

RESOLUTION NO. 191143

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4 A resolution of the City of Gainesville, Florida, relating to the
5 provision and funding of fire services, facilities and programs
6 in the City of Gainesville; providing for the imposition and
7 computation of fire services special assessments; providing
8 for legislative determinations of special benefit and fair
9 apportionment; describing the method of assessing fire
10 services assessed costs against assessed property located
11 within the City of Gainesville; establishing the estimated
12 assessment rate for fire assessments for the fiscal year
13 beginning October 1, 2020; directing the preparation of an
14 assessment roll; providing for hardship assistance; providing
15 for method of collection; authorizing a public hearing and
16 directing the provision of notice thereof; providing for
17 application of assessment proceeds; providing for
18 severability; and providing an immediate effective date.

19
20 **WHEREAS**, the City Commission of the City of Gainesville, Florida (the "City
21 Commission"), has enacted Ordinance No. 070623 (the "Ordinance"), codified in Chapter
22 11 of the Code of Ordinances, which authorizes the annual imposition of Fire Services
23 Assessments for fire services, facilities, and programs against all Assessed Property
24 within the City of Gainesville (the "City") for Fire Services; and

25 **WHEREAS**, in June 2010, the City implemented a recurring annual fire special
26 assessment to provide a portion of the funding for the City's fire services and facilities, and
27 imposed fire assessments for Fiscal Year 2010-11 with the adoption of Resolution No.
28 091050 (the "Initial Assessment Resolution") and Resolution No. 100137 (the "Final
29 Assessment Resolution"); and

30 **WHEREAS**, pursuant to Ordinance No. 070623, the reimposition of fire
31 assessments for the Fiscal Year beginning October 1, 2020 requires certain processes;
32 and

33 **WHEREAS**, annually a Preliminary Rate Resolution describing the method of
34 assessing fire services costs against assessed property located within the City, directing

35 the preparation of an updated assessment roll, authorizing a public hearing and directing
36 the provision of notice thereof is required by Ordinance No. 070623 for the reimposition of
37 the fire assessments; and

38 **WHEREAS**, the imposition of a Fire Services Assessment for fire services, facilities
39 and programs for each Fiscal Year is an equitable and efficient method of allocating and
40 apportioning Fire Service Cost among parcels of Assessed Property.

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

43 **SECTION 1. AUTHORITY.** This resolution is adopted pursuant to the provisions
44 of Ordinance No. 070623, sections 166.021 and 166.041, Florida Statutes, and other
45 applicable provisions of law.

46 **SECTION 2. PURPOSE AND DEFINITIONS.**

47 (A) This resolution constitutes the Preliminary Rate Resolution as defined in the
48 Ordinance which initiates the process for updating the Assessment Roll and directs the
49 reimposition of Fire Assessments for the Fiscal Year beginning October 1, 2020.

50 (B) All capitalized words and terms not otherwise defined herein shall have the
51 meanings set forth in the Ordinance and Preliminary Rate Resolution No. 140028,
52 adopted July 16, 2014. Unless the context indicates otherwise, words imparting the
53 singular number include the plural number, and vice versa.

54 **SECTION 3. PROVISION AND FUNDING OF FIRE SERVICES.**

55 (A) Upon the imposition of a Fire Services Assessment for fire services,
56 facilities, or programs against Assessed Property located within the City, the City shall
57 provide fire services to such Assessed Property. A portion of the cost to provide such fire
58 services, facilities, or programs shall be funded from proceeds of the Fire Services
59 Assessments. The remaining cost required to provide fire services, facilities, and

60 programs shall be funded by legally available City revenues other than Fire Services
61 Assessment proceeds.

62 (B) It is hereby ascertained, determined, and declared that each parcel of
63 Assessed Property located within the City will be benefited by the City's provision of fire
64 services, facilities, and programs in an amount not less than the Fire Services
65 Assessment imposed against such parcel, computed in the manner set forth in this
66 Preliminary Rate Resolution.

67 **SECTION 4. IMPOSITION AND COMPUTATION OF FIRE SERVICES SPECIAL**
68 **ASSESSMENTS.** Fire Services Assessments shall be imposed against all Tax Parcels
69 within the City. Fire Services Assessments shall be computed in the manner set forth in
70 this Preliminary Rate Resolution.

71 **SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND**
72 **FAIR APPORTIONMENT.** It is hereby ascertained and declared that the Fire Services
73 Assessed Costs provide a special benefit to the Assessed Property based upon that
74 certain report entitled "City of Gainesville, Florida Fire Services Special Assessment
75 Memorandum, November 2018", prepared by Government Services Group, Inc., the
76 legislative determinations set forth in Section 11-4 of the Code of Ordinances, and
77 Preliminary Rate Resolution No. 140028, which are hereby readopted, ratified, and
78 affirmed, and incorporated herein as if set forth in full.

79 **Budget Allocation**

80 (A) It is fair and reasonable and consistent with the decision from the
81 Florida Supreme Court in the case of City of North Lauderdale v. SMM Properties, Inc.,
82 825 So. 2d 343 (Fla. 2002), to exclude from the Fire Services Assessed Cost amounts
83 determined to constitute the Emergency Medical Services Cost.

84 (B) The level of services required to meet anticipated demand for fire

85 services and the corresponding annual fire services budget required to fund fire services
86 provided to unimproved, non-specific property uses would be required notwithstanding
87 the occurrence of any incidents from such non-specific property uses. Therefore, it is fair
88 and reasonable to omit from the Demand Factor calculation the Fire Services Incident
89 Reports documenting fire services provided to non-specific property uses.

90 **Fair Apportionment**

91 It is hereby ascertained and declared that the Fire Services Apportionment
92 Methodology as set forth in Preliminary Rate Resolution No. 140028, which is hereby
93 readopted, ratified, and affirmed, and incorporated herein as if set forth in full, is a fair and
94 reasonable method of apportionment of the fire services assessed costs.

95 **SECTION 6. APPORTIONMENT METHODOLOGY.**

96 The Fire Services Assessment for each Tax Parcel within the City shall be
97 determined as provided for in Sections 6, 9 and 10 of Preliminary Rate Resolution No.
98 140028 which are hereby readopted, ratified and affirmed, and incorporated herein as if
99 set forth in full.

100 **SECTION 7. DETERMINATION OF FIRE SERVICES ASSESSED COSTS; 101 ESTABLISHMENT OF PRELIMINARY ESTIMATED FIRE SERVICES ASSESSMENTS.**

102 (A) The total Fire Services Assessed Costs to be assessed and apportioned
103 among benefitted parcels for the Fiscal Year beginning October 1, 2020, is approximately
104 \$8,435,982.00.

105 (B) The estimated rate per Net Factored Fire Protection Unit to be assessed
106 against benefitted property to generate the estimated Assessed Cost for the Fiscal Year
107 beginning October 1, 2020, is hereby established as \$133.00 per Net Factored Fire
108 Protection Unit for the purpose of this Preliminary Rate Resolution.

109 (C) The estimated Fire Services Assessment specified in subsection (B) above

110 is hereby established to fund the specified Fire Services Assessed Costs determined to
111 be assessed in the Fiscal Year beginning October 1, 2020. No portion of such Fire
112 Services Assessed Costs are attributable to the capital improvements necessitated by
113 new growth or development that are funded by impact fee revenue. Further, no portion of
114 such Fire Services Assessed Costs are attributable to the Emergency Medical Services
115 Cost.

116 (D) No Fire Services Assessment shall be imposed upon a parcel of
117 Government Property whose Building use is wholly exempt from ad valorem taxation as
118 provided by Florida law.

119 (E) Any shortfall in the expected Fire Services Assessment proceeds due to
120 any exemption from payment of the Fire Services Assessments required by law shall be
121 supplemented by any legally available funds, or combination of such funds, and shall not
122 be paid for by proceeds or funds derived from the Fire Services Assessments.

123 (F) The estimated Fire Services Assessments established in this Preliminary
124 Rate Resolution shall be the estimated assessment rates applied by the City Manager in
125 the preparation of the preliminary Assessment Roll for the Fiscal Year beginning October
126 1, 2020, as provided in Section 8 of this Preliminary Rate Resolution.

127 **SECTION 8. ASSESSMENT ROLL.**

128 (A) The City Manager is hereby directed to prepare, or cause to be prepared,
129 an updated Assessment Roll for the Fiscal Year beginning October 1, 2020, in the manner
130 provided in Section 11-38 of the Code of Ordinances. The updated Assessment Roll shall
131 include all Tax Parcels within the City. The City Manager shall apportion the estimated
132 Fire Services Assessed Cost to be recovered through Fire Services Assessments in the
133 manner set forth in this Preliminary Rate Resolution.

134 (B) A copy of this Preliminary Rate Resolution, documentation related to the

135 estimated amount of the Fire Services Assessed Cost to be recovered through the
136 imposition of Fire Services Assessments, and the updated Assessment Roll (once
137 prepared) shall be maintained on file in the office of the City Manager and open to public
138 inspection. The foregoing shall not be construed to require that the updated Assessment
139 Roll be in printed form if the amount of the Fire Services Assessment for each parcel of
140 property can be determined by the use of a computer terminal available to the public.

141 (C) It is hereby ascertained, determined, and declared that the method of
142 determining the Fire Services Assessments for fire services as set forth in this Preliminary
143 Rate Resolution is a fair and reasonable method of apportioning the Fire Services
144 Assessed Cost among parcels of Assessed Property located within the City.

145 **SECTION 9. HARDSHIP ASSISTANCE.** An owner of improved residential
146 property who meets low income level and asset guidelines established by the City shall
147 be eligible to receive payment of the Fire Services Assessment by the City. Applicants for
148 this hardship assistance shall provide written documentation satisfactory to the City
149 Manager in order to qualify for such assistance. Any amounts provided for hardship
150 assistance shall be paid by the City from funds other than those generated by the Fire
151 Services Assessment.

152 **SECTION 10. METHOD OF COLLECTION.** It is hereby declared that the Fire
153 Services Assessments shall be collected and enforced pursuant to Uniform Assessment
154 Collection Act as provided in Section 11-61 of the Code of Ordinances for the Fiscal Year
155 beginning October 1, 2020.

156 **SECTION 11. AUTHORIZATION OF PUBLIC HEARING.** There is hereby
157 established a public hearing to be held at 6:00 p.m., or as soon thereafter as may be
158 heard on September 10, 2020, in the Commission Chambers of City Hall, 200 E.
159 University Avenue, Gainesville, Florida, at which time the City Commission will receive

160 and consider any comments on the Fire Services Assessments from the public and
161 affected property owners and consider imposing Fire Services Assessments.

162 **SECTION 12. NOTICE BY PUBLICATION.** The City Manager shall publish a
163 notice of the public hearing authorized by Section 11 hereof in the manner and time
164 provided in Section 11-34 of the Code of Ordinances. The notice shall be published no
165 later than August 20, 2020 in substantially the form attached hereto as Exhibit A.

166 **SECTION 13. NOTICE BY MAIL.**

167 A. The City Manager shall also provide notice by first class mail to the Owner
168 of each parcel of Assessed Property in the event circumstances described in Section 11-
169 38(f) of the Code of Ordinances so require. Such notices shall be mailed no later than
170 August 17, 2020.

171 B. If the City determines that the truth-in-millage ("TRIM") notice that is mailed
172 by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the
173 requirements of paragraph (A) of this Section 13, then the separate mailing requirement
174 described in paragraph (A) will be deemed to be fulfilled by the TRIM notice.

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

181 **SECTION 15. SEVERABILITY.** If any word, phrase, clause, paragraph, section
182 or provision of this Resolution or the application hereof to any person or circumstance is
183 held invalid or unconstitutional, such finding shall not affect the other provisions or
184 applications of the Resolution which can be given effect without the invalid or

185 unconstitutional provisions or application, and to this end the provisions of this Resolution
186 are declared severable.

187 **SECTION 16. EFFECTIVE DATE.** This Preliminary Rate Resolution shall take
188 effect immediately upon its passage and adoption.

189 PASSED AND ADOPTED this 18th day of June, 2020.

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By: 
LAUREN POE, MAYOR


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ATTEST:


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OMICHELE D. GAINÉY
CLERK OF THE COMMISSION

APPROVED AS TO FORM AND LEGALITY:


NICOLLE M. SHALLEY
CITY ATTORNEY

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 conduct a public hearing to consider the imposition of annual fire special assessments for the provision of fire services within the municipal boundaries of the City of Gainesville and collection of these assessments pursuant to the tax bill collection method.

The hearing will be held at 6:00 PM, or as soon thereafter as may be heard on September 10, 2020, in the Commission Chambers of City Hall, 200 E. University Avenue, Gainesville, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Equal Opportunity Office at (352) 334-5051, at least two days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of fire protection units attributed to that parcel.

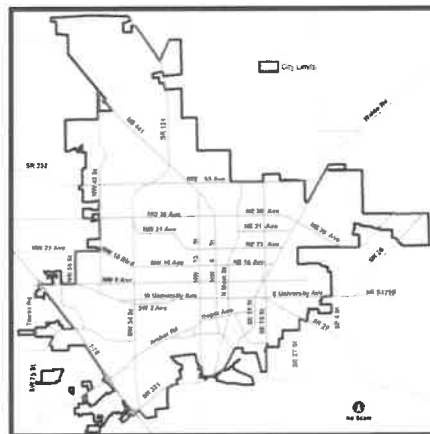
The City Commission on June 18, 2020 adopted a Preliminary Rate Resolution setting the proposed fire services assessments to be assessed for the fiscal year beginning October 2020 and future fiscal years as follows:

\$133.00 Per Net Factored Fire Protection Unit

Copies of the Fire Services Assessment Ordinance, the Preliminary Assessment Resolution and the Preliminary Assessment Roll are available for inspection at the City Manager's Office, City Hall, located at 200 E. University Avenue, Gainesville, Florida.

The fire services non-ad valorem assessment will be collected by the tax collector and placed on the ad valorem tax bill to be mailed in November 2020 and each year that the assessment is imposed. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact Gainesville Fire Rescue Administration at (352) 334-5078, Monday through Friday between 8:00 a.m. and 5:00 p.m.



**CITY COMMISSION
CITY OF GAINESVILLE, FLORIDA**