

Legislative #

171065

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RESOLUTION NO. 171065

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3 **A RESOLUTION OF THE CITY COMMISSION OF THE**
4 **CITY OF GAINESVILLE, FLORIDA, INITIATING**
5 **CONFLICT RESOLUTION PROCEDURES PER**
6 **SECTION 164.101, FLORIDA STATUTES, THE FLORIDA**
7 **GOVERNMENTAL CONFLICT RESOLUTION ACT,**
8 **PERTAINING TO A CONFLICT BETWEEN THE CITY OF**
9 **GAINESVILLE; ALACHUA COUNTY, FLORIDA; AND**
10 **THE SHERIFF OF ALACHUA COUNTY, FLORIDA; AND**
11 **PROVIDING AN IMMEDIATE EFFECTIVE DATE.**
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14 **WHEREAS,** the purpose of the Florida Governmental Conflict Resolution Act is
15 to promote, protect, and improve the health, safety, and welfare and to enhance
16 intergovernmental coordination efforts by the creation of a governmental conflict
17 resolution procedure that can provide an equitable, expeditious, effective, and
18 inexpensive method for resolution of conflicts between and among local and regional
19 governmental entities, such as the City of Gainesville; Alachua County, Florida; and the
20 Sheriff of Alachua County, Florida; and

21 **WHEREAS,** in October 2006 the City of Gainesville, Florida ("City") and Alachua
22 County, Florida ("County") entered into a Fire Services Assistance Agreement
23 (hereinafter "FSAA") effective on October 1, 2006 and remaining in effect until
24 terminated as provided therein; and

25 **WHEREAS,** under the terms of the FSAA, the City and the County agreed to
26 provide "automatic aid to each other through the response of the closest available unit"
27 without regard to the political jurisdiction in which the event occurred; and

28 **WHEREAS,** the FSAA provided for reimbursement payments for fire service
29 costs associated with services provided within the other's political jurisdiction pursuant to
30 a formula set out therein; and

31 **WHEREAS,** pursuant to a May 2009 Interlocal Agreement between the City, the
32 County and the Alachua County Sheriff ("Sheriff"), the parties agreed to establish and

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33 maintain a Combined Communication Center (the "CCC") providing for coordinated
34 dispatch and radio communication services for law enforcement, fire, emergency,
35 medical, and emergency management; and

36 **WHEREAS**, the Sheriff is assigned the responsibility for management and
37 operation of the CCC, including the dispatch of both City and County emergency units to
38 all emergency communication calls received by the CCC; and

39 **WHEREAS**, historically the dispatch of the closest fire unit under the FSAA
40 resulted in the City responding to more calls in the County than the County responded to
41 in the City; and

42 **WHEREAS**, consequently, under the FSAA, the County reimbursed the City
43 more for fire response costs than the City reimbursed the County; and

44 **WHEREAS**, in December 2015, the parties agreed to temporarily suspend
45 reimbursement payments under the FSAA from October 1, 2015 through September 30,
46 2017, with the compensatory payments to recommence on October 1, 2017; and

47 **WHEREAS**, in May 2017, the County provided notice to the City that it intended
48 to terminate the FSAA effective as of June 1, 2018; and

49 **WHEREAS**, because fire service calls are dispatched by the CCC, the City put
50 the CCC on notice that, as a result of the County's termination of the FSAA,
51 commencing on June 1, 2018, the CCC should dispatch fire service calls by jurisdiction
52 – meaning County Fire Rescue will be dispatched for calls in the County and Gainesville
53 Fire Rescue will be dispatched for calls in the City; and

54 **WHEREAS**, The Sheriff (and her staff) made a presentation to the City
55 Commission at its meeting on April 5th, at which the Sheriff informed the City
56 Commission that she would continue to direct the CCC to dispatch the quickest
57 response unit (as if the FSAA still existed) after June 1; and

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59 **WHEREAS**, the Sheriff's action will result in the City's fire units being dispatched
60 to fire calls outside the City's jurisdiction without reimbursement of the costs of such
61 service and without the agreement of the City to do so; and

62 **WHEREAS**, a portion of the City's fire service costs are funded through the
63 imposition of a Fire Services Special Assessment. Per State Law, the City is prohibited
64 from expending Fire Services Special Assessment revenue on property that does not
65 pay the special assessment; and

66 **WHEREAS**, the Florida Governmental Conflict Resolution Act authorizes the City
67 of Gainesville to initiate the conflict resolution provisions of the Act prior to initiating court
68 proceedings against the County and the Sheriff; and

69 **WHEREAS**, the Florida Governmental Conflict Resolution Act sets forth the
70 procedures for notice and conflict dispute resolution of intergovernmental disputes.

71 **NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
72 **GAINESVILLE, FLORIDA, AS FOLLOWS:**

73 Section 1: Findings: The City Commission adopts the findings as provided in
74 the foregoing whereas clauses.

75 Section 2: Intention: It is the intention of the City Commission of the City of
76 Gainesville to initiate the conflict resolution procedures of the Florida Governmental
77 Conflict Resolution Act as set forth in Chapter 164, Florida Statutes, prior to initiating
78 court proceedings to compel the Sheriff on June 1, 2018 (the effective date of the
79 County's termination of the FSAA) to dispatch fire service calls based on jurisdictional
80 boundaries regardless of which agency has the closest unit; or in the alternative, to
81 compel the County to reimburse the City for fire services provided by the City in the
82 County's jurisdiction.

83 Section 3: Issues in the Conflict: The issues in the conflict are: 1) the
84 Sheriff's announced refusal to dispatch fire services based on jurisdictional boundaries;

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85 and 2) the County's announced refusal to reimburse the City for City fire services
86 provided in the County.

87 Section 4: The Governmental Entities in Conflict: The governmental entities
88 with which the City Commission of the City of Gainesville, Florida has a conflict are
89 Alachua County, Florida and the Sheriff of Alachua County, Florida.

90 Section 5: Justification for Initiating the Conflict: The conflict resolution
91 procedure is justified because the City of Gainesville in good faith believes that the
92 Sheriff's announced refusal to dispatch fire services on a jurisdictional boundary basis is
93 unlawful, and that the County's announced refusal to reimburse the City for fire services
94 provided within the County is unlawful.

95 Section 6: Conflict Assessment Meeting: The City Manager is hereby
96 authorized and directed to provide a certified copy of this resolution and the letter
97 required by Section 164.1052(1) to the County Manager and the Chief Administrator of
98 the Sheriffs' Office of Alachua County by certified mail, return receipt requested, to
99 schedule a conflict assessment meeting, and to take all other appropriate action
100 pursuant to Section 164.1053.

101 Section 7: This Resolution shall take effect immediately upon adoption.

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103 **PASSED AND ADOPTED** this _____ day of May, 2018.

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LAUREN POE
MAYOR

ATTEST:

Approved as to form and legality

OMICHELE D. GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY