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

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

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

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

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

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

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

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

The assessable property described in the assessment roll, which is hereby approved, are specially benefitted by the provision of Solid Waste Services in the amount of the Solid Waste Assessment set forth in the assessment roll. The Village ascertains, determines, and declares that each assessable property within the Village benefits from the Village providing Solid Waste Services in an amount not less than the Solid Waste Assessment for each assessed property as computed in the preliminary assessment resolution. Adoption of this final assessment resolution constitutes a legislative determination that all assessed property derives a special benefit from the Solid Waste Services. Such as the availability and use of collection services to property and safely remove and transport solid waste generated on such property; the provision of disposal services which provide effective and environmentally sound disposal of solid waste generated on such property; and the enhancement of environmentally responsible use and enjoyment of such

property. The method for computing Solid Waste Assessment described in the preliminary assessment resolution is approved. Adoption of this final assessment resolution constitutes a legislative determination that the Solid Waste Assessment is fairly and reasonably apportioned among the residential properties that receive the special benefit. Interim Solid Waste Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this final assessment resolution based upon the rates of assessment approved herein.

Section 5. **Public Hearings.** The Village Commission held a public hearing on September 01, 2020 at 7:00 p.m. at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL to 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.

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

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

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

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

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

Section 11. **Effect of Adoption of Resolution.** The adoption of this final rate resolution shall is the final adjudication of the issues presented herein, unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of this Final Assessment Resolution.

Section 12. **Severability.** If any section, sentence, clause or phrase herein is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 13. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 1st day of September, 2020.

The foregoing Resolution was offered by Commissioner Ross, who moved its adoption. The motion was seconded by Mayor O'Halpin, and upon being put to a vote the vote was as follows:

Virginia O'Halpin, Mayor	Yes
MacDonald Kennedy, Vice Mayor	Yes
Roxanna Ross, Commissioner	Yes
Daniel Samaria, Commissioner	Yes
William Tudor, Commissioner	Yes

VILLAGE OF BISCAYNE PARK

Virginia O'Halpin

Virginia O'Halpin, Mayor

ATTEST:

Roseann Prado

Roseann Prado, Village Clerk

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

Edward A. Dion

Edward A. Dion, Village Attorney

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Please Remit To:

ALM Media, LLC
PO Box 936174
Atlanta, GA 31193-6174

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 #:	I0000481504-0807
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

Invoice #	Description		Amount
I0000481504-0807	**Placement/Position:** Bids/Hearngs/Meetings/Ordinances/Hearings		$296.82
	Run Dates: 08/07/2020, 08/10/2020		
	Ad Size: 3 x 6.44 Inches		
	VILLAGE OF BISCAYNE PARK - PROPOSED INCREASE TO ANNUAL NON-AD VALOREM ASSESSMENT FOR RESIDENTIAL SOLID WASTE - PUBLIC HEARING - SEP. 1 2020	**Subtotal**	$296.82
		Total Due	$296.82

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

For billing questions, please email: ALMcollection@alm.com.

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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

BARBARA THOMAS
Commission # GG 121171
Expires November 2, 2021
Bonded Thru Troy Fain Insurance 800-385-7019

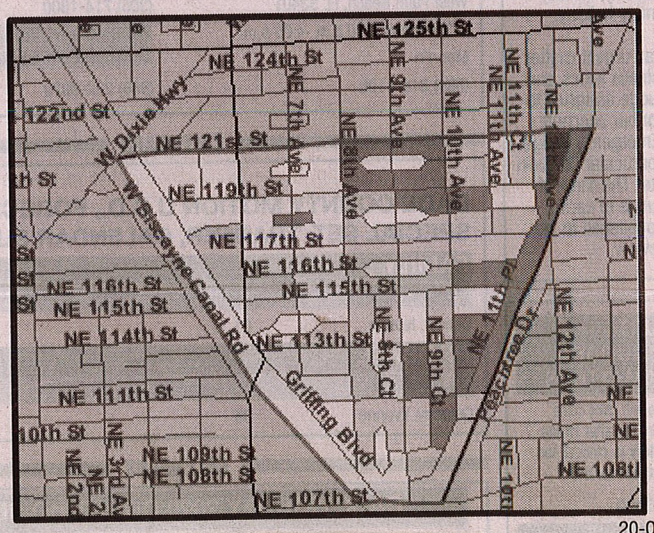
EXHIBIT A
NOTICE OF PROPOSED INCREASE TO ANNUAL NON-AD VALOREM ASSESSMENT FOR RESIDENTIAL SOLID WASTE VILLAGE OF BISCAYNE PARK, FLORIDA

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.



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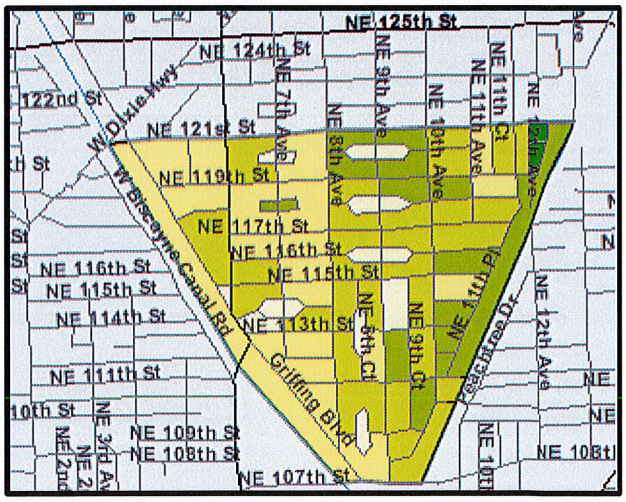
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