

MEMORANDUM

Agenda Item No. 5(F)

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	(Public Hearing: 7-16-24) June 18, 2024
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	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, 2024

The accompanying ordinance was prepared by the Solid Waste Management Department and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.


Geri Bonzon-Keenan
County Attorney

GBK/gh


MDC001

Memorandum



Date: July 16, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

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

Executive Summary

This item provides the Board of County Commissioners (Board) with the option to adjust the Residential Solid Waste Collection Fees (Collection Fee) for FY 2024-25, as outlined below. Of the options presented in this memo, the administration recommends that the Collection Fee remain flat at the current rate of \$547 per household unit in order to continue providing relief to residents given the increased cost of living, while also providing a loan from the Disposal Fund to ensure the County can continue to provide essential waste management services. Should the Board choose to adopt a fee increase, the newly adopted fee would be included in the Truth in Millage (TRIM) notice provided to property owners by the Property Appraiser.

Recommendation

It is recommended that the Board consider the following options for the non-ad valorem Collection Fee for the Department of Solid Waste Management (DSWM) Waste Collection Service Area (Service Area):

- *Option 1* – Maintain the current annual fee of \$547 per household and provide a loan from the Disposal Fund to the Collection Fund to cover the projected gap in FY 2024-25 and ensure essential services continue uninterrupted
- *Option 2* – Increase the fee by \$114 (\$9.50 monthly) to a total of \$661 per household to cover all expenses in the Collection Fund for FY 2024-25

For the reasons outlined below, it is recommended that the Collection Fee remain flat at the current rate of \$547 per household unit and continue to be charged on the Tax Bill via the non-ad valorem method and provide a loan from the Disposal Fund to fund the \$39 million deficit in FY 2024-25.

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.

Delegated 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 2025 TRIM notice and real property tax bills.

Scope

The Collection Fee will impact unincorporated Miami-Dade County and municipalities that are within the Service Area.

Fiscal Impact/Funding Source

Should the Board adopt Option 2, the rate increase would be paid by the property owners and other customers within the Service Area. Option 2 would increase the current fee of \$547 by \$114 (\$9.50 monthly) for a total fee of \$661 to fund the current level of service (LOS) in the Service Area.

Social Equity Statement

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

Background

DSWM provides essential public services overseeing the management of waste and recyclables generated within the County in an environmentally responsible manner, to protect public health and quality of life for our residents. Nearly 1,200 employees, including drivers, collectors, engineers, code enforcement officers, environmental compliance staff, and other professional and technical employees work together to accomplish the Department's mission. In addition to the traditional tasks of waste collection and disposal, the Department also oversees mosquito control countywide.

The current LOS for the Collection Operations includes, but is 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 (TRCs); and every other week curbside recycling collection, as well as services for Countywide illegal dumping and enforcement programs.

Due to ongoing increases in operational costs for the Department, DSWM will experience a revenue shortfall of \$39 million for FY 2024-25. As a result, DSWM will find its Collection Operations Fund in a deficit beginning October 1, 2024. The Department also faces other pending challenges including the need to identify a replacement for the Resources Recovery Facility, in order to ensure the County continues to meet our disposal capacity requirement.

Given these constraints, the Administration is committed to seeking all possible opportunities to reduce waste management costs – including accelerating its implementation of a Zero Waste Strategy and seeking revenue generation opportunities and efficiencies within the Department. The DSWM is working to generate additional revenues by insourcing County garbage collection within the next few years in a phased-in approach as we purchase and receive commercial garbage trucks, containers, and hire and train staff.

Further, the Department has mitigated the increased cost of the Collection Operations through the implementation of efficiencies, including utilizing financing options for critical vehicle replacements, implementing a TRC Access Management System to reduce unauthorized use of the facilities; deployment of route automation that eliminated unnecessary garbage routes; and implementing a Bulky Waste by Appointment System that allows residents to select their appointment pick-up time, which facilitates quicker service and improves neighborhood aesthetics with cleaner curbsides. The Department will also begin collection of County departments' waste in a phased-in approach as they purchase and receive commercial garbage trucks, containers, and hire and train staff. The DSWM expects to receive, by December 2024, four front end loading garbage trucks to be able to service County departments.

In order to maintain the LOS for the coming fiscal year while providing relief to residents, the Administration recommends the Collection Fee remain flat at the current rate of \$547 per household unit and continue to be charged on the Tax Bill via the non-ad valorem method, and that DSWM utilize the Disposal Fund to cover the \$39 million gap in FY 2024-25. I have tasked the Director with continuing to evaluate the Department for additional process efficiencies and cost containment savings within DSWM.

However, should the Board consider another option, the Collection Fee can be increased to cover the \$39 million revenue shortfall to continue providing the current LOS. This increased fee amount will be reflected in the FY 2024-25 Proposed Budget, and the increase, due to the timing for notification of the public and deadlines for the development of the final TRIM notice, must be adopted through this item. The Collection Fund will still require rate increases in the future to maintain the current LOS. The Administration is providing an ordinance and related Exhibit A to fund the current LOS for the units within the Service Area. The Service Area includes different types of services, each with a distinct set of services provided. If the Board decides to increase the Collection Fee by \$114, a summary of rates per district is provided, please refer to Option 2 – Exhibit 1. If Option 2 is selected, the proposed assessments will increase customers' rates by 21 percent starting FY 2024-25. This will result in rate increases of \$29, \$46, \$75, \$88, or \$114, according to the account type as reflected in Option 2 – Exhibit 1.

For these reasons, I am recommending no increases to the current annual fee of \$547 per household including a \$39 million loan from the Disposal Fund to the Collection Fund to maintain the current LOS that our residents expect from DSWM.



Jimmy Morales
Chief Operating Officer

OPTION 2 - EXHIBIT 1
Miami-Dade County
Summary of Folios, Units, and Rates in Solid Waste Collection Service Area

CALCULATION FOR YEAR 2025									
DISTRICT	DISTRICT DESCRIPTION	NUMBER OF FOLIOS	NUMBER OF UNITS (PER HOUSEHOLD OR PER LIVING UNIT FOR MULTIFAMILY)	CURRENT RATE	VALUE	PROPOSED FEE INCREASE	PROPOSED RATE	PROPOSED VALUE	
T0004	GARB. TRASH, TRC, RECYCLE	334,341	343,373	547 \$	187,825,031 \$	114 \$	661 \$	226,989,553 \$	
T0013	GARBAGE & RECYCLING	749	3,117	219 \$	682,623 \$	46 \$	285 \$	824,914 \$	
T0034	DUMPSTER-GARB, TRASH, TRC	5,193	5,193	422 \$	2,191,446 \$	88 \$	510 \$	2,648,170 \$	
T0041	TRASH & RECYCLING CENTER	1,069	1,080	139 \$	150,120 \$	29 \$	168 \$	181,408 \$	
T0049	MULTI CASES FAMILY	52	98	547 \$	53,606 \$	114 \$	661 \$	64,778 \$	
T0057	GARBAGE/RECYCLING & TRC	40	40	358 \$	14,320 \$	75 \$	433 \$	17,305 \$	
	TOTAL	341,444	352,901		190,917,146 \$			230,706,128 \$	

check and balance

current rate	\$547.00	114 \$	661	20.84%
	\$219.00	46 \$	265	20.84%
	\$422.00	88 \$	510	20.84%
	\$139.00	29 \$	168	20.84%
	\$547.00	114 \$	661	20.84%
	\$358.00	75 \$	433	20.84%

Memorandum



Date: June 7, 2024

To: Eugene Love, Agenda Coordinator

From: Aneisha Daniel, PhD *Aneisha Daniel*
Department of Solid Waste Management

Subject: Request to Process Late Departmental Agenda Item

At the request of the Prime Sponsor, it is requested that the following item be placed on the June 18, 2024, Board of County Commissioners (Board) Agenda:

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, 2024; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

If the Board decides to adopt an increase to the Department of Solid Waste Management non-ad valorem Collection Fee, the newly adopted fee would be included in the Truth in Millage (TRIM) notice provided to property owners by the Property Appraiser. The proposed Public Hearing date for these items is July 16, 2024, which makes these items time sensitive.

Please process the items notwithstanding that the 4-Day Rule could be applied to them.



Approved by Mayor or Mayor's Designee
Signature

Jimmy Morales
Print Name



Approved by Director of Legislative Affairs
Signature

Nicole Tallman
Print Name


c: Geri Bonzon-Keenan, Successor County Attorney
Gerald K. Sanchez, First Assistant County Attorney
Jess M. McCarty, Executive Assistant County Attorney
CAOagenda@miamidade.gov



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 16, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(F)

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(F)
7-16-24

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, 2024; 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 2024, 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

GKS for GBK


EXHIBIT A

Miami-Dade County

Summary of Folios, Units, and Rates in Solid Waste Collection Service Area

CALCULATION FOR YEAR 2025									
DISTRICT	DISTRICT DESCRIPTION	NUMBER OF FOLIOS	NUMBER OF UNITS (PER HOUSEHOLD OR PER LIVING UNIT FOR MULTIFAMILY)	CURRENT RATE	VALUE	PROPOSED FEE INCREASE	PROPOSED RATE	PROPOSED VALUE	
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T0034	DUMPSTER-GARB, TRASH, TRC	5,193	5,193	\$ 422	\$ 2,191,446	\$ -	\$ 422	\$ 2,191,446	
T0041	TRASH & RECYCLING CENTER	1,069	1,080	\$ 139	\$ 150,120	\$ -	\$ 139	\$ 150,120	
T0049	MULTI CASES FAMILY	52	98	\$ 547	\$ 53,606	\$ -	\$ 547	\$ 53,606	
T0057	GARBAGE, RECYCLING & TRC	40	40	\$ 358	\$ 14,320	\$ -	\$ 358	\$ 14,320	
TOTAL		341,444	352,901		\$ 190,917,146			\$ 190,917,146	