

Memorandum



Date: (Public Hearing: 7-7-22)
May 17, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

Agenda Item No. 5(Q)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

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

Executive Summary

On June 18, 2019, the Board of County Commissioners (Board) approved Ordinance No. 19-59 to increase Residential Solid Waste Collection Fees. For the full-service household, the fee grew by \$20 annually, from \$464 per year to \$484 per year. The Mayor's memorandum noted, "The recommended increases are anticipated to maintain pace with expenses for current service for the next three fiscal years, lasting through FY 2021-22." As anticipated, this decision made in 2019 resulted in shortfalls that would occur in 2022. The Department of Solid Waste Management (DSWM) finds its Collections Operations fund in a deficit beginning October 1, 2022, which would result in the need for even higher increases in the future. My administration has worked hard to run several projections to find the lowest possible adjustment for homeowners. The administration recommends a series of adjustments that includes a \$25 per year fee increase with a cash infusion of general revenue that was generated from the American Rescue Plan Act (ARPA) to address future budgetary shortfalls in governmental services, as adopted in the FY 2021-22 budget. The amount required will be reflected in the FY 2022-23 Proposed Budget. The \$25 adjustment would be adopted through this item.

Recommendation

It is recommended that the Board approve the attached Ordinance increasing the Residential Solid Waste Collection Fees (Collection Fee) for the 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 5.2 percent starting the Fiscal Year 2022-23. This will result in rate increases of \$6, \$10, \$19 or \$25, 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 Service Area. The proposed value of these increases is approximately \$8.25 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.

Delegation of Authority

This item authorizes the County Mayor or County Mayor’s designee, contingent upon Board approval of non-ad valorem rates, to place the non-ad valorem assessments on the 2022 real property tax bills.

Background

The DSWM uses a non-ad valorem fee to fund the bulk of its Collections Operation. The fee currently totals \$484 per household per year for the typical full-service household. Services funded through this fee include, but are not limited to, twice per week garbage collection, two bulky waste pickups per year, seven days per week access to all thirteen (13) neighborhood trash and recycling centers (TRC), and every other week curbside recycling.

Since FY 1990-91, when the household fee was \$299, the Board has voted to increase the household fee by \$50 on three occasions, for FY 1991-92, FY 1992-93, and FY 2003-04. For FY 2006-07, the Board voted to increase the household fee by \$40. After a hiatus of ten years, the Board voted to increase the household fee by \$25 for FY 2017-18, \$6 of which was for new service and only \$19 of which was for existing service. Another \$20 increase was approved for FY 2019-20. Had both of these most recent fee increases been \$50, the Collections Fund would have received an additional \$101.3 million through FY 2022-23, eliminating the projected gap.

This gap was exacerbated by COVID-19 mandates to “stay safer at home” which created an average shift in waste of 79,000 tons annually (9.5 percent) from commercial accounts to residential accounts, increasing the disposal costs for the Collections operation. In addition, the rate of inflation, typically projected at one percent, has seen recent annual values of 5.4 percent in 2022 and a projected 8.4 percent in 2023. This inflationary growth has dramatically increased the cost of all goods and services purchased by Collections, from diesel fuel to heavy vehicles.

The analysis of the fee increase proposal considered numerous potential service reductions, totaling \$10.6 million:

- Garbage: Reduce garbage service to once per week (\$5.1M; 24 months to implement)
- TRC #1: Reduce operating days at nine (9) trash and recycling centers (\$1.6M)
- TRC #2: Close four (4) trash and recycling centers (\$1.4M)
- Litter: Eliminate litter collection (\$1.3M)
- Code Enforcement: Eliminate ten (10) Waste Enforcement Officers (\$806,000)
- Community Service Program (\$196,000)
- Holiday Tree Recycling (\$155,000)

Unfortunately, given the projected deficit of \$28.3 million, implementation of these \$10.6 million reductions would still leave a deficit of \$17.7 million, which would still require a one-time fee increase of \$54. In addition, making these cuts would dramatically affect the quality of service, including scaling back significantly on the monitoring of illegal dumping and reduction in garbage pick-up to once per week. Drastically reducing services while still requiring a fee increase of this magnitude is not in the best interest of our residents. For these reasons, I am recommending the reduced \$25 fee increase for FY 2022-23 with a cash infusion, while still maintaining the level of service that our residents expect from the DSWM.

In order for the recommended 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, 2022. In addition, the Board is required to adopt its 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.

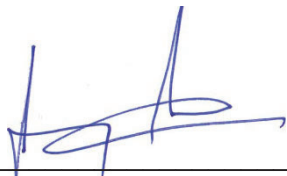
At least twenty (20) days before the public hearing, all property owners within the Service Area will receive notice by first-class mail with the following information:

- Purpose of the assessment;
- Total amount to be levied against each parcel;
- Unit of measurement to be applied against each parcel to determine the assessment;
- Number of such units contained within each parcel;
- 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
- Date, time, and place of the hearing.

The published notice shall contain the following information:

- Name of the local governing board;
- Geographic depiction of the property subject to the assessment;
- 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 file written objections with the local governing board within 20 days of the notice.

The Administration remains committed to providing the high level of service to which its customers have grown accustomed, while still keeping costs as low as possible, and will continue to explore options to contain expenses, enhance efficiency, and remain competitive.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 7, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(Q)

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(Q)
7-7-22

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,
COMMENCING OCTOBER 1, 2022; 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 2022, 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. 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 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

Handwritten signature and initials. The initials "GBK" are written in blue ink at the top. Below them is a large, stylized handwritten signature in black ink, which appears to be "JME" or similar, written over a horizontal line.

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

CALCULATION FOR YEAR 2023								
DISTRICT	DISTRICT DESCRIPTION	NUMBER OF FOLIOS	NUMBER OF UNITS (PER HOUSEHOLD OR PER LIVING UNIT FOR MULTIFAMILY)	CURRENT RATE	VALUE	PROPOSED \$25 FEE INCREASE	PROPOSED RATE	PROPOSED VALUE
T0004	GARB, TRASH, TRC, RECYCLE	330,499	338,918	\$ 484	\$ 164,036,312	\$ 25	\$ 509	\$ 172,509,262
T0013	GARBAGE & RECYCLING	692	2,911	\$ 194	\$ 564,784	\$ 10	\$ 204	\$ 593,957
T0034	DUMPSTER-GARB, TRASH, TRC	4,675	4,675	\$ 373	\$ 1,745,790	\$ 19	\$ 393	\$ 1,835,965
T0041	TRASH & RECYCLING CENTER	1,160	1,172	\$ 123	\$ 144,257	\$ 6	\$ 129	\$ 151,708
T0049	MULTI CASES FAMILY	54	101	\$ 484	\$ 48,884	\$ 25	\$ 509	\$ 51,409
T0055	OPA LOCKA	40	40	\$ 484	\$ 19,360	\$ 25	\$ 509	\$ 20,360
	TOTAL	337,120	347,817		\$ 166,559,387			\$ 175,162,661