overhead Fees	39,088	0	39,088	0	41,668	2,580
004-300-58100-10000	Road Fund Overhead Fees	23,295	0	23,295	0	25,676	2,380
004-300-58100-10000	Administrative Fees General Fund	24,399	0	24,399	0	26,912	2,512
004-300-58100-10000	Administrative Fees Miami Dade County	5,488	0	5,488	0	6,250	762
TOTAL OPERATING EXPENSES		530,283	215,728	543,057	(12,774)	587,317	57,034
TOTAL RESERVES						16,092	
TOTAL DEPT 402 SANITATION BUDGET		530,283	215,728	543,057	(12,774)	603,410	57,034

Village of Biscayne Park
Sanitation Fund
Proposed Budget - FY2021

General Ledger Code/Description	FY2019 Actual	3/31/2020 YTD	Projected Next 6 Month	Total Projected 9/30/2020	FY2020 Adopted	FY2021 Proposed	variance	
Revenues								
SANITATION ASSESSMENT	\$506,300	\$461,396	\$59,989	\$521,385	\$521,385	\$593,750	14%	\$72,365
OTHER INCOME	\$4,120	\$40	\$50	\$90	\$3,410	\$3,410	100%	\$0
Total Sanitation Revenues	\$510,420	\$461,436	\$60,039	\$521,475	\$524,794	\$597,160	14%	\$72,365
Expenditures								
OTHER CONTRACTUAL SERVICES	\$415,879	\$215,728	\$234,058	\$449,785	\$437,011	\$485,811	11%	\$48,800
OTHER CURRENT CHARGES	\$0	\$0	\$1,000	\$1,000	\$1,000	\$1,000	0%	\$0
OPERATING TRANSFERS OUT	\$85,470	\$0	\$86,782	\$86,782	\$86,782	\$94,256	9%	\$7,474
Total Sanitation Expenses	\$501,349	\$258,187	\$321,840	\$537,567	\$524,794	\$581,067	11%	\$56,273
Total Reserves	\$0	\$0	\$0	\$0	\$0	(\$16,092)	0%	\$0
Excess (Revenues)/Expenditures	\$9,071	\$203,250	(\$261,801)	(\$16,092)	\$0	\$0		

**Sanitation Overhead Cost Sharing
FY2021**

Employee	Position	Hourly
Hernandez, D.	Village Manager	n/a
Prado, R.	Village Clerk	\$25.9900
Nguyen M	Administrative Clerk	\$15.2980
Caserta, C.	Code Compliance Officer	\$21.1769
Rosina, S.	Finance Director	n/a
open	Village Attorney	n/a
McWilliams E	Public Works Laborer #1	\$16.5257
Thomas J	Public Works Laborer #2	\$14.7921
Jenkins J	Roads Supervisor	\$17.4374
Murray D	Roads Laborer	\$15.6925
	Police Department (FULL BUDGET)	
	Totals	

% Allocation	Sanitation Cost	Total
10%	\$13,510	
5%	\$3,658	
20%	\$9,702	
10%	\$6,275	
10%	\$4,774	
5%	\$3,750	\$41,668
25%	\$13,429	
25%	\$12,246	\$25,676
25%	\$14,051	
25%	\$12,861	\$26,912
3.0%	\$0	\$0
	\$94,256	\$94,256

*FRS employer contribution rates are published in July. An estimated 2% increase has been included



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 6.a

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: MacDonald Kennedy, Commissioner

DATE: June 16, 2020

TITLE: Manager Reports

Background

No village documents (Charter, resolution or ordinance) require any formal report from the manager to residents and the commission. The current weekly manager's report started under the leadership of a former village manager and has never been formalized. According to Interim Manager David Hernandez, the weekly report requires the time and effort of 10-12 staffers, consuming as many as five hours weekly. The report includes only past accomplishments (by department) but does not compare them to any pre-determined goals. Further, the report does not look ahead at what needs to be done by each department and how those tasks contribute to overall village goals. The report is emailed to the limited number of residents on the village email list (approximately 500 of 3,000 residents) and also posted on Nextdoor and in physical locations around the village. No version or compilation of the weekly reports is presented to commissioners other than by email. Feedback is not solicited from residents or the commission. The manager's report at the end of the monthly commission meeting does not typically reference the weekly manager's reports.

Recommendation

I am asking the commission to formalize the manager's report and to include goals that will allow for accountability from the manager to the commission and residents. Once we agree on this in principle, we can simply direct the manager to immediately cease the weekly reports and to make the changes below and release a sample for the July 7 commission meeting as part of the meeting package. We will discuss and further refine the report at that meeting.

1. Change report from weekly to monthly. (Weekly reports overburden staff with justifying their positions rather than getting more done.)
2. Maintain departmental structure of the report.
3. Each department will report in two sections: (see example below)
 - a. Report of completed month compared to predetermined goals established the month before on that report (in spreadsheet fashion for easy comparison).
 - b. Projected goals for following month (used as comparison in report for the following month).

This new monthly report will be released the Friday prior to each regular monthly commission meeting (email blast, Nextdoor, physical posts etc.) and also included as a consent agenda item for the commission meeting the following Tuesday (four days later).

In this new format and schedule, residents will be better able to hold the village accountable to accomplishing goals. The commission can approve the report and goals for the upcoming month on consent, or any commissioner can pull the report to an agenda item if s/he wants to discuss anything or propose changes. Further, during the meeting, commissioners can request that additional items be added to upcoming months. (An alternative idea is to move the manager's report to the beginning of the agenda and for the manager to present a condensed version the report to the commission for input.)

These reports, with accomplishments compared to goals, can also be used when conducting performance reviews for the manager, department heads and village staff.

Example: No tasks in this example are meant to be actual accomplishments or goals. These are completely fabricated.

Public Works

April Report

1. Completed all normally required tasks (mowing, watering, etc.) or list what normal tasks were not completed and why (This is the baseline of "normal business" for that department.)
2. Installed speed hump on 116 St. as determined in March. (This is an example of a goal established in the prior month's report.)
3. Installed entrance sign on 8th Ave. as added at March commission meeting. (This is an example of something that the commission added at the prior meeting.)
4. Repaired men's room door at log cabin (hint, hint) at the request of village manager. (This is an example of the manager or department head directing staff as the normal course of running the village or department.)
5. Repaired rec center entrance lights (incomplete item from January). (This is an example of a task moved forward from prior month.)

May Projected Goals

1. Complete all normally required tasks (mowing, watering, etc.)
2. Install speed hump on 109 St. (This is an example of a task that moves the village towards a bigger goal.)
3. Install French drain on 9th Ave. (This is an example of a direction from the April commission meeting.)
4. Remove Australian Pines on 118 St. (This is an example of the manager directing staff during the normal course of business.)

Resource Impact

This new reporting system will save village staff time (up to 15 hours per month). Those saved hours will not represent any financial gain, as they will be reallocated to other tasks

that will allow for additional accomplishments in each department.

Attachment(s): none

Prepared by: MacDonald Kennedy, Commissioner



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 6.b

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Dan Samaria, Commissioner

DATE: June 16, 2020

TITLE: Employment Agreement for the Chief of Police

Recommendation: It is my recommendation that we adapt this resolution with regard to the Chief of Police Employment agreement based upon the demonstrated ability of the Chief of Police to deliver effective police and crime prevention services to the Village of Biscayne park, consistent with policies and direction from the Village Manager and Commissioners.

It is the best interest of the department and the Village focus on the ability of the Chief of Police to lead and manage the department and its resources to meet the expected needs of the department and the Village over the next five years, and to inspire confidence in the Department as an effective, community based policing organization.

Background: Luis E. Cabrera has held the position as Chief of Police for two years.

During his tenure at the Biscayne Park Police Department he has been able to meet the goals and objectives he set forth for the department to include but not limited to the following:

1. VISION AND LEADERSHIP

- The Chief has developed an overall vision and image of the Biscayne Park Police Department that enhances its accountability, integrity and professionalism.
- Has had the vision to communicate to the employees of the organization with respect to their roles in implementing the goals and objectives.
- He has established himself as a trusted and respected leader with the Police Department, with the Commission and the community.
- He had identified and prioritized specific polices and actions to achieve his vision and the image of the Biscayne Park Police Department

2. CONTROL AND PREVENTION OF CRIME:

- He has created, implemented and evaluated strategies to deal with current, emerging and anticipated criminal activities and trends.
- He has created, implemented and evaluated strategies to deal with major events such as COVID-19 and Hurricane season.

3. MANAGEMENT:

Fiscal Management

- The Chief has developed the annual budget for the past two years that maximized the departments resources, enhanced its revenue and reflected the priorities set forth by the Mayor, Commissioners and the Village Manager.
- Has addressed the departments critical needs.
- He ensures the expenditures are proper.

Planning/Goals

- Chief has achieved the goals set by the mayor, Commissioners and the Village manager during the past two years.
- The Chief has implemented in the past two years his initial vision and continues to implement procedures, and specific actions.
- The Chief's policies, procedures and specific actions have been effective.
- The Chief revised, modified and or adjusted the goals to comply with local, State and Federal Laws.
- The Chief made the reduction of crime his priority.
- The Chief provided innovation, leadership and direction in organizing, deploying and equipping the department personnel with updated technology and emerging techniques for dealing with criminal activity.
- The Chief implemented a plan to identify state of the art equipment to include non-lethal use of force devices and systems to enhance Patrol officers' safety and the Department's ability to handle trends in serious crimes.
- The Chief planning has been proactive rather than reactive in crisis situation.

4. POLICE REFORM:

- The Chief embraced police reform including, but not limited to, the implementation training to include diversity training?

5. STRATEGIES FOR COMMUNITY POLICING

- The chief implemented several programs such as the Village Resource Officer, Police Athletic League Officer (PAL) as tools for crime prevention.
- The Chief implemented a community-policing model for the department.

6. COMMUNICATIONS

- The Chief has maintained communication with in the Department with the rank and file.
- The Chief has maintained clear, consistent, accurate and timely communication between the department, the Mayor, Village Manger and the Commission.
- The Chief maintained clear, consistent, accurate and timely communications between the department and other law enforcement entities including state and federal police and prosecutors.
- The Chief has maintained informative and consistent communication with the village community at large.

7. PERSONNEL ADMINISTRATION AND EMPLOYEE RELATIONS

Recruitment

- The chief has provided leadership and creative solutions towards solving recruitment problems.
- The Chief recruitment goals were accomplished. His recruitment has been successful and the department now employees 10 full time officers including the staff, 4 part-time officers and 25 reserve officers.

Retention

- The Chief's leadership has improved morale.
- The Chief's proposed plan for retention in maximizing the number of active police officers in the village has been accomplished.
- The chief has provided opportunities for promotions within the Department.

EMPLOYMENT AGREEMENT

This CHIEF OF POLICE GENERAL AGREEMENT (hereafter referred to as the "Agreement") is made and entered into between the Village of Biscayne Park, Biscayne Park, Florida, hereinafter referred to as "Village", hereinafter referred to as "Chief of Police".

WITNESSETH:

WHEREAS, the VILLAGE desires the service of a Chief of Police for the Village of Biscayne Park Police Department, and the Chief of Police desires to provide services to the Village of Biscayne Park.

NOW, THEREAFTER, the parties agree as follows:

SECTION 1: EMPLOYMENT OF THE CHIEF OF POLICE

- 1.1 Employment of the Chief of Police: The Village shall employ a Chief of Police to provide services to the Village subject to the terms and conditions of this Agreement.
- 1.2 Duties and Responsibilities: The Chief of Police shall perform such duties and responsibilities as are required of him pursuant to the Charter of the Village of Biscayne Park, Biscayne Park, Florida, the Code or Ordinances of the Village of Biscayne Park, Florida, approved resolutions by the Village Commission and all applicable local, state and federal laws or regulations. The Chief of Police is hired, terminated, and supervised by the Village Manager.

SECTION 2: COMPENSATION, BENEFITS AND PERFORMANCE REQUIREMENTS

- 2.1 The City Manager reserves the right to increase the annual base salary or benefits if desired.
- 2.2 The Chief of Police shall provide to the Village Manager with yearly goals and objectives for the Police Department.
- 2.2. Benefits: The Village will agree to benefits for the Chief of Police as set forth on current Police Benevolent Association hereafter known as Police Benevolent Association contract.
- 2.3 Performance Requirements. The Chief of Police is responsible to administer and manage the Village of Biscayne Park Police Department in a manner consistent with Village policies as prescribed by the City Manager, to include:
 - a. Implement yearly goals and objectives for the Village of Biscayne Park Police Department.
 - b. Enhance, maintain and increase public safety, community relations and the delivery of superior policing services.

- c. Provide training annually to support the functions within the department to include but not limited to the Florida Department of Law Enforcement hereinafter referred to as "FDLE" Mandatory Retraining, FDLE Mandatory Firearms Qualification, etc.

2.4 Business Training Expenses and Indemnification. As the Village's Chief of Police, the Village agrees to budget and pay for the Chief of Police travel, lodging, registration fees and subsistence expenses for professional development, training, accreditation, ceremonies, seminars and conferences that are related to his official capacity as Chief of Police. All travel and expenses are subject to budget approval by Village Manager.

On behalf of the Chief of Police, the Village shall comply with all the provisions of Chapter 111.07 and 111.071 Florida States in regard to defense in civil actions against public officers, employees or agent and payment of judgements or settlements against public officers or employees.

2.5 Retirement.

- A) The Village shall be responsible for contributions to the Chief of Police, Florida Retirement Program from date of hire.
- B) The Village shall be responsible for the withholding or otherwise deducting of federal income tax, deferred compensation or social security.

SECTION 3: TERMS

- A) The Chief of Police is responsible for the daily management, functions, administration, operations and investigations of the Village Biscayne Park Police Department without impediment from political leaders, resident's, or employees.
- B). Nonresidents, residents, political leaders or village manager shall not provide directives to police employees or the Chief of Police that are Illegal, unethical, amoral, violates the Charter Village of Biscayne Park or that weaponizes the police department against residents, political leaders or advisories.
- C) Nonresidents, residents, political leaders, employees and the village manager shall not hinder or impede the Police Department or the Police Chief or any police employee regarding any ongoing investigations.
- D) The Chief of Police has the authority and duty to report any crimes or violations listed above in section (3). The Chief will report such matters to any appropriate government agencies without fear of retaliation or termination of employment. Any retaliation for reporting inappropriate, unethical or unlawful acts will violate the terms and conditions of this general agreement. In the event the Village Manager terminates the employment of the Chief of Police.

- E) The Village Manager will give the Chief of Police a thirty-day (30) notice prior to termination. The Chief of Police will request in writing a public hearing within (15) days of the notice of termination. The Commission by majority vote will determine if the termination was unlawful.
- F) Nothing in this notice period shall be construed to limit, in any way, in the Village's ability to recruit or hire a new Chief of Police.
- G) If terminated without cause the Chief of Police will be entitled to (4) four weeks of severance pay.
- H) The Chief of Police shall be entitled to holidays, floating holidays and birthday as any other police Village employee.
- I) The Village Manager reserves the right to require the Chief of Police to work any State of Emergency.
- J) The Chief of Police will be entitled to set his/her work schedule based on the operational, departmental, and Village needs.
- K) The Chief of Police will be assessable (on call) to the Village of Biscayne Park seven (7) days a week, twenty-four (24) hours a day.

SECTION 4: HEALTH AND INSURANCE

- 4.1 The Village shall provide health insurance for the Chief of Police (single coverage) at one hundred (100) percent cost to the Village or reimbursement as set forth by PBA contract if the Chief of Police elects not join the Village Health and Insurance coverage plan.

SECTION 5: GENERAL PROVISIONS

- 5.1 The text herein shall constitute the entire agreement between the parties. If any provisions, or any portion thereof contained in the Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.
- 5.2 All notices, requests, and other communications required or permitted to be given under this Agreement shall be in writing (including telefax or teletype) and shall be sent by certified mail, postage paid, return receipt requested, or shall be hand delivered by a recognized national overnight courier service or shall be sent by electronic communication, whether by telefax or teletype, addressed as follows:

If to Chief of Police: Chief of Police
Village of Biscayne Park Police Department
600 Northeast 114th Street
Biscayne Park, Florida 33161

If to Village: Village Manager
Village of Biscayne Park
600 Northeast 114th Street
Biscayne Park, Florida 33161

- 5.3 This Agreement shall be construed pursuant to the laws of the State of Florida. For any litigation pertaining to this Agreement, the parties agree to venue in Circuit Court in Miami Dade County, Florida.



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 7.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: MacDonald Kennedy, Commissioner

DATE: June 16, 2020

TITLE: Calendar of Village Responsibilities

Background

The village maintains a public calendar of meetings and events on the village website. However, no calendar or list is maintained of other village responsibilities and tasks (contracts, budget process, etc.), so staff must try to remember things before they are missed. Residents sometimes bring events or missed deadlines to the attention of staff. The village needs to organize these various responsibilities onto one online calendar so the administration and commission don't miss deadlines and can prepare well in advance. This calendar also assures a smooth transition during staff changes, leaves of absence and other unforeseen changes to the normal day-to-day village operations.

Recommendation

I am requesting that the commission direct the interim manager to have the clerk create a comprehensive online calendar (i.e. Google calendar) of all village business (other than meetings and events, which will continue to be maintained on the current online calendar) to include but not limited to the list below. Calendar entries will be color-coded for greater accountability by department. The public and commissioners will be able to view the calendar only and not make changes or additions/deletions. The village manager will determine who has access to the calendar.

- Contracts
- Performance reviews
- Deadlines for all village projects
- Budgets
- Setting tax rates
- Insurance policies
- Reporting required to other agencies
- Village maintenance: ex. Drain cleaning
- Audits
- Elections
- Board appointments

- Other annual and regularly scheduled events
- Complete topic list to be developed by village manager and staff and approved by the commission at the July commission meeting along with the calendar itself, included on a link in the July 7 meeting agenda.

This separate calendar will also be posted on the village website, and staff and commissioners will reference this calendar to keep up with village business, adding items onto monthly goals. The public can also then better comment on upcoming responsibilities and tasks.

Each calendar entry will include the deadline itself, and when appropriate it will also include separate entries for reminders like creating RFPs (three months prior) and commission discussions (two months prior to RFP). Reminders will ensure that deadlines don't sneak up on the village and cause us to lose opportunities and make mistakes. (Perfect example: May health insurance.)

Village staff will update and maintain this calendar on an ongoing basis. Every time an item is added or a change is made to an existing item, an alert will be sent to all commissioners (and staff determined by the manager) to give them the heads up. The clerk or manager can also present calendar updates to the commission at the monthly meeting, as necessary.

Resource Impact

No financial impact. Staff hours to compile initial calendar and to maintain it ongoing.

Attachment(s): none

Prepared by: MacDonald Kennedy, Commissioner



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 7.b

REGULAR MEETING

TO: Honorable Members of the
Biscayne Park Village Commission

FROM: Rox Ross, Commissioner

DATE: June 16, 2020

TITLE: Discussion of Construction Site Requirements

Recommendation

Commission review and discussion of proposed legislation establishing requirements for construction site cleanliness and safety, in collaboration with the Building Official.

Background

The Interim Village Manager's reports of May 8 and 15 note a "Key Update" from Code Compliance that, "There is no provision in the Village's Ordinances requiring construction fences of any kind," and the Department's inability to "enforce" the issue. An attempt to address the negative spillover impact from construction sites to Village rights-of-way and neighboring properties was made back in January 2017, by the then Village Manager. Sharon Ragoonan applied her years of Code Compliance and Community Redevelopment experience to draft proposed requirements and draft legislation for construction site cleanliness and safety. Her proposals are attached here for Commission review and discussion, with a view toward adopting mandatory requirements tied to permitting and administrative citation for infractions.

Resource Impact

The fiscal impact associated with this discussion is negligible. If a majority of the Commission wishes to proceed with adoption, expenses may include Building Official and Village Attorney fees for finalize an ordinance and legal advertising cost. Providing for formal requirements and tools for enforcement far outweigh the cost of proceeding to that end.

Attachment(s)

- 1/10/2017 Agenda Memo with Proposed Mandatory Requirements and Example of Proposed Language for General Construction Requirements
-

Prepared by: Rox Ross, Commissioner

June 16, 2020
Item # 7.b

Page 1 of 1



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

#Item 15.a.4

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Sharon P. Ragoonan, Village Manager

DATE: January 10, 2017

TITLE: Village Manager's Report: Adoption of mandatory requirements for
construction site cleanliness and construction site safety

Recommendation

It is recommended the Village Commission discuss the adoption of legislation to authorize the Village Manager to establish requirements for construction site cleanliness and construction site safety.

Background

The real estate market is on an upswing and the new owners of properties in the Village are completing a full rebuild of the site or major renovations to the property. As a result, the construction site is entirely visible to the public which develops into a visual blight to the surrounding area. The adoption of mandatory requirements for construction site cleanliness and construction site safety (Exhibit 1) is needed to ensure that a contractor maintains the site on a daily basis, adheres to public safety and environmental protection guidelines such as erosion and sediment control, and mitigates any public nuisances that may arise at the location and impact neighboring properties.

In order to implement these construction site requirements, the enactment of legislation is needed to establish a code section for general construction requirements and provide for the issuance of an administrative citation for infractions of the section.

With direction from the Village Commission, staff will take the appropriate steps to formalize the procedures and draft the proposed ordinances for 1st and 2nd reading by the elected body.

Resource Impact - There is no fiscal impact associated with this action.

Attachment

Exhibit 1 – Proposed Mandatory Requirements for Construction Site Cleanliness and
Construction Site Safety

Exhibit 2 – Example of proposed language for general construction requirements section

Prepared by: Sharon P. Ragoonan, Village Manager

January 10, 2017

Item# 15.a.4

Exhibit 1

Village of Biscayne Park
Building Department

Notice to Contractors

Mandatory Requirements for Construction Site Cleanliness and Construction Site Safety

Date: _____

Construction Site Address: _____

Contact Phone: _____

1. Construction work start time in Town is 7:00 am. No work is to start or the gates to be open prior to 7:00 am. All construction work at sites are to stop by 7:00 pm, Monday through Friday. No construction work is allowed on Sundays.
2. The construction site must be secured with a lock and the dumpster must be covered by close of business each day.
3. Blocking of the Village's roadways will not be tolerated. Parking along the curbs of the Village's roadways and medians is not allowed. Each contractor must monitor and supply ample parking for their employees and visitors travelling to the site. Scheduling of concrete pours and all phases of construction that may require trucks and or heavy equipment vehicles to be stationed on the Village's roadways must supply a certified flagman to direct traffic, in addition, sites on N.E. 6th Avenue will require a Florida Department of Transportation lane closure permit.
4. During the course of construction or demolition work being done on any premises, it shall not be permitted for any person to cause, permit or allow the emissions of particulate matter from any source whatsoever, including, but not limited to, incidents caused by vehicular movement, transportation of materials, construction, alteration, demolition or wrecking of buildings or structures, or the stockpiling of sand or dirt, without taking reasonable precautions to prevent such emissions or to preclude fugitive particulates that may trespass on neighboring properties during dry and windy weather. In the case of stockpiled particulate materials, such materials shall be stabilized by adequate coverings, by wetting or by chemical application to the satisfaction of the Village's Officials.
5. Construction sites and neighboring properties are to be maintained in a clean condition at all times and any papers, litter, dirt, dust and/or construction materials are to be disposed of and/or secured at the end of each day's work by placement in the trash container provided at the construction site. All trash containers must be covered nightly and on weekends as required by our code.
6. Gravel entry areas into the construction site as well as storm drain inlets are to be maintained in accordance with best management practices for erosion and

sediment control so as to eliminate standing water, and runoff into the roadway or storm drain.

7. High grass and weeds are to be cut and maintained as to not create a public nuisance. **Daily maintenance is required.**
8. All areas surrounding construction sites which are affected by dust, dirt and debris from the construction site shall be swept clean of such dust, dirt and debris a minimum of two times per day; at least one of which must be at the conclusion of work for that day.
9. All construction debris not placed in a dumpster shall be removed from the construction site within twenty-four (24) hours.
10. Pools under construction shall be kept clean of any debris until such time as the pool is properly filtered. All standing water in pools under construction or not in use must be properly treated to eliminate algae, insects, etc.
11. It is not be permitted for any person to store any material in an unsecured area, which is deemed unsafe, or a danger to those accessing the site. It is not be permitted to store any construction materials in any manner whereby the material or a portion of the materials is stored outside the legal boundaries of the site. Reasonable exceptions to this subsection, for a reasonable period of time, may be considered on a case-by-case basis by obtaining permission by the Village Manager.
12. **Violation** of this section **shall constitute grounds for the issuance of a stop work order** by the building official in accordance with the provisions of the Village's Code of Ordinances and the Florida Building Code. A **civil violation fine will be imposed upon the property** for each infraction committed in accordance with the Village's Code of Ordinances.

Agreed to and Accepted by:

Company Name: _____

Signature of the Qualifier for the Corporation

Print Qualifier's Name: _____
Sworn to and subscribed before me this _____ day of _____, 20____

Notary Public State of Florida at Large (seal)

Exhibit 2

Example of Proposed Language for General Construction Requirements Section

Sec. 10.5.xx - General construction requirements.

- (a) All Construction sites shall be maintained free of loose debris and scrap materials. No open pits, holes, or trenches shall be permitted on the construction site except during construction activity or when a guard is present.
- (b) All construction sites shall be enclosed with a temporary six-foot fence which shall be installed prior to commencement of any construction activity or material deliveries. The fence shall be chain link, covered with green or black nylon material screening the construction from view, and installed on the front, side and rear lot lines. The fence shall not be placed so as to create a public safety hazard and the fence gate shall be locked during nonworking hours.
- (c) Retention precast stem walls or solid masonry walls shall be required at all new construction projects to contain water runoff from impacting adjacent properties.

Sec. 10-5.xx - Solid waste control during construction.

- (a) The contractor shall provide before any construction, adequate refuse and garbage containers. All persons employed on the premises shall be instructed to use these containers for the disposal of left-over food, rubbish, garbage, or construction debris, etc. Premises shall be kept clean and sanitary.
- (b) Houses under construction shall be provided with waste receptacles of above-ground type in sufficient numbers to contain all garbage and waste produced by the house. Garbage and waste placed outside of receptacles shall constitute a violation of this section and is declared to be a public nuisance.

Section. 17.2.xx – Bond of Accompany Building Permit Application.

- (a) Whenever an application is made for a building permit in the Village and during the construction under permit, it shall be the duty of the Building Official to determine whether the improvement being permitted or constructed will impact the appearance of the Village by the possibility or occurrence of construction debris left abandoned or damage to the Village median during or upon the completion of the work associated with the permit. If, in the opinion of the Building Official, it appears probable that, in the course of construction, that construction debris may be or has been abandoned or that the work involved will leave or has left debris or damage to the Village median that will not be restricted to the project site, the Building Official shall require a cash bond of \$1,000.00 to be posted and maintained with him by the applicant. This bond shall be posted in addition to any amounts otherwise required to be paid to the Village by the Applicant including, but not limited to, any fees required pursuant to other resolutions or ordinances of the Village relating to the improvement of the property.

- (b) The Building Official shall give a receipt for the sum of money on a form to be prepared by him. The receipt form shall contain a provision that any part or all of the sum shall be forfeited upon documentation of damage to the median or debris at the site which is not properly contained in dumpsters or otherwise. The Village will restore the median or clean the debris left on the site that has been abandoned or is otherwise littering or likely to litter or on the private property of any Village resident, or other areas of the Village other than the job site. Any amount of forfeiture will trigger a stop work order while the \$1,000.00 bond is replenished and the site cleaned of debris.
- (c) Before final approval of any building or structure constructed or any other work for which a permit has been issued, the Building Official shall require the clean up of the work site and shall refuse final approval of the construction permit unless the clean up is completed.