

LEGISTAR NO.

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RESOLUTION NO. 181031

PASSED _____

A resolution of the City of Gainesville, Florida, relating to the provision and funding of fire services, facilities and programs in the City of Gainesville; providing for the imposition and computation of fire services special assessments; providing for legislative determinations of special benefit and fair apportionment; describing the method of assessing fire services assessed costs against assessed property located within the City of Gainesville; establishing the estimated assessment rate for fire assessments for the fiscal year beginning October 1, 2019; directing the preparation of an assessment roll; providing for hardship assistance; providing for method of collection; authorizing a public hearing and directing the provision of notice thereof; providing for application of assessment proceeds; providing for severability; and providing an immediate effective date.

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

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

WHEREAS, pursuant to Ordinance No. 070623, the reimposition of fire assessments for the Fiscal Year beginning October 1, 2019 requires certain processes; and

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

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

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

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

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

47 **SECTION 2. PURPOSE AND DEFINITIONS.**

48 (A) This resolution constitutes the Preliminary Rate Resolution as defined in
49 the Ordinance which initiates the process for updating the Assessment Roll and directs
50 the reimposition of Fire Assessments for the Fiscal Year beginning October 1, 2019.

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

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

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

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

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

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

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

80 **Budget Allocation**

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

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

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

92 **Fair Apportionment**

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

97 **SECTION 6. APPORTIONMENT METHODOLOGY.**

98 The Fire Services Assessment for each Tax Parcel within the City shall be
99 determined as provided for in Sections 6, 9 and 10 of Preliminary Rate Resolution No.
100 140028 which are hereby readopted, ratified and affirmed, and incorporated herein as if
101 set forth in full.

102 **SECTION 7. DETERMINATION OF FIRE SERVICES ASSESSED COSTS; 103 ESTABLISHMENT OF PRELIMINARY ESTIMATED FIRE SERVICES 104 ASSESSMENTS.**

105 (A) The total Fire Services Assessed Costs to be assessed and apportioned
106 among benefitted parcels for the Fiscal Year beginning October 1, 2019, is
107 approximately \$8,575,814.00.

108 (B) The estimated rate per Net Factored Fire Protection Unit to be assessed
109 against benefitted property to generate the estimated Assessed Cost for the Fiscal Year
110 beginning October 1, 2019, is hereby established as \$133.00 per Net Factored Fire

111 Protection Unit for the purpose of this Preliminary Rate Resolution.

112 (C) The estimated Fire Services Assessment specified in subsection (B) above
113 is hereby established to fund the specified Fire Services Assessed Costs determined to
114 be assessed in the Fiscal Year beginning October 1, 2019. No portion of such Fire
115 Services Assessed Costs are attributable to the capital improvements necessitated by
116 new growth or development that are funded by impact fee revenue. Further, no portion
117 of such Fire Services Assessed Costs are attributable to the Emergency Medical
118 Services Cost.

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

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

126 (F) The estimated Fire Services Assessments established in this Preliminary
127 Rate Resolution shall be the estimated assessment rates applied by the City Manager in
128 the preparation of the preliminary Assessment Roll for the Fiscal Year beginning
129 October 1, 2019, as provided in Section 8 of this Preliminary Rate Resolution.

130 **SECTION 8. ASSESSMENT ROLL.**

131 (A) The City Manager is hereby directed to prepare, or cause to be prepared,
132 an updated Assessment Roll for the Fiscal Year beginning October 1, 2019, in the
133 manner provided in Section 11-38 of the Code of Ordinances. The updated Assessment
134 Roll shall include all Tax Parcels within the City. The City Manager shall apportion the
135 estimated Fire Services Assessed Cost to be recovered through Fire Services

136 Assessments in the manner set forth in this Preliminary Rate Resolution.

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

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

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

156 **SECTION 10. METHOD OF COLLECTION.** It is hereby declared that the Fire
157 Services Assessments shall be collected and enforced pursuant to Uniform Assessment
158 Collection Act as provided in Section 11-61 of the Code of Ordinances for the Fiscal
159 Year beginning October 1, 2019.

160 **SECTION 11. AUTHORIZATION OF PUBLIC HEARING.** There is hereby

161 established a public hearing to be held at 6:00 p.m., or as soon thereafter as may be
162 heard on September 12, 2019, in the Commission Chambers of City Hall, 200 E.
163 University Avenue, Gainesville, Florida, at which time the City Commission will receive
164 and consider any comments on the Fire Services Assessments from the public and
165 affected property owners and consider imposing Fire Services Assessments.

166 **SECTION 12. NOTICE BY PUBLICATION.** The City Manager shall publish a
167 notice of the public hearing authorized by Section 11 hereof in the manner and time
168 provided in Section 11-34 of the Code of Ordinances. The notice shall be published no
169 later than August 22, 2019 in substantially the form attached hereto as Exhibit A.

170 **SECTION 13. NOTICE BY MAIL.**

171 A. The City Manager shall also provide notice by first class mail to the Owner
172 of each parcel of Assessed Property in the event circumstances described in Section
173 11-38(f) of the Code of Ordinances so require. Such notices shall be mailed no later
174 than August 16, 2019.

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

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

186 **SECTION 15. SEVERABILITY.** If any word, phrase, clause, paragraph, section
187 or provision of this Resolution or the application hereof to any person or circumstance is
188 held invalid or unconstitutional, such finding shall not affect the other provisions or
189 applications of the Resolution which can be given effect without the invalid or
190 unconstitutional provisions or application, and to this end the provisions of this
191 Resolution are declared severable.

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

194 PASSED AND ADOPTED this ____ day of June, 2019.

195

196

197

By: _____
LAUREN POE, MAYOR

198 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

199

200

201

OMICHELE D. GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

