

Memorandum



(Public Hearing 6-18-19)
May 21, 2019

Date:

To:

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From:

Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name and title.

Subject:

Ordinance Adopting and Ratifying Non-Ad Valorem Assessment Rolls, Rates and Assessments for Residential Solid Waste Collection Fees

Agenda Item No. 5(I)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Ordinance increasing the Residential Solid Waste Collection Fees (Collection Fee) for the Department of Solid Waste Management's (DSWM) Waste Collection Service Area (Service Area) in Exhibit A, to fund current services for the units within the Service Area. All units within this Service Area are unique due to the type of services being provided. The services provided to the Service Area offer a special benefit to the properties, exceeding the amount of the assessments to be levied. The proposed assessments will increase customers' rates by 4.3 percent for fiscal year 2019-20. This will result in a rate increases of \$5, \$8, \$15, or \$20, as reflected in Exhibit A, depending on the current rate and level of service. The DSWM has determined, and I concur, that the services provided by this Solid Waste Service Area will offer special benefits to properties within the district, exceeding the amount of special assessment to be levied. Therefore, it is hereby recommended that the proposed rates being assessed in Exhibit A be approved and adopted.

Scope

The impact of the Collection Fee will be in unincorporated Miami-Dade County and within municipalities that are a part of the DSWM Service Area.

Fiscal Impact

The rate increase would be paid by the property owners and other customers within the Solid Waste Service Area. The proposed value of these increases is approximately \$6.8 million to support existing services.

Social Equity Statement

The proposed ordinance is not anticipated to have any measurable social equity benefit or burden because all Service Area customers will be impacted equally.

Background

The Board of County Commissioners approved rate increases at its Special Meeting on September 19, 2017. At the time, the increases were expected to sustain the Collection services through FY 2019-20 and increase the collection of illegal dumping. However, due to inflationary cost increases, including health care, anticipated impacts of collective bargaining, and operational costs, it has become clear that the Collection operation requires rate adjustments. The recommended increases are anticipated to maintain pace with expenses for current service for the next three fiscal years, lasting through FY 2021-22.

To maintain the current level of service and short-term financial integrity of the Collection Operations Fund, it is imperative that these rate adjustments be approved. If no increase is approved, some combination of the following reductions will need to be implemented:

- **Transition from twice per week Garbage Collection to once per week Garbage Collection**
 - While potentially saving \$5 million per year, this effort would require 12 to 24 months to implement, with new routes, schedules, shifts, additional carts, updates to collective bargaining, and significant changes to household garbage practices.
- **Closure of 4 of the 13 Trash and Recycling Centers (TRCs):** Norwood, Golden Glades, Richmond Heights, and Chapman Field
 - To determine which locations to close, the Department focused on the lowest-performing locations, TRCs offering limited services, and proximity to other TRCs.
 - The Department is estimating that the approximately 26,000 tons of trash that are generated at the closed locations will either be taken to other TRCs, picked up via curbside bulky waste collection service, or will be placed within the residential garbage cart for curbside collection. Consequently, the costs associated with disposing of these trash tons cannot be reduced by closing TRCs.
- **Reduction in operating days at the remaining 9 TRCs**
 - Days of operation will be changed from seven days to four days – Friday, Saturday, Sunday and Monday.
 - The closure of 4 TRCs and reduced days of operation for the remaining 9 TRCs will potentially increase illegal dumping and cause negative operational impacts to the landscaping industry.
- **Elimination of Special Programs**
 - Elimination of the Litter Collection and Shopping Cart Program
 - Elimination of the Community Service Program, a judicial diversion program that supports litter pickup
 - Elimination of curbside Holiday tree collection
- **Bulky Waste Pickup Turnaround Time**
 - The turnaround time to pick up bulky piles will increase from the current target of eight days.

As part of continuous efforts to operate more efficiently, without reducing service, the DSWM is exploring efficiencies through improved use of routing technology for Garbage collection and working closely with ISD Fleet to ensure continued fleet maintenance savings from the ongoing DSWM fleet replacement plan. The DSWM anticipates combined savings of \$1.6 million in FY 2019-20.

The DSWM also bears noting that the financial impact of Hurricane Irma remains a burden on the DSWM Collection fund. The DSWM estimates the cost of the restoration effort, between Category A Debris Removal and Category B Emergency Protective Measures, at over \$150 million. Unlike prior storm events, the State of Florida has chosen not to provide cash advances on approved projects; so, for much of the past thirteen months, the DSWM has been working urgently with the Federal Emergency Management Agency (FEMA) on the grant process to reimburse Miami-Dade County. To date, the DSWM has yet to receive an obligation. The Department believes that once FEMA (grantor) and the State (grantee) complete their reviews of the DSWM documentation, they will reimburse the department (subgrantee) approximately over \$140 million. Unfortunately, this will leave the DSWM with an estimated budgetary gap of over \$10 million related to the local share not covered by either FEMA or the State. A one-time assessment will be required to fund the local share gap.

This Collection Fee is a non-ad valorem assessment. In order for the non-ad valorem assessment to be included in the TRIM notice that is mailed to all property owners in August, the assessment must be submitted to the Property Appraiser's Office by July 12, 2019. Therefore, in the event of a rate increase, the Board is required to adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 25. In accordance with Section 197.3632 of the Florida Statutes, the County is required to publicly notice the public hearing considering the adoption of the new non-ad valorem assessment rolls, which includes notice by first class mail to each person owning property subject to the assessment, and publication in a newspaper generally circulated within Miami-Dade County.

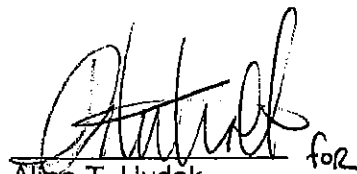
At least twenty (20) days before the public hearing, all property owners within the Service Area will receive notice by first class mail with the following information:

- the purpose of the assessment;
- the total amount to be levied against each parcel;
- the unit of measurement to be applied against each parcel to determine the assessment;
- the number of such units contained within each parcel;
- the total revenue the local government will collect by the assessment;
- a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title;
- a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and
- the date, time and place of the hearing.

The published notice shall contain the following information:

- the name of the local governing board;
- a geographic depiction of the property subject to the assessment;
- the proposed schedule of the assessment;
- the fact that the assessment will be collected by the tax collector; and
- a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice.

The Department remains committed to providing the high level of service its customers have grown accustomed to. The Department will continue to explore options to contain costs, enhance efficiency, and remain competitive.



Alina T. Hudak
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 18, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(I)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(I)
6-18-19

ORDINANCE NO. _____

ORDINANCE APPROVING, ADOPTING AND RATIFYING NON-AD VALOREM ASSESSMENT ROLLS, RATES, AND ASSESSMENTS FOR THE SOLID WASTE COLLECTION SERVICE AREA OF MIAMI-DADE COUNTY, FLORIDA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, as provided in Chapter 15 of the Code of Miami-Dade County (“Code”), the County provides solid waste services, including the collection, disposal, and recycling of household garbage, trash and bulky waste, within the Solid Waste Collection Service Area in Miami-Dade County, Florida; and

WHEREAS, Implementing Order 4-68 provides that special assessments in the Solid Waste Collection Service Area should be levied on a per household unit basis for residential customers and on a per unit basis for commercial and multi-family customers; and

WHEREAS, the benefits provided by these special assessments to the affected properties include, but are not limited to, the availability of facilities to properly and safely dispose of solid waste, the long term monitoring of the facilities, a potential increase in value to the affected properties, better service to owners and tenants, and the enhancement of environmentally responsible use and enjoyment of such properties; and

WHEREAS, the County Mayor or County Mayor’s designee caused rates to be prepared and filed with the Clerk of the Board of County Commissioners and pursuant to notice published and mailed to all property owners within the Solid Waste Collection Service Area, this Board held

a public hearing on this date upon the rate submitted by the County Mayor or County Mayor's designee, and all interested persons were afforded the opportunity to present their objections, if any, with respect to their assessments of such rate; and

WHEREAS, after due consideration, this Board found and determined that the assessments shown on the assessment rolls were in proportion to the special benefits accruing to the respective parcels of real property appearing on said assessment rolls; and

WHEREAS, each property owner was notified that the special assessments, when finally approved and confirmed pursuant to Section 15-28 of the Code of Miami-Dade County, Florida, will be placed on the November 2019, and subsequent, real property tax bills and that, if these special assessments are not paid when due, the properties on which the special assessments are levied will be respectively subject to the same collection procedures as for ad valorem taxes, including possible loss of title,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. This Board hereby adopts and incorporates the facts contained in the accompanying memorandum and the foregoing recitals as if stated herein.

Section 2. This Board intends to use the uniform method of collection of non-ad valorem assessments as authorized in Section 197.3632, Florida Statutes, as amended, for collecting the non-ad valorem assessments levied within Miami-Dade County for the Solid Waste Collection Service Area, including, but not limited to, collection, recycling, and disposal of solid waste for fiscal year 2019-2020, commencing October 1, 2019 and ending September 30, 2020. Legal descriptions of such areas to the assessments, units of measurement, and the amount of the assessment are attached hereto as Exhibit A and incorporated herein by reference. This Board

hereby also incorporates by reference: (1) all previously adopted ordinances establishing and/or amending the services and service areas described in Exhibit A; and, (2) any resolutions adopting preliminary or amended assessment rolls for the service areas described in Exhibit A.

Section 3. After duly advertised public hearing, this Board has received written objections, if any, and heard testimony from all interested persons and, based on the benefit to the properties described in Exhibit A, hereby determines that the levies of the assessments are needed to fund the cost of providing collection, recycling, and disposal of solid waste within Miami-Dade County, Florida. Therefore, this Board adopts the non-ad valorem assessments rolls, rates and units of measurements as referenced in Exhibit A.

Section 4. All assessments made upon said assessment rolls shall constitute a special assessment lien upon the real property so assessed from the date of the confirmation of such assessments, in accordance with the provisions of Section 15-28 of the Code of Miami-Dade County, Florida.

Section 5. All assessments shall be payable in accordance with Section 15-24 of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of the ordinance previously approved by the Board, shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. Unless paid when due, such assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statutes, and/or Section 15-24 of the Code of Miami-Dade County, Florida.

Section 6. Within thirty (30) days from the effective date of this resolution, the Clerk of the Board of County Commissioners is directed to deliver to the Tax Collector a copy of the assessment roll to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 7. Unless otherwise prohibited by law, this ordinance shall supersede all enactments of this Board including, but not limited to, ordinances, resolutions, implementing orders, regulations, rules, and provisions in the Code of Miami-Dade County in conflict herewith; provided, however, nothing in this ordinance shall amend or supersede the requirements of Ordinance 07-45, as amended.

Section 8. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 9. All provisions of this ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board.

Section 10. It is the intention of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jorge Martinez-Esteve

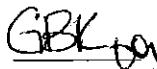
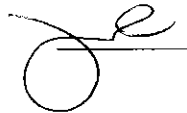



EXHIBIT A
Miami-Dade County
Summary of Folios, Units and Rates in Solid Waste Collection Service Area

| CALCULATION FOR YEAR 2020 | | | | | | | | | |
|---------------------------|---|--|--|---------------------------------------|-----------------------|----------------|----------------|-----------------------|----------------|
| TRASH | NUMBER OF UNITS PER HOUSEHOLD (RESIDENTIAL) | NUMBER OF UNITS PER HOUSEHOLD (COMMERCIAL) | NUMBER OF UNITS PER HOUSEHOLD (INDUSTRIAL) | NUMBER OF UNITS PER HOUSEHOLD (TOTAL) | PROPOSED RATES | PROPOSED RATES | PROPOSED RATES | PROPOSED RATES | PROPOSED RATES |
| | | | | | | | | | |
| T0004 | GARB, TRASH, TRC, RECYCLE | 324,176 | 332,102 | \$ 464 | \$ 154,095,328 | \$ 20 | \$ 2484 | \$ 160,737,368 | |
| T0013 | GARBAGE & RECYCLING | 683 | 3,015 | \$ 186 | \$ 560,790 | \$ 8 | \$ 194 | \$ 584,962 | |
| T0034 | DUMPSTER-GARB, TRASH, TRC | 4,445 | 4,445 | \$ 358 | \$ 1,591,310 | \$ 15 | \$ 373 | \$ 1,659,901 | |
| T0041 | TRASH & RECYCLING CENTER | 1,201 | 1,214 | \$ 118 | \$ 143,252 | \$ 5 | \$ 123 | \$ 149,427 | |
| T0049 | MULTI CASES FAMILY | 55 | 103 | \$ 464 | \$ 47,792 | \$ 20 | \$ 484 | \$ 49,852 | |
| T0055 | OPA LOCKA | 2,532 | 2,930 | \$ 464 | \$ 1,359,520 | \$ 20 | \$ 484 | \$ 1,418,120 | |
| | TOTAL | 333,092 | 343,809 | | \$ 157,797,992 | | | \$ 164,599,630 | |

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