

RESOLUTION NO. 2023 – 4118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, PROVIDING FOR THE COLLECTION OF GARBAGE, TRASH AND RECYCLING SERVICE FEES USING THE UNIFORM METHOD OF COLLECTION OF NON-AD VALOREM REVENUES; PROVIDING FOR FEES AND MAXIMUM FEES FOR GARBAGE, TRASH AND RECYCLING SERVICES; DIRECTING THE PREPARATION OF A FINAL ASSESSMENT ROLL; CONFIRMING INITIAL RATE RESOLUTION; PROVIDING FOR EQUALIZATION, FILING, AND LIEN ON PROPERTIES TO BE ASSESSED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in order to maintain certain public health standards, the City of Miami Springs (the “City”) Council has established a policy for the effective removal of garbage, trash, and recyclable materials (the “Services”) from residential property; and

WHEREAS, pursuant to Section 93.07(b) City’s Code of Ordinances (the “Code”), the City Council of the City (the “City Council”) is authorized to impose fees for the Services (the “Fees”); and

WHEREAS, the City Council has provided for the collection of the Fees using the non-ad valorem levy, collection and enforcement method as provided in Chapter 197, Florida Statutes (the “Uniform Method of Collection Act”); and

WHEREAS, the City’s administration annually reviews all such operations and establishes a budget to account for the collection of the Fees for the Services; and

WHEREAS, on occasion the City must adjust the Fees charged to its customers to provide the Services; and

WHEREAS, on June 12, 2023, the City Council adopted Resolution No. 2023-4097 (the “First Rate Resolution”) establishing a revised fee schedule that increases the Fees; and.

WHEREAS, on August 14, 2023, the City Council adopted Resolution No. 2023-4111 (“Initial Rate Resolution”) ratifying the revised Fee rate adopted in the First Rate Resolution, establishing a maximum Fee for the Services in future years (“Maximum Fees”), providing for the collection of the Fees through the Uniform Method of Collection Act, setting a public hearing for the purpose of finally adopting the Fees, and providing method of notice of the

public hearing in accordance with the Uniform Method of Collection Act, among other things; and

WHEREAS, in accordance with the Uniform Method of Collection Act, a notice of a public hearing has been published and mailed which provides notice to all interested persons of an opportunity to be heard, as evidenced in the affidavit regarding the form of notice mailed attached hereto as Exhibit “A” and the proof of publication attached hereto as Exhibit “B”; and

WHEREAS the City Council held a public hearing on September 11, 2023, and comments and objections of all interested persons have been heard and considered as required by the terms of the Uniform Method of Collection Act; and

WHEREAS, any and all complaints as to the Fees and Maximum Fees have been considered by the City Council at the September 11, 2023, public hearing for the purpose of considering the equalization of individual assessments; and

WHEREAS, the City Council finds that this Resolution is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Authority. That this Resolution is adopted pursuant to the provisions of the Code, Sections 166.021 and 166.041, Florida Statutes, the Uniform Method of Collection Act, and other applicable provisions of law.

Section 3. Purpose and Definitions. That the purpose of this Resolution is to adopt the Fees and set the Maximum Fees for future fiscal years imposable by the City for the Services after a public hearing for the purpose of considering all comments and objections from all interested persons. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Uniform Method of Collection Act.

Section 4. Levy and Imposition of Fees and Adoption of Maximum Garbage, Trash and Recycling Collection Services Fee.

4.1 The City currently has an agreement with Miami-Dade County to provide for the Services (the “Service Agreement”). The Services Agreement provides for an increase in the

cost of providing such Services based upon the increase in the Consumer Price Index for All Urban Consumers (the “CPI-U”), but no more than four percent (4%) per year.

4.2 The City Council has determined that it is appropriate, advisable, and in the best interests of the City, its residents and property owners, to levy for Fiscal Year 2023-2024, against the Single-Family and Multi-Family residential dwellings described in the Final Assessment Roll attached as Exhibit “C” to this Resolution the following Fees:

- a) Single-Family (SF) residential dwelling, serviced by the automated collection system, the limit shall be one (1) 90-gallon automated system container; twice weekly collection for garbage and weekly collection for trash. These are per unit charges.

Service	Prior Rate (per unit/month)	New Rate (per unit/month)
SF- Garbage	\$27.38	\$28.48
SF- Trash	\$28.69	\$29.84
SF- Recycling	\$3.04	\$5.51

- b) Multi-family (MF) dwellings of 3 or 4 units, including auxiliary or separate units within the residential areas, limit shall be 90-gallon automated system container(s) sufficient to contain garbage and waste per property; twice weekly garbage collection; fees shall be charged per living unit; and weekly for trash.

Service	Prior Rate (per unit/month)	New Rate (per unit/month)
MF- Garbage	\$4.52	\$4.70
MF- Trash	\$14.19	\$14.76
MF- Recycling	\$1.27	\$2.30

4.3. In order to provide for increases in costs for subsequent years, the City hereby sets the Maximum Fees to be collected in any Fiscal Year subsequent to 2023-2024, as set forth below:

- a) Single-Family (SF) residential dwelling, serviced by the automated collection system, the limit shall be one (1) 90-gallon automated system container; twice weekly collection for garbage and weekly collection for trash. These are per unit charges.

Service	Maximum Rate (per unit/month)
SF- Garbage	\$34.65
SF- Trash	\$36.30
SF- Recycling	\$10.51

b) Multi-family (MF) dwellings of 3 or 4 units, including auxiliary or separate units within the residential areas, limit shall be 90-gallon automated system container(s) sufficient to contain garbage and waste per property; twice weekly garbage collection; fees shall be charged per living unit; and weekly for trash.

Service	Maximum Rate (per unit/month)
MF- Garbage	\$ 5.72
MF- Trash	\$17.96
MF- Recycling	\$7.30

4.4 The City intends to collect the Fees using the method provided in the Uniform Method of Collections Act. Any increase in the Fees beyond the adopted Maximum Rate as adopted requires the City to first have a public hearing after providing notice as set forth in Section 197.3632, Florida Statutes, as amended.

Section 5. Collection.

5.1 The City Manager is hereby directed to take any and all appropriate steps to provide for the collection of such Fees using the Uniform Method of Collection Act, commencing with the tax bill issued in November 2023. The City Attorney is hereby authorized to initiate and maintain all proceedings necessary and appropriate to provide for the Uniform Method of Collection Act of any and all Fees based upon the annual rate for each Property and not to exceed the Maximum Rate established herein.

5.2 It is hereby ascertained, determined, and declared that the foregoing method of determining the Fees for the Service is a fair and reasonable method of apportioning the costs among parcels of Property receiving the Service, and the use of the Uniform Method of

Collection Act for collection is an efficient mechanism to address payment delinquencies and recover the Fees which is allocable to specific parcels of Property receiving the Service.

Section 6. Confirmation of Initial Rate Resolution. The Initial Rate Resolution, as modified, amended and supplemented herein, is hereby confirmed.

Section 7. Revisions to Assessments. If any Fees made under the provisions of the Initial Rate Resolution, this Resolution or the resolution adopted after the public hearing is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the City Council is satisfied that any such Fee is so irregular or defective that the same cannot be enforced or collected, or if the City Council has failed to include or omitted any Property on the Preliminary Assessment Roll which property should have been so included, the City Council may take all necessary steps to impose a new Fee against any such Property receiving the Service, following as nearly as may be practicable, the provisions of the Uniform Method of Collection Act and in case such second Fee is annulled, vacated, or set aside, the City Council may obtain and impose other Fees until a valid Fee for the Service is imposed.

Section 8. Equalization. Having considered all complaints as to individual Fees, the City Council has determined that no adjustment or equalization is necessary to provide for a just and fair result.

Section 9. Filing. Upon adoption, this Resolution shall immediately be filed with the City Clerk, and the Final Assessment Roll shall be filed with the City Council, City Clerk and the Miami-Dade Property Appraiser and Tax Collector in the manner provided in the Code and the Uniform Method of Collection Act.

Section 10. Effect of Adoption of Resolution. The adoption of this Resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of apportionment and levy, the rates of Fee, the Final Assessment Roll and the levy and lien of the Fee), unless proper steps shall be initiated in a court of competent jurisdiction within thirty (30) days from the date of adoption of this Resolution.

Section 11. Severability. The provisions of this resolution are declared to be severable and if any section, sentence, clause or phrase of this resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this resolution but they shall remain in effect, it being the legislative intent that this resolution shall stand notwithstanding the invalidity of any part.

Section 12. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

The foregoing Resolution was offered by Councilman Vazquez who moved its adoption. The motion was seconded by Councilman Fajet and upon being put to a vote, the vote was as follows:

Vice Mayor Jorge Santin	<u>YES</u>
Councilmember Jacky Bravo	<u>YES</u>
Councilmember Dr. Walter Fajet, Ph.D.	<u>YES</u>
Councilmember Dr. Victor Vazquez, Ph.D.	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>

PASSED AND ADOPTED this 11th day of September, 2023.



MARIA PUENTE MITCHELL
MAYOR


ATTEST:



ERIKA GONZALEZ, MMC
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS SEROTA HELFMAN COLE & BIERMANN, P.L.
CITY ATTORNEY

EXHIBIT A

Insert Proof of Publication

MIAMI-DADE

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

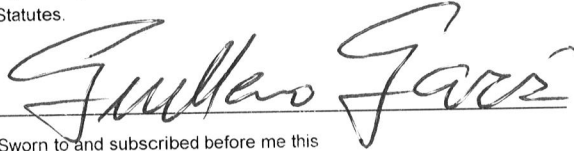
Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement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

CITY OF MIAMI SPRINGS - PUBLIC HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF GARBAGE, TRASH AND RECYCLING FEES - SEPT. 11, 2023

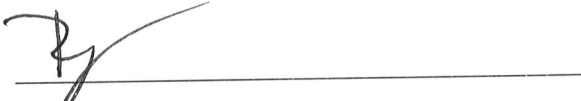
in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

08/18/2023

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

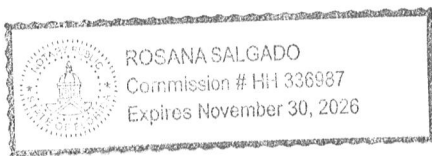


Sworn to and subscribed before me this
18 day of AUGUST, A.D. 2023



(SEAL)
GUILLERMO GARCIA personally known to me

SEE ATTACHED



PUBLIC NOTICE
NOTICE OF PUBLIC HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF GARBAGE, TRASH AND
RECYCLING FEES IN THE CITY OF MIAMI SPRINGS

Notice is hereby given by the City of Miami Springs, Florida (the "City") that the City will conduct a public hearing to consider imposing annual non-ad valorem fees for the purpose of funding annual fees for the garbage, trash and recycling collection services and setting maximum rates to be collected using the tax bill collection method.

The public hearing will be held by the City Council on September 11, 2023 at 6:45 p.m. at City Hall, 201 Westward Drive, Miami Springs, FL 33166 or as soon as practicable thereafter, for the purpose of receiving public comment on the proposed fees. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice.

If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made

Pursuant to Section 286.0105, Florida Statutes, if you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing or at any subsequent meeting to which the City Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk, at 305-805-5006, with request for auxiliary aids or services at least two (2) business days before the meeting.

The proposed fee for single-family is \$765.96 per unit and for multi-family is \$261.12 per unit will begin to be collected on the ad valorem tax bill to be mailed in November 2023, as authorized by Section 197.3632, Florida Statutes. Failure to pay the fee will cause a tax certificate to be issued against the property which may result in a loss of title. The City Council intends to collect the fees annually.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council action at the above hearing (including the method of apportionment, the fee rate and the imposition of the fee), such action shall be the final adjudication of the issues presented.

If you have any questions, please contact the City Clerk's Office at 305-805-5006.

MAP OF AREA

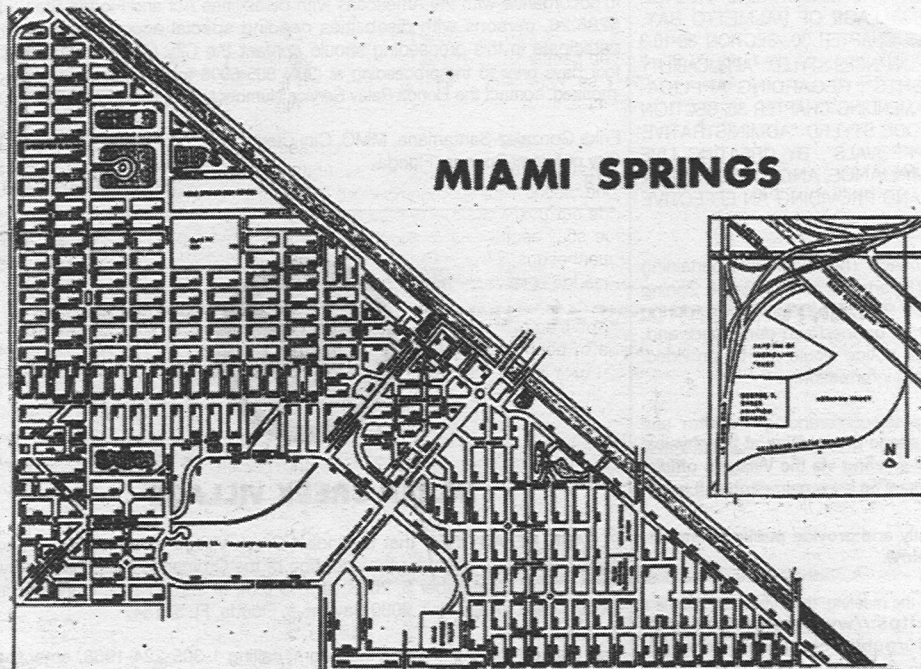


EXHIBIT B
AFFIDAVIT OF MAILING



3,642

Postal Center International, Inc.

Sales Order

Company: ORIGINAL IMPRESSIONS, LLC
 Account No: 114877
 Estimate No: DIGORD0035199
 Customer PO: JOB #308909

Date: 8/18
 City of Miami Springs
 msilva

Special Notes:

[Empty box for special notes]

Class: *Standard* Piece Type: *letter*
 Payment: *permit* Pay Rate:
 Permit #: *2121* Post Office:

Mail Stream:
 Thickness:
 Piece Weight:

Date Case:
 Records to Mail:
 Duplicate Elimination

Inkjet Permit
 Mail Internation

Fields To Use: ID or Code#
 Title Company

Postage: Check Amount:

Date Received:

Materials:

Pick-Up Materials by:
 Excess Materials:

Proof & Samples

Required Quantity:
 Require Quantity:

Item Number	Description	Quantity
9700-00	1st Class Postage	1.00000

**City of Miami Springs
201 Westward Drive
Miami Springs, Florida 33166**

**PSRT STD
US POSTAGE
PAID
FT. LAUDERDALE, FL
PERMIT NO. 2121**

**RENE WALKER QUICK LE
1051 ORIOLE AVE
MIAMI SPRINGS, FL 33166**

Client Billing By Profile:

Company Name: CITY OF MIAMI SPRINGS **Software:** NetSort Version 3.1.730.8677
Mailing: 08/19/2023
Street: 2965 W CORPORATE LAKES BLV
City, State, Zip: WESTON, FL 333313623

Customer	Profile Name	Affixed Postage					
DIGITAL	CITY OF MIAMI SPRINGS	Mail Type	Zone	WT.	Piece Count	Rate	Postage Cost
Customer No: 559	Profile Number:12210	Permit		1.0	3,642	\$ 0.000	\$ 0.000
Profile Affixed Total					3,642		\$ 0.000

Charges							
Category	Weight	Rate Type	Piece Count	Pounds	Piece Rate	Pound Rate	Cost
Sort Level	1.0	AADC Auto	3,633		\$ 0.000		\$ 0.000
		AADC MACH	5		\$ 0.000		\$ 0.000
		MXD AADC Mach	4		\$ 0.000		\$ 0.000
Sub-Total			3,642				\$ 0.000

Profile Charges Total: \$ 0.000
Customer Affixed Total: \$ 0.000
Customer Charges Total: \$ 0.000

**EXHIBIT C
FINAL ASSESSMENT ROLL**

**THE FINAL ASSESSMENT ROLL IS ON FILE WITH THE OFFICE OF THE CITY
CLERK**