

RESOLUTION NO. \_\_\_\_\_

PASSED: \_\_\_\_\_

**A resolution of the City of Gainesville, Florida, strongly urging the State Legislature to recognize and respect the role and responsibilities of local governments in protecting the quality of Florida surface water bodies; to respect and uphold the unanimous recommendation of the Consumer Fertilizer Task Force; to support legislation that is fiscally responsible; to support measures that recognize that the government closest to the people is the most effective government; authorizing the City Manager to forward a copy of this resolution to Governor, the President of the Senate, the Speaker of the House, members of the City's Legislative Delegation, the Florida League of Cities, Florida Association of Counties and the Florida Stormwater Association.**

**WHEREAS**, the City of Gainesville recognizes the detrimental effects of the introduction of excessive amounts of nitrogen and phosphorus into its local surface waters; and,

**WHEREAS**, in 2010, the City of Gainesville adopted Resolution 090813 opting into Alachua County's Ordinance 09-06 which regulates the indiscriminate use of fertilizers which invariably, primarily through run-off, enter our local surface waters; and,

**WHEREAS**, excessive nitrogen or phosphorus has been directly linked to harmful or other abnormal or exacerbated events or conditions in some of our surrounding surface waters; and,

**WHEREAS**, the City of Gainesville is required under state and federal law to obtain and comply with the provisions of a Municipal Separate Storm Sewer System permit and the

provisions of a Total Maximum Daily Load (TMDL) that have been adopted for nutrients in the several surface water bodies in and around Gainesville; and,

**WHEREAS**, source control measures are infinitely more cost effective than constructing and operating treatment systems to remove nutrients from waters after their introduction; and,

**WHEREAS**, the State of Florida has numerous policies encouraging the development and use of reclaimed water systems and the City of Gainesville has invested in such a system; and,

**WHEREAS**, approximately 50 local government jurisdictions have enacted ordinances to reasonably regulate the excessive use of fertilizer and the attendant introduction of nitrogen and phosphorus into the local waterways of their jurisdiction; and,

**WHEREAS**, there are currently proposed State legislative bills that will preempt authority of all local governments to reasonably regulate fertilizer and the introduction of nitrogen and phosphorus into local waterways; and,

**WHEREAS**, it is critical that the State Legislature recognize that the government closest to the people governs best and is most familiar with the health of its waters and best able to balance competing economic needs in their communities.

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

Section 1. That the Florida Legislature be, and is hereby, requested to refrain from the adoption of legislation preempting local government constitutional or statutory powers with respect to the enactment, monitoring and enforcement of nitrogen and phosphorus control ordinances, which include prohibitions on excessive fertilization of lawns and rules reasonably related thereto, and that all local jurisdictions be authorized to adopt more restrictive regulations than those enacted in any statewide “model” legislation when necessary to protect water quality.

Section 2. The City Manager is hereby directed to forward a copy of this Resolution to Governor Rick Scott, President Michael Haridopolos, Speaker Dean Cannon, the local legislative delegation, the Florida League of Cities, the Florida Association of Counties and the Florida Stormwater Association.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Craig Lowe  
Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Kurt M. Lannon  
Clerk of the Commission

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Marion J. Radson  
City Attorney