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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 \$548,826.00 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.

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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.

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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.

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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.

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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.

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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 114<sup>th</sup> 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.

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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.

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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.

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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.

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

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13 PASSED AND ADOPTED this 16<sup>th</sup> day of June, 2020.

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15 The foregoing Resolution was offered by Commissioner Samaria, who moved its adoption.  
16 The motion was seconded by Vice-Mayor Kennedy, and upon being put to a vote the vote was as  
17 follows:

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19	Virginia O’Halpin, Mayor	Yes
20	MacDonald Kennedy, Vice Mayor	Yes
21	Roxanna Ross, Commissioner	Yes
22	Daniel Samaria, Commissioner	Yes
23	William Tudor, Commissioner	Yes
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26 VILLAGE OF BISCAYNE PARK

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30 Virginia O’Halpin, Mayor  
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34 ATTEST:

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38 Roseann Prado, Village Clerk  
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41 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
42 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

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46 John R. Herin, Jr., Interim Village Attorney  
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