

LEGISTAR NO.

120228

DRAFT

RESOLUTION NO. 120228
PASSED _____

CITY OF GAINESVILLE, FLORIDA

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF GAINESVILLE, FLORIDA; IMPOSING FIRE SERVICES SPECIAL ASSESSMENTS AGAINST ASSESSED PROPERTIES LOCATED WITHIN THE CITY FOR THE FISCAL YEAR THAT BEGINS OCTOBER 1, 2012; PROVIDING FOR EXEMPTIONS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR THE ESTIMATED FIRE SERVICES ASSESSED COST; APPROVING THE RATE OF ASSESSMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Commission of Gainesville, Florida (the "City Commission"), has enacted Ordinance No. 070623, codified in Chapter 11 of the Code of Ordinances, (the "Ordinance"), which authorizes the imposition of Fire Services Special Assessments for fire services, facilities, and programs against all Assessed Property located within the City;

WHEREAS, the imposition of a Fire Services Special Assessment for fire services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Services Assessed Cost among parcels of Assessed Property;

WHEREAS, the City Commission desires to impose a fire services special assessment in the City using the procedures provided by the Ordinance for the Fiscal Year beginning on October 1, 2012;

WHEREAS, the City Commission, on July 17, 2012, adopted Resolution No. 120047 (the "Preliminary Rate Resolution");

WHEREAS, the Preliminary Rate Resolution contains and references a brief and general description of the fire services, facilities and programs to be provided to

Assessed Property; describes the method of apportioning the Fire Services Assessed Cost to compute the Fire Services Special Assessment for fire services, facilities, and programs against Assessed Property; estimates the rate of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, in order to impose Fire Services Special Assessments for the Fiscal Year that begins October 1, 2012, the Ordinance requires the City Commission to adopt an Annual Rate Resolution which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such adjustments as the City Commission deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

WHEREAS, notice of a public hearing has been published and mailed, as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; the proof of publication being attached hereto as Appendix A; the proof of mailing being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 10, 2012, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the Ordinance, Resolution No. 120047, Article VIII, Section 2, Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of Law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution

constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Preliminary Rate Resolution.

SECTION 3. IMPOSITION OF FIRE SERVICES SPECIAL ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the fire services, facilities, and programs described or referenced in the Preliminary Rate Resolution, in the amount of the Fire Services Special Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of fire services, facilities, and programs in an amount not less than the Fire Services Special Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Preliminary Rate Resolution, and this Annual Rate Resolution from the fire services, facilities, or programs to be provided and a legislative determination that the Fire Services Special Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(B) The method for computing Fire Services Special Assessments described and referenced in the Preliminary Rate Resolution is hereby approved. The Parcel Apportionment methodology described in Section 6 of the Preliminary Rate Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2012, the estimated Fire Services

Assessed Cost to be assessed is \$5,200,000.00. The Fire Services Assessment to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Assessed Cost for the Fiscal Year that begins October 1, 2012, is hereby established as follows:

\$78.00 per net Factored Fire Protection Unit

(D) The above rate of assessment is hereby approved. Fire Services Assessments for fire services, facilities, and programs in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year that begins on October 1, 2012.

(E) No Fire Services Assessment shall be imposed on a parcel of government property whose building use is wholly exempt from ad valorem taxation as provided by Florida law.

(F) Any shortfall in the estimated Fire Services Assessed Cost caused by or attributed to any reduction or exemption from payment of the Fire Services Assessments required by law and this Resolution shall be made whole from any legally available funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments. To this extent, the City Commission expects to budget and appropriate during the fiscal year beginning October 1, 2012, from any legally available revenues an amount sufficient to cover the anticipated cost of providing fire services, facilities, and programs to any lawfully exempted properties, and any reduction in the Fire Services Assessed Cost.

(G) As authorized in Section 11-43 of the Ordinance, interim Fire Services

Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(H) Fire Services Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(I) On or before September 15 of each fiscal year the Fire Services Special Assessment is imposed, the Mayor or Mayor Pro Tem is authorized to certify the non-ad valorem assessment roll on compatible electronic medium to the tax collector.

(J) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be billed, collected and enforced pursuant to the method of collection described in Section 11-61 of the Ordinance and Section 10 of the Preliminary Rate Resolution. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantively the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution, as amended and supplemented herein, is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of

assessment, the Assessment Roll and the levy and lien of the Fire Services Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

SECTION 6. SEVERABILITY. If any word, phrase, clause, paragraph, section or provision of this resolution or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the resolution which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this resolution are declared severable.

SECTION 7. EFFECTIVE DATE. This Annual Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of September, 2012.

CRAIG LOWE
MAYOR

ATTEST:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

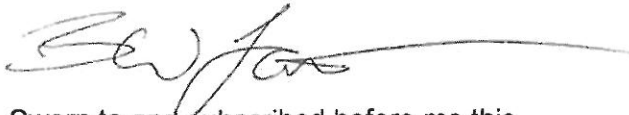
MARION J. RADSON
CITY ATTORNEY

APPENDIX A
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ALACHUA

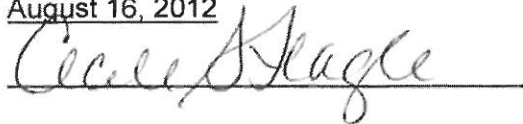
THE GAINESVILLE SUN
Published Daily and Sunday
GAINESVILLE, FLORIDA

Before the undersigned authority personally appeared Bruce Lawton who on oath says that she is the Account Executive of THE GAINESVILLE SUN, a daily newspaper published at Gainesville in Alachua County, Florida, and that the **City Manager Fire Assessments** advertisements were published in said newspaper in the issues of Monday August 13th, 2012 says that the said THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, each day, and has been entered as second class mail matter at the post office in Gainesville, in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount for publication in the said newspaper.



Sworn to and subscribed before me this

August 16, 2012



(Seal)

Notary Public



101st Airborne Division marks its 70th anniversary

The Associated Press

NASHVILLE, Tenn. — After months of grueling road marches through the north Georgia mountains, a group of elite paratroopers had to put their training to the test in a final by fire. They leapt from an airplane, bullets whizzing past parachutes and shrapnel pelting the plane's side panels.

Ed Shames was among them. Now 90, Shames was 19 when he signed up for new paratrooper units created by military leaders who wanted a quicker, more aggressive unit that could sneak behind enemy lines in Europe. This week, thousands of active-duty soldiers and veterans are gathering at Fort Campbell, Ky., to honor the 101st Airborne Division that was created 70 years ago, even as its current soldiers prepare to leave for Afghanistan.

Military officials at first weren't sure the 101st "Screaming Eagles" would find success. And the day Shames first saw combat turned out to be one of the most crucial in U.S. history — the D-Day invasion of France.

On August 16, 1942, the Army created the first paratrooper divisions, with the motto still reflecting from Japan's surprise attack on Pearl Harbor: The 101st Airborne Division and the Fort Bragg, N.C.-based 82nd



This U.S. Army photo shows U.S. Army UH-60 Black Hawk helicopters on Tuesday. This week, thousands of active-duty soldiers and veterans are gathering at Fort Campbell, Ky., to honor the 101st Airborne Division.

Airborne Division would go on to redefine war strategies from World War II to Vietnam to the Middle East.

The Week of the Eagles is commemorating that legacy with games, a concert, an air show and memorials to the fallen, with each day dedicated to the major wars that have created the unique legacy of the Screaming Eagles.

The first commanding general of the 101st, Maj. Gen. William C. Lee, said his men had no history but had a "treacherous

with destiny." The Army wanted physically fit, aggressive young men who were a "cut above the rest," said the division's historian, Capt. Jim Page.

Among them was Shames, of Norfolk, Va. He and other paratroopers from the 508th Parachute Infantry Regiment earned their tough reputation by making daily road marches up Currahee Mountain in Georgia.

"A 25-mile march for us was just like a Sunday stroll," said Shames, who now lives in Virginia Beach.

He recounted D-Day, as the Allied planes crossed into Normandy and started taking heavy artillery fire.

"You could hear the shrapnel hitting against the side of the plane and when we jumped out, you could hear the bullets coming through the parachutes," Shames said.

Shames said the paratroopers were successful in their mission of capturing key bridges to prevent German tanks from reaching the shore as amphibious troops made their landing. But it came at a cost. Page said. The 101st lost about a third of its men in only about six weeks.

The division then went on to suffer more casualties in Operation Market Garden in the Netherlands. Herbert Suerth II joined the Easy Company, whose exploits have been made into books and a TV series, as a replacement soldier right before the Battle of the Bulge.

"When I joined the 101st, the discipline, the tempo, everything changed, and it was refreshing," said Suerth, who is now 89. After the unit made its way to establish a perimeter in the pine woods around the town of Bastogne in Belgium, they could hear the artillery rounds and machine-gun fire of the approaching German divisions, he said.

When the Germans demanded that the division surrender after surrounding the town, Brig. Gen. Anthony McAuliffe responded with one word: "NUTS." The division held that town until just after Christmas when reinforcements arrived.

After the war ended, the division was deactivated in 1945 as the Army moved to a post-war size. The division was reactivated as a combat unit in 1956 at Fort Campbell.

In the summer of 1965, 4,000 troops from the 101st traveled forward by boat across the Pacific Ocean. Later in 1967, the rest of the division would deploy to Vietnam, where they would remain until 1972.

Today, the 101st remain the Army's only air assault division. Even with this week's celebration, the division still has wartime obligations. One of its helio platoons is deploying to Afghanistan, and another infantry brigade is scheduled to leave later this year. They're fighting a different type of enemy than the men who landed on Normandy, with new technology and an different terrain.

"Soldiers of the 101st, whether in World War II or 2012, can expect that they will be placed at the forefront of America's most challenging operations wherever that may be," Page said.

U.S. Navy ship collides with Japanese oil tanker in Gulf

The Associated Press

DUBAI, United Arab Emirates — A U.S. Navy guided-missile destroyer was left with a gaping hole on its side after it collided with an oil tanker early Sunday just outside the strategic Strait of Hormuz.

The collision left a hole at least 10 feet by 10 feet in the starboard side of the USS Porter. No one was injured on either vessel, the U.S. Navy said.

The collision with the Panamanian-flagged and Japanese-owned bulk oil

tanker M.V. Otowasan happened about 1 a.m. local time.

The cause of the incident is under investigation, the Navy said, though the collision was not "combat related." There were no reports of spills or leakage from either the USS Porter or the Otowasan, the Navy said.

Navy spokesman Greg Robinson said the destroyer now is in port in Jebel Ali, Dubai. "We're just happy there were no injuries," he said. "An investigation is

under way."

The USS Porter is on a scheduled deployment to the U.S. 5th fleet, which is based in Bahrain, an island nation in the Gulf, near Iran. Tensions have risen there over repeated Iranian threats to block tanker traffic in retaliation for lighter sanctions by the West. The sanctions are aimed at curbing Iran's nuclear program, so far without success.

The United States and other nations recently with

an announcement that it will send U.S. Navy minesweepers and warships into the Gulf for exercises. The U.S. military maneuvers scheduled for September, to be joined by ships from about 20 American allies.

This is part of a Pentagon buildup in the Gulf with more troops and naval firepower, seeking to counter Iranian and Russian, Saudi Arabia and Washington's other Gulf Arab partners worried about Iran's influence and power.



This U.S. Navy photo shows personnel examining the guided-missile destroyer USS Porter after it was damaged in a collision with a bulk oil tanker.

Social Security surplus dwarfed by future deficit

The Associated Press

WASHINGTON — As millions of baby boomers flood Social Security with applications for benefits, the program's \$2.7 trillion surplus is starting to look small.

For nearly three decades Social Security produced big surpluses, collecting more in taxes from workers than it paid in benefits to retirees, disabled workers, spouses and children. The surplus also helped mask the size of the budget deficit being generated by the rest of the federal government.

According to the trustees' latest report, it reaches \$1 trillion in 1946 and nearly \$7 trillion in 2085, the end of a 75-year period used by Social Security's number crunchers because it covers the retirement years of just about everyone working today.

Add up 75 years' worth of surpluses and you get an astonishing figure: \$34 trillion. Adjusted for inflation, that's \$30.5 trillion in 2012 dollars, or eight times the size of this year's entire federal budget.

In present value terms, the Social Security Administration says the shortfall is \$8.6 trillion. That means the agency would need to live at \$8.6 trillion today, and have it pay returns of 2.9 percent above inflation for the next 75 years, to produce enough money to cover the shortfall.

That's the rate of return Social Security expects to get from its trust funds. The problem, of course, is that Social Security doesn't have an extra \$8.6 trillion to invest.

Social Security Commissioner Michael J. Astrue said he is frustrated that little has been done to solve a problem that is only going to get harder to fix as 2035 approaches. If changes are done soon, they can be spread out over time, perhaps sparing career retirees while giving workers a time to increase their savings.

"It won't be easy but it's just going to get harder the longer they wait," Astrue said.

There is no consensus in Washington on how persistent the problem is. President Barack Obama created a deficit-reduction commission in 2010 but did not embrace its plan for Social Security, raising the retirement age, reducing benefits for medium- and high-income workers and raising the

cap on the amount of wages subject to the payroll tax, all very gradually.

The issue has been largely absent from this year's presidential election. Neither Obama nor his Republican opponent, Mitt Romney, has made it a significant part of the campaign.

Blahnik, a Republican, warns that the magnitude of the problem is becoming so great that "Social Security's days as a self-financing program are numbered" if Congress doesn't act in the next few years. Democrats Robert Byrd, the Social Security's other public trustee, is less dire in his predictions but has told Congress that it needs to act within five to 10 years.

Others express less urgency. "I would like to see Congress move on this tomorrow but we do have 22 years before there is any out in Social Security benefits," said Sen. Bernie Sanders, a liberal independent from Vermont who heads the Senate Social Security caucus. "Compared to other crises — the collapse of the middle class, real wages falling for America's workers, 50 million people having no health insurance — how would I rate the Social Security situation? Nowhere near as serious as these and many other problems."

AARP, the nation's most powerful lobbying group for older Americans, agrees. "I'm not suggesting we need to wait 20 years but we do have time to make changes to Social Security so that we can pay the benefits we promised," said David Certner, AARP's legislative policy director. "Let's focus. Relative to a lot of other things right now, Social Security is in pretty good shape."

About 36 million people collect Social Security benefits, and that is projected to grow to 51 million in 2015.

Corry, Grace Freeman, 24, a recent college graduate from Columbia, Md., said she understands the federal government must address its growing budget problems but worries that her generation will be "penalized" for being born here.

"It's like we're paying for the current elderly, we have to save more for ourselves, and we don't get any help in the future," Freeman said. "And not to mention we're facing one of the toughest job markets that the U.S. has been faced with."

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE SERVICES SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of Gainesville, Florida, will consider applications for imposition of special fire services assessments for the purposes of fire services within the jurisdiction of the City of Gainesville and distribution of those assessments pursuant to the tax bill collection method.

The hearing will be held at 6:00 PM on September 10, 2012, at an open meeting to be held at the Gainesville Chamber of Commerce, 201 E. Broadway Avenue, Gainesville, Florida, for the purpose of receiving public comment on the proposed assessments. All proposed property owners have a right to appear at the hearing and file written objections with the City Commission within 30 days of this notice. It is your decision to appear at the hearing, and you will need a copy of the proposed assessments and may need to create. You may need to make including the necessary information regarding the proposed assessments in accordance with the Assessor's and Assessor's staff, providing a copy of a communication or an interpreter for participants in this proceeding, who will contact the Equal Opportunity Office at (352) 339-9911, at least 10 days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's characteristics and the total number of fire protection services provided to that parcel.

The City Commission on July 20, 2012 adopted a preliminary Rate Resolution setting the proposed fire services assessment to be assessed for the fiscal year beginning October 1, 2012 and thereafter as stated in said resolution.

City of Gainesville, Florida
City Commission
City of Gainesville, Florida

Sun
Your source... for your community!

CITY COMMISSION
CITY OF GAINESVILLE, FLORIDA

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APPENDIX B
PROOF OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Russell D. Blackburn, who, after being duly sworn, deposes and says:


I am the City Manager for the City of Gainesville, Florida (the "City"). Pursuant to Section 200.069(10)(a), Florida Statutes, and with agreement of the Property Appraiser, the City Commission elected to combine notice of the public hearing authorized by the Preliminary Rate Resolution with the truth-in-millage notification required pursuant to Section 200.069, Florida Statutes. Such mailed notice in the form required by Section 200.069(10)(a), Florida Statutes, and consistent with the Uniform Assessment Collection Act and the Ordinance, for the purpose of imposing Fire Services Special Assessments for the Fiscal Year beginning October 1, 2012 was in fact mailed to all affected property owners by the Alachua County Property Appraiser prior to or on the 15th of August, 2012.

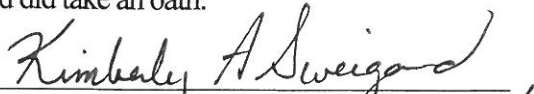
FURTHER AFFIANT SAYETH NOT.


Russell D. Blackburn, affiant

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 22nd day of August, 2012 by Russell D. Blackburn, City Manager, City of Gainesville, Florida. He is personally known to me or has produced N/A as identification and did take an oath.

NOTARY PUBLIC-STATE OF FLORIDA
 Kimberly A. Sweigard
Commission # DD817770
Expires: AUG. 26, 2012
BONDED THRU ATLANTIC BONDING CO., INC.


Printed Name: Kimberly A Sweigard
Notary Public, State of Florida At Large
My Commission Expires: 8-26-12
Commission No.: DD817770

APPENDIX C
FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City of Gainesville, or authorized agent of the City of Gainesville, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire services (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Alachua County Tax Collector by September 15, 2012.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Alachua County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of September, 2012.

CITY OF GAINESVILLE, FLORIDA

By: _____
CRAIG LOWE, Mayor

[to be delivered to Tax Collector prior to September 15]