



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**  
**REGULAR MEETING**

**Item # 10.a.**

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

**FROM:** Roseann Prado, Interim Village Manager

**DATE:** September 1, 2020

**TITLE:** Resolution No. 2020-41 - A Resolution of the Village Commission of the Village of Biscayne Park, Florida, Adopting the Annual Solid Waste Assessment for Fiscal Year 2020-2021; Establishing the 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; Providing for Severability; and Providing For An Effective Date.

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**Recommendation**

Staff recommends approval of Resolution No. 2020-41, imposing the proposed Annual Waste Fee Assessment for FY 2020 - 2021.

**Background**

All garbage, trash and recycling costs of the Village are paid through the non-ad valorem Solid Waste Management 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 annual rate per residential unit effective October 1, 2020 will increase by \$58.03, resulting in a non-ad valorem solid waste fee assessment per residential unit for Fiscal Year 2020-2021 of \$481.51. 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 2020-2021 will be \$481.51.

**Attachments**

- Resolution No. 2020-41
  - Daily Business Review Public Hearing Advertisement
  - Notice of Proposed increase to Solid Waste
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Prepared by: Roseann Prado, Interim Village Manager

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**RESOLUTION NO. 2020-41**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING THE ANNUAL SOLID WASTE ASSESSMENT FOR FISCAL YEAR 2020-2021; ESTABLISHING THE 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; 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 \$548,826.00 to \$625,000.00; and

**WHEREAS**, the Village adopted a preliminary assessment resolution containing a description of the Solid Waste Services; describing the method of computing the Solid Waste Assessment for Solid Waste Services against assessed residential property; designating an assessment rate and directing preparation of an updated assessment roll for fiscal year 2020-2021; and providing notice of the required public hearing; and

1           **WHEREAS**, the Village may confirm or repeal the preliminary assessment resolution,  
2 with such amendments as the Village deems appropriate, after hearing comments and objections  
3 of all interested parties; and

4  
5           **WHEREAS**, the updated assessment roll was made available for inspection by the public,  
6 as required by the Code and state law.

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

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

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15           **Section 2. Final Rate Resolution.** This Resolution constitutes the final assessment  
16 resolution, which completes the annual process for updating the assessment roll and directs the re-  
17 imposition of a Solid Waste Assessment for the fiscal year beginning October 1, 2020.

18  
19           **Section 3. Funding of Solid Waste Services.** Upon the imposition of Solid Waste  
20 Assessment for Solid Waste Services against assessed property located within the Village, the  
21 Village shall provide Solid Waste Services to such property. Each assessed property benefits from  
22 the Village's provision of Solid Waste Services in an amount not less than the Solid Waste  
23 Assessment imposed against such property computed in the manner set forth in this Resolution.

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25           **Section 4. Annual Solid Waste Assessment.** For Fiscal Year 2020-2021, the  
26 estimated total cost of providing Solid Waste Services is approximately \$603,410.00 (net of  
27 discounts and collection fees). Accordingly, the Village approves a final rate of assessment equal  
28 to \$481.51 for each property assessed for Solid Waste Services for fiscal year 2020-2021 and  
29 future fiscal years. The Village Manager will prepare, or cause to be prepared, an updated  
30 assessment roll for the fiscal year beginning October 1, 2020. The Village Clerk shall maintain a  
31 copy of this Resolution and the updated assessment roll on file in the office of the Village Clerk  
32 and is open to public inspection. The foregoing method of determining the Solid Waste  
33 Assessment for Solid Waste Services is a fair and reasonable method of apportioning the cost of  
34 Solid Waste Services among the assessed properties.

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36           The assessable property described in the assessment roll, which is hereby approved, are  
37 specially benefitted by the provision of Solid Waste Services in the amount of the Solid Waste  
38 Assessment set forth in the assessment roll. The Village ascertains, determines, and declares that  
39 each assessable property within the Village benefits from the Village providing Solid Waste  
40 Services in an amount not less than the Solid Waste Assessment for each assessed property as  
41 computed in the preliminary assessment resolution. Adoption of this final assessment resolution  
42 constitutes a legislative determination that all assessed property derives a special benefit from the  
43 Solid Waste Services. Such as the availability and use of collection services to property and safely  
44 remove and transport solid waste generated on such property; the provision of disposal services  
45 which provide effective and environmentally sound disposal of solid waste generated on such  
46 property; and the enhancement of environmentally responsible use and enjoyment of such  
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1 property. The method for computing Solid Waste Assessment described in the preliminary  
2 assessment resolution is approved. Adoption of this final assessment resolution constitutes a  
3 legislative determination that the Solid Waste Assessment is fairly and reasonably apportioned  
4 among the residential properties that receive the special benefit. Interim Solid Waste Assessments  
5 are also levied and imposed against all property for which a Certificate of Occupancy is issued  
6 after adoption of this final assessment resolution based upon the rates of assessment approved  
7 herein.

8  
9 **Section 5. Public Hearings.** The Village Commission held a public hearing on  
10 September 01, 2020 at 7:00 p.m. at the Log Cabin, 640 NE 114<sup>th</sup> Street, Biscayne Park, FL to  
11 consider comments on the Solid Waste Assessment, and re-impose the Solid Waste Assessment  
12 for Solid Waste Services for fiscal year 2020-2021, and collecting such assessments on the same  
13 bill as ad valorem taxes.

14  
15 **Section 6. Notice by Publication.** The Village Clerk published a notice of the public  
16 hearing in substantially the form attached as Appendix A. Publication of the notice was published  
17 on August 9, 2020 in the Miami Daily Business Review.

18  
19 **Section 7. Notice by Mail.** The Village Clerk provided notice of the public hearing  
20 by first class mail to the owner of each assessed property according to non-ad valorem assessment  
21 from Miami-Dade County Property Appraiser. Such notice was mailed around August 9, 2020 in  
22 the form attached as Appendix B.

23  
24 **Section 8. Shortfall.** Any shortfall in the expected Solid Waste Assessment proceeds  
25 due to any reduction or exemption from payment of the Solid Waste Assessments required by law  
26 or authorized by the Village shall be supplemented by any legally available funds, or combination  
27 of such funds, and shall not be paid for by proceeds or funds derived from the Solid Waste  
28 Assessment. In the event a court of competent jurisdiction determines any exemption or reduction  
29 by the Village is improper or otherwise adversely affects the validity of the Solid Waste  
30 Assessment imposed for the 2020-2021 fiscal year, the sole and exclusive remedy shall be the  
31 imposition of a Solid Waste Assessment upon each affected property in the amount of the Solid  
32 Waste Assessment that would have been otherwise imposed save for such reduction or exemption  
33 afforded to such property by the Village.

34  
35 **Section 9. Imposition of Lien.** Solid Waste Assessments shall constitute a lien upon  
36 the property assessed equal in rank and dignity with the liens of all state, county, district or  
37 municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law,  
38 such lien shall be superior in dignity to all other liens, titles and claims, until paid. The updated  
39 assessment roll shall be delivered to the County for collection using the tax bill collection method  
40 in the manner prescribed by the Code and state law. The updated assessment roll delivered to the  
41 County shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll.

42  
43 **Section 10. Non-residential Property.** The annual Solid Waste Assessment for Solid  
44 Waste Services is not imposed against non-residential property due to the widely varied production  
45 of solid waste among the types of non-residential property and that the cost of disposal of solid  
46 waste generated on non-residential property can be effectively recovered through tipping fees.





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Please Remit To:

**Daily Business Review**

Miami Dade

Customer No: 9008253

VILLAGE OF BISCAYNE PARK  
Attention To: ROSEANN PRADO,  
600 NE 114TH ST  
BISCAYNE PARK, FL 33161

Invoice #:	10000481504-0807
Invoice Date:	08/10/2020
Due Date:	Due Upon Receipt
AMOUNT DUE:	\$296.82

Amount Remitted

PLEASE RETURN THIS SECTION WITH PAYMENT

TEAR HERE

**Daily Business Review**

Miami Dade

Invoice Date: 08/10/2020	Customer #: 9008253
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Invoice #	Description	Amount
10000481504-0807	Placement/Position: Bids/Hearngs/Meetings/Ordinances/Hearings Run Dates: 08/07/2020, 08/10/2020 Ad Size: 3 x 6.44 Inches	\$296.82
	VILLAGE OF BISCAYNE PARK - PROPOSED INCREASE TO ANNUAL NON-AD VALOREM ASSESSMENT FOR RESIDENTIAL SOLID WASTE - PUBLIC HEARING - SEP. 1 2020	
	<b>Subtotal</b>	\$296.82
	<b>Total Due</b>	\$296.82

Visit our online payment portal at <http://almpaymentcenter.com> to pay via credit card

For billing questions, please email: [ALMcollection@alm.com](mailto:ALMcollection@alm.com).



**MIAMI DAILY BUSINESS REVIEW**

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:**

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF BISCAYNE PARK - PROPOSED INCREASE TO ANNUAL NON-AD VALOREM ASSESSMENT FOR RESIDENTIAL SOLID WASTE - PUBLIC HEARING - SEP. 1 2020

in the XXXX Court,  
was published in said newspaper in the issues of

08/07/2020 08/10/2020

**SEE ATTACHED**

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

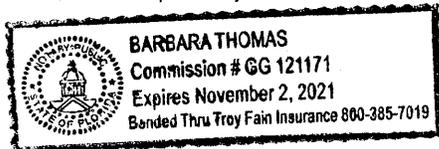
*Guillermo Garcia*  
\_\_\_\_\_

Sworn to and subscribed before me this  
10 day of AUGUST, A.D. 2020

*Barbara Thomas*  
\_\_\_\_\_

(SEAL)

GUILLERMO GARCIA personally known to me



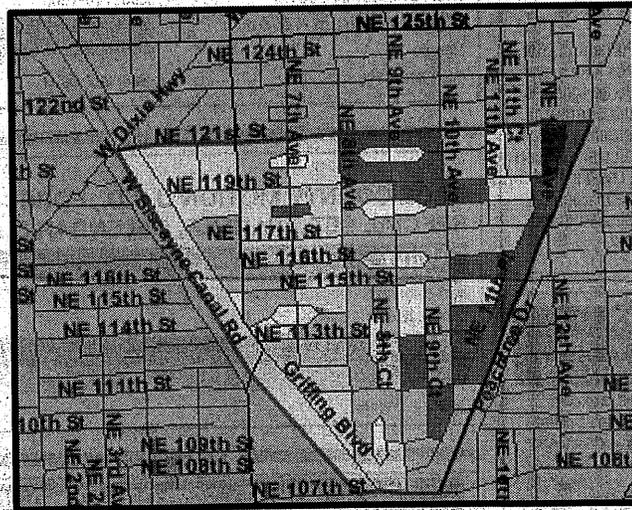
**EXHIBIT A**  
**NOTICE OF PROPOSED INCREASE TO**  
**ANNUAL NON-AD VALOREM ASSESSMENT**  
**FOR RESIDENTIAL SOLID WASTE VILLAGE**  
**OF BISCAYNE PARK, FLORIDA**

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](mailto: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.



## EXHIBIT A

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

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