

RESOLUTION NO. 2023 – 4111

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 MAXIMUM FEES FOR GARBAGE, TRASH AND RECYCLING SERVICES; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER THE IMPOSITION OF GARBAGE, TRASH AND RECYCLING SERVICE FEES FOR FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND THE MAXIMUM FEES; DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Springs, Florida (the “City”) provides garbage, trash and recycling collection services (the “Services”) for residential and commercial customers within the City; 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 provided for the collection of the Fee 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, on June 12, 2023, the City Council pursuant to Resolution 2023-4097 (the Rate Resolution”), adopted a revised fee schedule increasing the Fees as set forth on Exhibit “A” attached to the Rate Resolution.

WHEREAS, the City Council desires to implement the Fees adopted by the Rate Resolution, establish Maximum Fees and use the Uniform Method of Collection with respect to the revised Fees; and

WHEREAS, in accordance with the Uniform Method of Collection Act, particularly Section 197.3632(4)(a), Florida Statutes, as amended, the City Council desires to adopt a resolution, after a public hearing which would increase the Fees in excess of the amount established for last fiscal year and adopt Maximum Fees; and

WHEREAS the City Council finds that it is necessary to set a public hearing and provide for notice of such public hearing in accordance with the Uniform Method of Collection Act, specifically Section 197.3632(4)(b) to all affected property owners; 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 CITY COUNCIL OF THE CITY OF KEY BISCAYNE, 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 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 this Resolution is to set the date and time of the public hearing, to provide for the required notices to be provided under the Uniform Method of Collection Act, and to provide for a proposed increase to the Fees and adoption of Maximum Fees. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Uniform Method of Collection Act.

Section 4. Ratification of the Rate Resolution 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 For the purposes of Fiscal Year 2023-2024, the City Council adopted the Rate Resolution, which is hereby ratified and confirmed.

4.3. In order to provide for increases in costs for subsequent years, the City has determined to set 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. Preliminary Non-Ad Valorem Assessment Roll.

5.1 The City Manager has prepared, a Garbage, Trash and Recycling Collection Service Fee non-ad valorem assessment roll for the Fiscal Year 2023-2024, in the manner provided in the Uniform Method of Collection Act (the "Preliminary Assessment Roll"). Such Preliminary Assessment Roll shall contain the following information, which is set forth in Exhibit "A," hereto: (1) a summary description of each Property within the City conforming to the description contained on the most recent Miami-Dade County Tax Roll, and/or Folio Number, (2) the name and address of the owner of record of the Property as shown on the most recent Miami-Dade County Tax Roll (except as exempted by Chapter 119 Florida Statutes, (3) the amount of the Total Cost to be assessed against all the Properties for the total number of Properties located within the City, (4) the Fee for each Property for Fiscal Year 2023-2024, and (5) the Maximum Fee for each Property that may be imposed during any subsequent Fiscal Year. The Preliminary Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the Preliminary Assessment Roll be in printed form if the amount of the annual Fee for each Property can be determined by use of a computer terminal available to the public.

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. Authorization of Public Hearing; Notice. The City Council hereby finds and determines that a public hearing is to be held by the City Council at City Hall located at 201 Westward Drive, Miami Springs, FL 33166 at 6:45 p.m. on September 11, 2023, or as soon as practicable thereafter, to be set forth in the notice of meeting, to consider: (A) the purpose of the Fees, (B) the estimated annual costs for the Services for Fiscal Year 2023-2024 and the Maximum Fees to be established, (C) imposition and apportionment methodology of the costs to the Properties receiving the Service, and (D) collection of the Fees pursuant to the Uniform Method of Collection Act commencing with the tax bill to be mailed in November 2023.

Section 7. Notice by Mail.

7.1 The City Manager shall, at the time and in the manner specified in Section 197.3632(4)(b), Florida Statutes, direct the provision of first class United States mailed notice of the public hearing authorized by Section 6 hereof by the City Clerk to each property owner of the Properties receiving the Service at the address indicated on the Tax Roll. Such notice shall contain the information required for mailed notice set forth in Section 197.3632(4)(b), Florida Statutes a form of which is attached as Exhibit "B".

7.2 Proof of such mailings shall be made by affidavit of the City Clerk and be kept on filed with the City Clerk

Section 8. Notice by Publication. That the City Manager shall direct the City Clerk to publish a notice of the public hearing authorized by Section 6 hereof in the manner and the

time provided in Section 197.3632(4)(b), Florida Statutes. Such notice shall contain the information required by Section 197.3632(4)(b), Florida Statutes for published notice.

Section 9. Revisions to Assessments. If any Fees made under the provisions of the 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 10. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

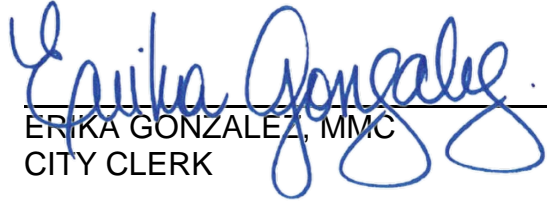
Section 11. The foregoing Resolution was offered by Councilman Fajet who moved its adoption. The motion was seconded by Councilwoman Bravo and upon being put to a vote, the vote was as follows:

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

PASSED AND ADOPTED this 14th day of August, 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
PROPERTY INFORMATION
FOR PRELIMINARY ASSESSMENT ROLL
(ON FILE IN CITY CLERK'S OFFICE)**

EXHIBIT B
FORM OF MAILED NOTICE