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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.

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

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

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

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.

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

Gainesville; and

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

## NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

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

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

1 Section 3. This consent is granted only for the assessments to be billed in 2 November 2010, for services rendered from October 1, 2010 to September 30, 2011, 3 provided the County first adopts a Resolution authorizing the collection of non-ad valorem assessments for solid waste services for Fiscal Year 2010-2011. 4 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be 5 6 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall 7 in no way affect the validity of the remaining portions of this ordinance. 8 Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. 9 10 **Section 6.** This ordinance shall become effective immediately upon adoption. 11 PASSED AND ADOPTED this 19<sup>th</sup> day of August, 2010. 12 13 14 15 16 17 ATTEST: Approved as to form and legality 18 19 20 Kurt M. Lannon 21 Clerk of the Commission 22 . City Attorney 'AUG 19 2010 23 24 25 26

This Ordinance passed on first reading this 5<sup>th</sup> day of August, 2010. This Ordinance passed on second reading this 19<sup>th</sup> day of August, 2010.

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