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Ordinance No. 100042

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non-ad valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the 2010-2011 fiscal year; providing conditions for the consent; providing that the consent is for a one-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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WHEREAS, pursuant to §125.01(l)(q), Florida Statutes, the County is authorized to establish a municipal service benefit unit for any part or all of the unincorporated area of the county for the purpose of providing for solid waste services; and

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WHEREAS, pursuant to §125.01(l)(q), Florida Statutes, a municipal service benefit unit can be extended to include a municipality with the consent of the governing body of the municipality; and

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WHEREAS, pursuant to §197.3632(3)(a), Florida Statutes, Alachua County advertised a notice of intent to use the uniform method of collecting non-ad valorem assessments to fund the collection, disposal, recycling and management of solid waste in both the incorporated and unincorporated areas of the County for 2010-2011 Fiscal Year and on July 13, 2010, held a public hearing and adopted Resolution 10-56 stating its intent as set forth in the advertisement; and

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WHEREAS, the City of Gainesville desires to provide consent for the entire corporate limits of the City to be included in the non-ad valorem assessment for the provision of certain solid waste management services that benefit the residents of the City.

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WHEREAS, at least 10 days notice prior to adoption has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of

1 Gainesville; and

2 **WHEREAS**, a Public Hearing was held pursuant to the published notice
3 described at which hearing the parties in interest and all others had an opportunity to be
4 and were, in fact, heard.

5 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
6 **OF THE CITY OF GAINESVILLE, FLORIDA:**

7 **Section 1.** Subject to the conditions provided in this ordinance, the City Commission
8 of the City of Gainesville, as the City's governing body, consents to the inclusion of the City
9 in a non-ad valorem special assessment for the municipal service benefit unit as stated in
10 Alachua County Resolution No. 10-56, adopted on July 13, 2010, a copy of which is
11 attached as Exhibit "A." This consent is given only as to an assessment to fund the Waste
12 Alternatives Program, the Environmental Protection program and an approximate, not to
13 exceed, amount of 36% of the Rural Collection Centers Program, and does not apply to
14 assessments to fund the collection, disposal or recycling costs other than specifically
15 provided herein.

16 **Section 2.** This consent is granted subject to the following conditions: 1) the
17 total assessment in both the incorporated and unincorporated areas of the county does not
18 exceed the maximum amount to be collected from the assessment which is printed on the
19 first class notice distributed by Alachua County; 2) all residences in the mandatory
20 collection area of the unincorporated area and incorporated areas of the county are
21 assessed equally; 3) all non-residential property in the unincorporated area and
22 incorporated areas of the county are assessed an amount based on factors other than their
23 location in an incorporated or unincorporated area; and 4) that the benefit of the programs
24 provided for by this assessment equals or exceeds the amount assessed.

