

1 RESOLUTION NO. 080035

2 Passed June 9, 2008

3 A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING
4 TO THE PROVISION OF FIRE SERVICES, FACILITIES AND PROGRAMS
5 IN THE CITY OF GAINESVILLE, FLORIDA; DESCRIBING THE METHOD
6 OF ASSESSING FIRE SERVICES ASSESSED COSTS AGAINST
7 ASSESSED PROPERTY LOCATED WITHIN THE CITY OF
8 GAINESVILLE; DIRECTING THE PREPARATION OF AN ASSESSMENT
9 ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE
10 PROVISION OF NOTICE; PROVIDING FOR SEVERABILITY AND
11 PROVIDING AN IMMEDIATE EFFECTIVE DATE.

12 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
13 CITY OF GAINESVILLE, FLORIDA:

14 **SECTION 1. AUTHORITY.** This resolution is adopted pursuant to the provisions of
15 Ordinance No. 070623 (hereinafter referred to as "the Ordinance"), sections 166.021 and
16 166.041, Florida Statutes, and other applicable provisions of law.

17 **SECTION 2. PURPOSE AND DEFINITIONS.** This resolution constitutes the Initial
18 Assessment Resolution as defined in the Ordinance. All capitalized words and terms not
19 otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the
20 context indicates otherwise, words imparting the singular number, include the plural
21 number, and vice versa. As used in this resolution, the following terms shall have the
22 following meanings, unless the context hereof otherwise requires:

1 **"Building Area"** means the total actual area of a Building expressed in square feet
2 and reflected on the Tax Roll or, in the event such information is not reflected or
3 determined not to be accurately reflected on the Tax Roll, that area determined by the City.

4 **"Code Descriptions"** mean the descriptions listed in the Fixed Property Use Codes
5 and the Improvement Codes.

6 **"Commercial Property"** means those Tax Parcels with a Code Description
7 designated as "Commercial" in the Improvement Codes specified in Appendix C.

8 **"Cost Apportionment"** means the apportionment of the Fire Services Assessed
9 Cost among all Property Use Categories according to the Demand Percentages
10 established pursuant to the apportionment methodology described in Section 6 of this
11 Initial Assessment Resolution.

12 **"Demand Percentage"** means the percentage of demand for fire services,
13 facilities, or programs attributable to each Property Use Category determined by analyzing
14 the historical demand for fire services as reflected in the Fire Services Incident Reports
15 in the State Database under the methodology described in Section 6 of this Initial
16 Assessment Resolution.

17 **"DOR Code"** means a property use code established in Rule 12D-8.008, Florida
18 Administrative Code, assigned by the Property Appraiser to Tax Parcels within the City,
19 attached hereto as Appendix D.

20 **"Dwelling Unit"** means (1) a Building, or a portion thereof, available to be used for
21 residential purposes, consisting of one or more rooms arranged, designed, used, or
22 intended to be used as living quarters for one family only, or (2) the use of land in which
23 lots or spaces are offered for rent or lease for the placement of mobile homes for

1 residential purposes.

2 **"Emergency Medical Services"** means those services recorded in Incident
3 Reports that assign a "type of situation found code" of 300, 30001, 300010 – 300019,
4 30002, 300020 - 30029, 30003, 300030 - 300035, 30004 - 30009, 311, 324, and 381. The
5 "type of situation found codes" are attached hereto as Appendix A.

6 **"Emergency Medical Services Cost"** means the amount, other than first response
7 medical rescue services, determined by the City Commission to be associated with
8 Emergency Medical Services.

9 **"Estimated Fire Services Assessment Rate Schedule"** means that rate
10 schedule attached hereto as Appendix E and hereby incorporated herein by reference,
11 specifying the Fire Services Assessed Costs determined in Section 8 of this Initial
12 Assessment Resolution and the estimated Fire Services Assessments established in
13 Section 8 of this Initial Assessment Resolution.

14 **"Fire Services Assessed Cost"** means the Fire Services Assessed Cost as
15 defined in the Ordinance, as qualified by the following:

16 (1) In the event the City also imposes an impact fee upon new growth or
17 development for fire services related capital improvements, the Fire Services Assessed Cost
18 shall not include costs attributable to capital improvements necessitated by new growth
19 or development that will be paid by such impact fees.

20 (2) In no event shall the Fire Services Assessed Cost include any amount
21 attributable to the Emergency Medical Services Cost.

22 **"Fire Services Incident Reports"** means those Incident Reports that do not
23 record Emergency Medical Services.

1 **"Fixed Property Use Codes"** mean the property use codes used by FFIRS as
2 specified in Appendix B attached hereto and incorporated herein by reference.

3 **"FFIRS"** means the Florida Fire Incident Reporting System maintained by the
4 Florida State Fire Marshal.

5 **"Improvement Codes"** mean the building use codes assigned by the Property
6 Appraiser to Tax Parcels within the City as specified in Appendix C attached hereto and
7 incorporated herein by reference.

8 **"Incident Report"** means an individual report filed with the Florida State Fire
9 Marshal under FFIRS.

10 **"Industrial/Warehouse Property"** means those Tax Parcels with a Code
11 Description designated as "Industrial/Warehouse" in the Improvement Codes specified in
12 Appendix C.

13 **"Institutional Property"** means those Tax Parcels with a Code Description
14 designated as "Institutional" in the Improvement Codes specified in Appendix C.

15 **"Mixed Property"** means a Tax Parcel that contains buildings whose use
16 descriptions are capable of assignment under a Code Description in the Improvement
17 Codes in more than one property use category.

18 **"Non-Residential Property"** means, collectively, Commercial Property,
19 Industrial/Warehouse Property and Institutional Property.

20 **"Parcel Apportionment"** means the further apportionment of the Fire Services
21 Assessed Cost allocated to each Property Use Category by the Cost Apportionment
22 among the Tax Parcels under the methodology established in Section 7 of this Initial
23 Assessment Resolution.

1 **"Property Use Categories"** mean, collectively, all categories of Residential
2 Property and all categories of Non-Residential Property.

3 **"Residential Property"** means those Tax Parcels with a Code Description
4 designated as either single family or multi-family in the Improvement Codes specified in
5 Appendix C.

6 **"State Database"** means the incident data specific to the City derived from the
7 FFIRS Incident Reports maintained by the Florida State Fire Marshal.

8 **"Tax Parcel"** means a parcel of property located within the City to which the
9 Property Appraiser has assigned a distinct ad valorem property tax identification number.

1 Section 1.04 of the Ordinance are hereby ratified and confirmed.

2 (B) It is fair and reasonable to use the Improvement Codes and the DOR Codes
3 for the Cost Apportionment and the Parcel Apportionment because (1) the Tax Roll
4 database employing the use of such property use codes is the most comprehensive,
5 accurate, and reliable information readily available to determine the property use and
6 Building Area for improved property within the City, and (2) the Tax Roll database within
7 such property use codes is maintained by the Property Appraiser and is thus consistent
8 with parcel designations on the Tax Roll which compatibility permits the development of an
9 Assessment Roll in conformity with the requirements of the Uniform Method of Collection.

10 (C) The data available in the Improvement Codes is more useful and accurate to
11 determine Building Area than relying exclusively upon the data maintained in the DOR
12 Code alone because (1) the data maintained in the Improvement Codes reveals the
13 existence of a Building with a different use than the use described on the DOR Code, and
14 (2) the Improvement Codes represent records maintained by the Property Appraiser with
15 the most information relative to Building Area regardless of property use.

16 **Cost Apportionment**

17 (D) It is fair and reasonable and consistent with the decision from the Florida
18 Supreme Court in the case of City of North Lauderdale v. SMM Properties, Inc., 825 So. 2d
19 343 (Fla. 2002), to exclude from the Fire Services Assessed Cost amounts determined to
20 constitute the Emergency Medical Services Cost.

21 (E) Apportioning the Fire Services Assessed Cost among classifications of
22 improved property based upon historical demand for fire services, but not Emergency
23 Medical Services, is fair and reasonable and proportional to the special benefit received.

24 (F) The Fire Services Incident Reports are the most reliable data available to

1 determine the potential demand for fire services from property use and to determine the
2 benefit to property use resulting from the availability of fire services to protect and serve
3 Buildings located within Assessed Property and their intended occupants. There exist
4 sufficient Fire Services Incident Reports that document the historical demand for fire
5 services from Assessed Property within the Property Use Categories. The Demand
6 Percentage that has been determined for each Property Use Category by an examination of
7 such Fire Services Incident Reports is consistent with the experience of the City. Therefore,
8 the use of Demand Percentages that were determined by an examination of Fire Services
9 Incident Reports is a fair and reasonable method to apportion the Fire Services Assessed
10 Costs among the Property Use Categories.

11 (G) As a result of the urbanized character of the City, the suppression of fire on
12 vacant property primarily benefits the Buildings within the adjacent improved property by
13 the containment of the spread of fire rather than the preservation of the vacant property.
14 Therefore, it is fair and reasonable not to apportion any of the Fire Services Assessed
15 Costs to vacant property and the Fire Services Incident Reports documenting historical fire
16 services provided to vacant property were thus omitted from the Demand Percentage
17 calculation.

18 (H) The level of services required to meet anticipated demand for fire services and
19 the corresponding annual fire services budget required to fund fire services provided to
20 non-specific property uses would be required notwithstanding the occurrence of any
21 incidents from such non-specific property uses. Therefore, it is fair and reasonable to omit
22 from the Demand Percentage calculation the Fire Services Incident Reports documenting
23 fire services provided to non-specific property uses.

1 **Residential Parcel Apportionment**

2 (I) Neither the size nor the value of Residential Property determines the scope of the
3 required fire services response. The potential demand for fire services is driven by the
4 existence of a Dwelling Unit and the anticipated average occupant population.

5 (J) Apportioning the Fire Services Assessed Cost for fire services attributable to
6 Residential Property on a per Dwelling Unit basis is required to avoid cost inefficiency and
7 unnecessary administration and is a fair and reasonable method of Parcel Apportionment
8 based upon historical call data.

9 **Non-Residential Parcel Apportionment**

10 (K) The separation of Non-Residential Property Buildings by actual square
11 footage and property use is fair and reasonable for the purpose of Parcel Apportionment
12 because the demand for Fire Services is determined and measured by the actual square
13 footage and property use of structures and improvements within benefited parcels.

14 **SECTION 6. COST APPORTIONMENT METHODOLOGY.**

15 (A) Using data from the Fire Services Incident Reports related to the type of calls
16 and physical location of each call, the City assigned fire services incidents to specific
17 properties located within the City.

18 (B) Based upon such assignment of Fire Services Incident Reports to specific
19 properties, the number of Fire Services Incident Reports filed within a sampling period was
20 determined for each Property Use Category. A Demand Percentage was then determined
21 for each Property Use Category by calculating the percentage that Fire Services Incident
22 Reports allocated to each Property Use Category bear to the total number of Fire
23 Services Incident Reports documented for all Property Use Categories within the
24 sampling period.

1 (C) Appendix C contains a designation of Code Descriptions by Property Use
2 Category with the Improvement Codes. Such correlation between Code Descriptions by
3 Property Use Category on the Fire Services Incident Reports and the Improvement Codes is
4 necessary to allocate the historical demand for fire services as reflected by the Fire Services
5 Incident Reports for Tax Parcels on the Tax Roll within the Property Use Categories.

6 (D) Appendix D contains a designation of Code Descriptions by Property Use
7 Category with the DOR Codes. Such correlation between Code Descriptions by
8 Property Use Category on the Fire Services Incident Reports and the DOR Codes is
9 necessary to allocate the historical demand for fire services as reflected by the Fire
10 Services Incident Reports for a limited number of Tax Parcels on the Tax Roll within the
11 Property Use Categories because the DOR Codes are more accurate to determine such
12 correlation.

13 (E) The Demand Percentage for each Property Use Category was then applied to
14 the Fire Services Assessed Costs and the resulting product is the cost allocation of that
15 portion of the Fire Services Assessed Costs allocated to each individual Property Use
16 Category.

17 **SECTION 7. PARCEL APPORTIONMENT METHODOLOGY.**

18 (A) The apportionment among Tax Parcels of that portion of the Fire Services
19 Assessed Costs allocated to each Property Use Category under the Cost Apportionment
20 shall be consistent with the Parcel Apportionment Methodology described and determined in
21 Appendix F, which Parcel Apportionment Methodology is hereby approved, adopted, and
22 incorporated into this Initial Assessment Resolution by reference.

23 (B) It is hereby acknowledged that the Parcel Apportionment Methodology
24 described and determined in Appendix F is to be applied in the calculation of the estimated

1 Fire Services Assessment rates established in Section 8 of this Initial Assessment
2 Resolution.

3 **SECTION 8. DETERMINATION OF FIRE SERVICES ASSESSED COSTS;**
4 **ESTABLISHMENT OF INITIAL FIRE SERVICES ASSESSMENTS.**

5 (A) The Fire Services Assessed Costs to be assessed and apportioned among
6 benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the
7 Fiscal Year beginning October 1, 2008, is the amount determined in the Estimated Fire
8 Services Assessment Rate Schedule. The approval of the Estimated Fire Services
9 Assessment Rate Schedule by the adoption of this Initial Assessment Resolution
10 determines the amount of the Fire Services Assessed Cost. The remainder of such Fiscal
11 Year budget for fire services, facilities, and programs shall be funded from legally
12 available City revenue other than Fire Services Assessment proceeds.

13 (B) The estimated Fire Services Assessments specified in the Estimated Fire
14 Services Assessment Rate Schedule are hereby established to fund the specified Fire
15 Services Assessed Costs determined to be assessed in the Fiscal Year beginning
16 October 1, 2008. No portion of such Fire Services Assessed Cost is attributable to impact
17 fee revenue that funds capital improvements necessitated by new growth or development.
18 Further, no portion of such Fire Services Assessed Costs is attributable to the
19 Emergency Medical Services Cost.

20 (C) The estimated Fire Services Assessments established in this Initial
21 Assessment Resolution shall be the estimated assessment rates applied by the City
22 Manager in the preparation of the preliminary Assessment Roll for the Fiscal Year
23 beginning October 1, 2008, as provided in Section 9 of this Initial Assessment Resolution.

1 (D) The estimated Maximum Assessment Rates specified in the Estimated Fire
2 Services Assessment Rate Schedule are hereby established.

3 **SECTION 9. ASSESSMENT ROLL.**

4 (A) The City Manager is hereby directed to prepare, or cause to be prepared, a
5 preliminary Assessment Roll for the Fiscal Year beginning October 1, 2008, in the manner
6 provided in the Ordinance. The Assessment Roll shall include all Tax Parcels within the
7 Property Use Categories. The City Manager shall apportion the estimated Fire Services
8 Assessed Cost to be recovered through Fire Services Assessments in the manner set
9 forth in this Initial Assessment Resolution.

10 (B) A copy of this Initial Assessment Resolution, documentation related to the
11 estimated amount of the Fire Services Assessed Cost to be recovered through the
12 imposition of Fire Services Assessments, and the preliminary Assessment Roll shall be
13 maintained on file in the office of the City Manager and open to public inspection. The
14 foregoing shall not be construed to require that the preliminary Assessment Roll be in
15 printed form if the amount of the Fire Services Assessment for each parcel of property can
16 be determined by the use of a computer terminal available to the public.

17 (C) It is hereby ascertained, determined, and declared that the method of
18 determining the Fire Services Assessments for fire services as set forth in this Initial
19 Assessment Resolution is a fair and reasonable method of apportioning the Fire Services
20 Assessed Cost among parcels of Assessed Property located within the City.

21 **SECTION 10. AUTHORIZATION OF PUBLIC HEARING.** There is hereby
22 established a public hearing to be held at 6:00 p.m. on July 16, 2008, in the Commission
23 Chambers of City Hall, 200 E. University Avenue, Gainesville, Florida, at which time the
24 City Commission will receive and consider any comments on the Fire Services Assessments

1 from the public and affected property owners and consider imposing Fire Services
2 Assessments.

3 **SECTION 11. NOTICE BY PUBLICATION.** The City Manager shall publish a notice of
4 the public hearing authorized by Section 10 hereof in the manner and time provided in
5 Section 2.04 of the Ordinance. The notice shall be published in substantially the form
6 attached hereto as Appendix G.

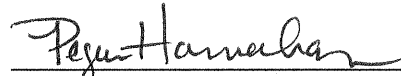
7 **SECTION 12. NOTICE BY MAIL.** The City Manager shall also provide notice by first
8 class mail to the Owner of each parcel of Assessed Property, as required by Section 2.05
9 of the Ordinance, in substantially the form attached hereto as Appendix H.

10 **SECTION 13. APPLICATION OF ASSESSMENT PROCEEDS.** The revenue derived
11 from the City's Fire Services Assessments will be utilized for the provision of fire services,
12 facilities, and programs, as reflected by the Fire Services Assessed Cost. In the event there
13 is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried
14 forward and used only to fund fire services, facilities, and programs.

15 **SECTION 14. SEVERABILITY.** If any word, phrase, clause, paragraph, section
16 or provision of this Resolution or the application hereof to any person or circumstance is
17 held invalid or unconstitutional, such finding shall not affect the other provisions or
18 applications of the Resolution which can be given effect without the invalid or
19 unconstitutional provisions or application, and to this end the provisions of this
20 Resolution are declared severable.

21 **SECTION 15. EFFECTIVE DATE.** This Initial Assessment Resolution shall take
22 effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 9th day of June, 2008.



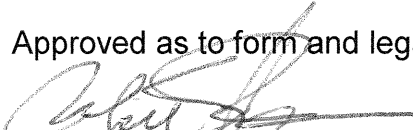
PEGEEEN HANRAHAN
MAYOR

ATTEST:



KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality



MARION J. RADSON
CITY ATTORNEY

JUN 10 2008