

CITY OF GAINESVILLE

2011 City of Gainesville State Legislative Agenda

Gainesville, Florida
City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Jack Donovan (District 3)

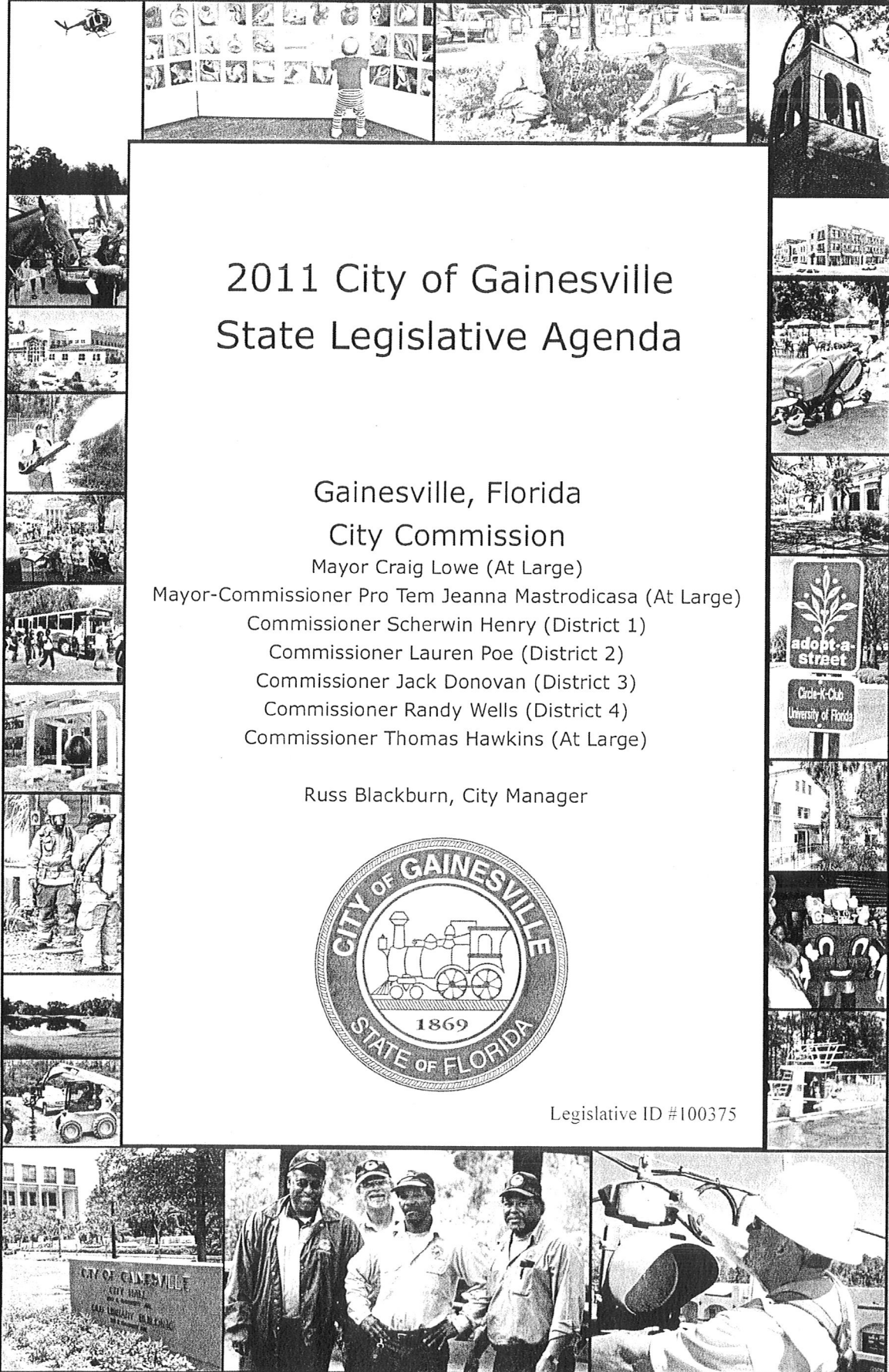
Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

Russ Blackburn, City Manager



Legislative ID #100375



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Preserve the City of Gainesville's Strategic Goals and Interests

As a general policy, the City of Gainesville seeks to preserve its home rule authority to govern the city, its citizens, and its property. The city will oppose any legislation viewed as detrimental to the city's strategic goals or that is contrary to the health, safety, and welfare of its citizens. The city will also oppose any legislation that mandates increased costs or loss of revenues, or that would diminish the fundamental home rule authority of the city.

The city supports any legislation that will advance the city's strategic goals, that improves the health, safety, and welfare of its citizens, or that responsibly increases revenues or enhances the city's authority to conduct the public's business.

Florida League of Cities Legislative Priorities and Key Issues

The City of Gainesville is a member of the Florida League of Cities (FLC). Members of the Gainesville City Commission and City of Gainesville staff participate in the FLC legislative policy setting process and legislative policy councils. The City Commission generally supports the legislative priorities and key issue positions adopted by FLC. Through the duration of the legislative session, City of Gainesville representatives will communicate our position on specific legislation and our concurrence or differences with the FLC position. As a Charter City under the Florida Constitution, the City of Gainesville supports the Home Rule Authority of local governments.

1. Amend Regulations Governing the Use of Student Fees by Community Colleges

The City of Gainesville supports amending the regulations governing the use of community college student fees to permit their use in support of transit service. The intent of this request is to allow greater access to Santa Fe College and community college's statewide by providing a tool for students to easily commute using public transportation. The City of Gainesville's Regional Transit System (RTS) ranks highly statewide and nationally in terms of ridership. RTS is well utilized due in part to the University of Florida allowing their student's student fees to fund unlimited access to the City of Gainesville's transit program.



2. Local Government Revenues

The City of Gainesville is benefited by being the host community for the University of Florida as well as many state and federal agencies. These industries bring a multitude of workers and visitors to Gainesville as well as a robust student population. However, Gainesville is unique when compared to other communities in Florida because while the city is fortunate to have these public institutions, Gainesville does not receive ad valorem revenue from these industries. In fact, more than 50% of the property value within the city-limits of Gainesville is exempt from the tax roll. The City of Gainesville supports actions by the Florida Legislature that assists the city to overcome the financial situation created by the abundance of tax exempt property. Potential opportunities include reinstatement of the Campus Development Trust Fund, fully funding the SHIP Affordable Housing Trust Fund and funding Florida Forever.

3. Renew Property Tax Exemption for Solar Systems

The City of Gainesville and Gainesville Regional Utilities support initiatives to reinstate property tax exemptions for solar systems, or to levy taxes on the value of the annual output instead of the system's capital cost.

Prior to 2008, solar systems on either residential or commercial structures were exempt from paying ad valorem or tangible property taxes. These exemptions expired under Florida's sunset laws. In 2008, a Constitutional Amendment was passed after a statewide referendum granting the Florida Legislature authority to enact a residential solar system property tax exemption but not granting authority for exemptions on non-residential systems. To date, the Florida Legislature has not taken action. Therefore, a county or municipality does not currently have the ability to enact any form of property tax exemptions for solar systems, except in enterprise zones.

If solar photovoltaic systems were taxed at their installed cost, it would be the equivalent of seven to eight cents per kilowatt hour in Alachua County. Gainesville Regional Utility's Feed In Tariff would no longer achieve its objective without a major increase in the tariff rate. Thus far, it appears that property appraisers in Florida have yet to develop rules on how to tax solar systems, but once they start taxing, it will have an extremely chilling effect on the solar industry throughout Florida.

4. Operation of Radios or Other Mechanical Sound-Making Devices in Vehicles

The City of Gainesville supports an amendment to Chapter 316.3045 F.S. to enhance the penalties for repeat loud car stereo violations. Specific revisions include making the violation a “moving violation” and incrementally increasing the fine for multiple violations. It is currently unlawful for any person occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a



radio or other mechanical sound-making device or instrument from within the motor vehicle so that the sound is plainly audible at a distance of 25 feet or more from the motor vehicle. Noise violations, specifically loud car stereo violations, continue to be an ongoing complaint of residents both in neighborhoods and adjacent to roadways. Surveys of residents have consistently indicated that noise emanating from vehicles is one of their top concerns. It is anticipated that incrementally increasing the fine for repeat loud car stereo violations and making the violation a “moving violation” will deter both new and repeat offenders.

5. Juvenile Community Resource Center

The Juvenile Community Resource Center (JCRC) located and operated in Gainesville was formerly known as the Alachua Juvenile Assessment Center (JAC). Juvenile assessment centers are operated as multi-disciplinary receiving, screening and assessment facilities supported by partnerships with local law enforcement agencies and the Florida Department of Juvenile Justice. The JCRC is supported by the Gainesville Police Department, Alachua County Sheriff’s Office and Department of Juvenile Justice. This center provides an important service to at-risk youth, their families and community. It is important to maintain state funding to keep these services available. The City of Gainesville supports the Juvenile Community Resource Center and requests the State of Florida continue their funding to the center serving Gainesville and Alachua County.

6. Warrantless Arrest Initiative

The Gainesville Police Department (GPD) is requesting an amendment to Section 800.03 F.S. to include a provision that if a person registered as a sexual offender/predator violates Section 800.03 F.S., law enforcement officers are allowed to make a warrantless arrest. Currently, if a law enforcement officer receives a report of an individual committing a lewd act in public, without actually witnessing the act, law enforcement can only initiate a sworn complaint against that individual. It then takes approximately six months to one year for a sworn complaint to become a warrant and, during this time, there is little to no penalty enforced in regards to the act committed. The requested amendment would allow law enforcement, in cases dealing with sexual offenders/predators and with probable cause, to make a physical arrest in a timely fashion.

7. Effective Public Notice

The City of Gainesville supports legislation that authorizes municipalities to provide effective public notice and advertising for various appropriate matters by internet posting, government access television channels, and other suitable alternatives to newspaper posting. Numerous statutory provisions require cities to provide public notice or advertising in local newspapers.

Most cities, including Gainesville, annually spend thousands of dollars or more to meet the newspaper advertising requirements. Newspaper ads are required for many city activities, such as ordinance adoption, annexations, budget adoption, comprehensive plan changes, bidding and purchasing, notice of meetings, redevelopment activity, and land use changes. Legislation should be adopted to authorize cities to provide effective public notice and advertising for various appropriate matters by means other than newspapers. The goal is to provide public notice in the more effective manner at the lowest possible cost to the citizens.

8. Instant Run-Off Voting

The City of Gainesville supports amendments to Chapters 100 through 105, F.S., to specifically authorize the use of the instant run-off voting method in Florida elections, and require the Florida Division of Elections to certify instant run-off voting equipment and software. Currently there is no law in Florida prohibiting the use of instant run-off voting, but no law specifically allows it and no equipment or software is certified for use in Florida. Instant run-off voting allows for a winning candidate to be elected without the need for a separate run-off election. Voters elect officials by marking a ballot for a first-choice candidate, a second-choice candidate, and so on. A voter can rank as many or as few candidates as s/he desires. If no candidate receives a majority of "first" votes in a tabulation round, the candidate with the lowest vote total is eliminated, and his/her votes are transferred to the remaining candidates until a candidate receives a majority of votes in a round. Instant run-off voting would create a substantial cost savings and not require voters to vote in run-off elections.

1. Paynes Prairie Sheetflow Restoration

The City of Gainesville is requesting \$2 million in funding for a water quality/surface water resource protection project. A funding request for this project is also included in the St. Johns River Water Management District Orange Creek Basin, State Funding Initiative. The requested funding will be used as cost-share funding for the design and construction of Phase 1 and Phase 2 of the enhancement wetland facilities. Restoring sheetflow will result in the restoration of 1,300 acres of Paynes Prairie wetlands and improvements to water quality within the park. As part of this project, the city will also complete improvements to the Main Street Water Reclamation Facility (MSWRF). The overall project will allow the Alachua Sink to achieve the total maximum daily load (TMDL) for nitrogen which was established by the Florida Department of Environmental Protection. This request is 35.7% of the \$5.6 million estimated cost of the design and first year construction. The request is for 9% of the \$22 million total project cost.



2. Urban Creek Cleanup

The City of Gainesville requests \$225,000 that will be used to help restore three Gainesville urban creeks by connecting approximately 15 residences to sanitary sewer lines in order to reduce fecal coliform contamination caused by septic systems that are either failing or not up to current standards. Because of the elevated levels of fecal coliform bacteria in Hogtown Creek, Sweetwater Branch, and Tumblin' Creek, FDEP listed these creeks as impaired and developed total maximum daily load limits (TMDL) that require reduction in fecal coliform. Failing or improperly sited septic systems near creeks are a source of fecal coliforms and can also contribute nutrients and other pollutants to creeks, creating a public health hazard. The requested funds will pay for extending the sanitary sewer line to each residence, plumbing connections, and abandonment of the septic system. GRU is working with the City of Gainesville Public Works Department, the Alachua County Department of Health, and the Alachua County Environmental Protection Department to identify and quantify sources of coliforms and to locate septic systems that are its source. This project is included in the St. Johns River Water Management District Orange Creek Basin, State Funding Initiative.

3. Little Hatchet/Lake Forest Creek Watershed Management Plans

The City of Gainesville is requesting \$200,000 for this project. Both Little Hatchet Creek and Lake Forest Creek contribute surface water to Newnans Lake, a nutrient impaired total maximum daily load (TMDL) water body. In order to begin reducing nutrient loading to Newnans Lake, the city must first develop watershed management plans to identify and prioritize water quality improvement projects. This project is included in the St. Johns River Water Management District Orange Creek Basin, State Funding Initiative. The request is for 50% of the \$400,000 estimated total cost of developing the updated watershed management plans.

