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7-13-10

Ordinance No. 100042

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3 **An ordinance of the City of Gainesville, Florida, providing**
4 **consent for the entire corporate limits of the City of**
5 **Gainesville, Florida to be included in the non-ad valorem**
6 **assessment for the municipal service benefit unit created by**
7 **Alachua County for certain solid waste management services**
8 **for the 2010-2011 fiscal year; providing conditions for the**
9 **consent; providing that the consent is for a one-year period;**
10 **providing a severability clause; providing a repealing clause;**
11 **and providing an immediate effective date.**
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14 **WHEREAS**, pursuant to §125.01(1)(q), Florida Statutes, the County is authorized to
15 establish a municipal service benefit unit for any part or all of the unincorporated area of the
16 county for the purpose of providing for solid waste services; and

17 **WHEREAS**, pursuant to §125.01(1)(q), Florida Statutes, a municipal service benefit unit
18 can be extended to include a municipality with the consent of the governing body of the
19 municipality; and

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

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

28 **WHEREAS**, at least 10 days notice prior to adoption has been given once by publication in

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1 a newspaper of general circulation notifying the public of this proposed ordinance and of a Public
2 Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

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

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

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

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

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1 area; and 4) that the benefit of the programs provided for by this assessment equals or exceeds the
2 amount assessed.

3 **Section 3.** This consent is granted only for the assessments to be billed in November 2010,
4 for services rendered from October 1, 2010 to September 30, 2011, provided the County first
5 adopts a Resolution authorizing the collection of non-ad valorem assessments for solid waste
6 services for Fiscal Year 2010-2011.

7 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
8 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
9 the validity of the remaining portions of this ordinance.

10 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
11 such conflict hereby repealed.

12 **Section 6.** This ordinance shall become effective immediately upon adoption.

13 **PASSED AND ADOPTED** this ____ day of _____, 2010.

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CRAIG LOWE
MAYOR

ATTEST:

Approved as to form and legality

Kurt M. Lannon
Clerk of the Commission

Marion J. Radson
City Attorney

This Ordinance passed on first reading this ____ day of _____, 2010.

This Ordinance passed on second reading this ____ day of _____, 2010.