

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

July 14, 2022

6:00 PM

City Commission Special Meeting

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Mayor-Commissioner Pro-Tem Reina Saco (At Large, Seat A)

Commissioner Cynthia Moore Chestnut (At Large, Seat B)

Commissioner Desmon Duncan-Walker (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Commissioner Adrian Hayes-Santos (District 4)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equity and Inclusion at (352) 334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish to Spanish relay, please call 1-877-955-8773. For STS Spanish to English relay, please call 1-844-463-9710.

CALL TO ORDER**AGENDA STATEMENT**

"Individuals are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 minutes for general public comment once during the meeting. Speakers who wish to participate in early public comment will be limited to 3 minutes to speak on one agenda item or 5 minutes if they wish to speak on several agenda items. If speakers do not participate in early public comment, speakers will be limited to 3 minutes per agenda item. The City of Gainesville encourages civility in public discourse and requests that speakers direct their comments to the Chair. Signs, props and posters are not permitted in the meeting room."

ROLL CALL**ADOPTION OF THE AGENDA****BUSINESS DISCUSSION ITEMS****RESOLUTIONS**

[211352.](#)

Fire Assessment - Preliminary Rate Resolution (B)

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, 2022; 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.

AGENDA UPDATE - ADDITIONAL BACK-UP

Explanation: On June 9, 2008, the City Commission adopted Ordinance 070623 which establishes the authority to implement a Fire Services Special Assessment each year if the Commission chooses to do so.

The Preliminary Rate Resolution, if adopted, would establish a maximum assessment rate for the Fire Services Special Assessment and provide for notice to affected property owners of the proposed rates. The

Preliminary Rate Resolution also provides for notice of a public hearing on the Annual Rate Resolution to be held on the date as set forth in the Resolution.

In adopting the Preliminary Rate Resolution the Commission will have to determine the Preliminary Rate to be sent in the notice to affected property owners. The City Manager recommends the Net Factored Fire Protection Unit rate be maintained at \$133.00 per NFFPU for Fiscal Year 2022-23 and this rate is estimated to generate \$9,385,728.74 in fire assessment revenue. If the Commission decides to change the rate, the change will be made in the Preliminary Rate Resolution. (See page 4 of the Resolution).

The Preliminary Rate can be anywhere from 100% of the assessable costs to provide fire services, or less. It must be noted, however, that while the Preliminary Rate can change at the final hearing, it cannot be increased, but can only be decreased. In other words, if the Commission establishes the Preliminary Rate at \$133.00 per Net Factored Fire Protection Unit and notices that as the Preliminary Rate, at the Final Hearing the \$133.00 rate can decrease, but it cannot go above \$133.00.

In adopting the Preliminary Rate Resolution, the Commission will have to set the date for a public hearing. The City Manager has recommended that date be September 8, 2022 at 6:00 pm (see page 6 of the Resolution). If the Commission decides to change that date, changes will be made to the Resolution.

RECOMMENDATION

The City Commission: 1) establish a Preliminary Rate of \$133.00 per Net Factored Fire Protection Unit (NFFPU) for the Fire Services Special Assessment; 2) set the public hearing on the Annual Rate Resolution at 6:00 pm (or as soon thereafter as may be heard) on September 8, 2022; and 3) adopt the proposed Preliminary Rate Resolution.

[211352 Fire Assessment Preliminary Rate Resolution 20220714](#)

[211352 Comm Hayes-Santos corr Proposed Budget Changes for FY 2023 2C](#)

[211354.](#)

Establish a Proposed Millage Rate for Fiscal Year 2023 (B)

A Resolution of the City Commission of the City of Gainesville, Florida; relating to the levy of general municipal purpose Ad Valorem taxes for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (Fiscal Year 2023); establishing a proposed Millage Rate; computing the rolled back rate; setting a public hearing; providing for notice to the Alachua County Property Appraiser; and providing an immediate effective date.

AGENDA UPDATE - REVISED AND ADDITIONAL BACK-UP

Explanation: Section 200.065, Florida Statutes, commonly known as the "Truth in Millage" Bill or the "TRIM" Bill, provides that each taxing authority shall advise the Property Appraiser of its proposed millage rate, its current rolled back rate and of the date, time, and place at which a public hearing will be held to consider the proposed millage rate and tentative budget.

The proposed ("not to exceed") ad valorem millage rate for the City of Gainesville for Fiscal Year 2023 shall be 5.5000. The proposed Millage Rate for Fiscal Year 2023 is the same as last fiscal year's millage rate of 5.5000.

The rolled-back rate for Fiscal Year 2023 is 5.0351 mills. As defined in Section 200.065, Florida Statutes, the "rolled-back rate" is that certain millage rate which, exclusive of: new construction, additions to structures, deletions, increases in the value of improvements that have undergone a substantial rehabilitation that increased the assessed value of the improvements by at least 100 percent, property added due to geographic boundary changes, total taxable value of tangible personal property within the jurisdiction in excess of 115 percent of the previous year's total taxable value, and any dedicated increment value, will provide the same ad valorem tax revenue as was levied during the prior year less the amount, if any, paid or applied as a consequence of an obligation measured by the dedicated increment value.

The date, time and place of the public hearing to consider the above proposed ("not to exceed") millage rate and tentative budget shall be as follows:

Date: Thursday, September 8, 2022

Time: 6:00 PM

Place: City Hall Auditorium
200 E University Avenue
Gainesville, FL 32601

Strategic Connection

This item is connected to Goal 5 "Best in Class Neighbor Services"

Fiscal Note: The estimated ad-valorem tax revenues for FY 2022-2023 based on the proposed millage rate of 5.5000 and a 96% collection rate is \$47,492,732.

RECOMMENDATION

City Commission 1) set the maximum Millage Rate for Fiscal Year 2023 and 2) adopt the proposed resolution.

[211354_07-14-22 Resolution-Proposed Millage Rate 5.5000_20220714.pdf](#)

[211354_2022-07-14 Budget Presentation Final_20220714.pdf](#)

[211354_Comm Hayes-Santos_corr Proposed Budget Changes for FY 2023_2C](#)

ORDINANCES - 1ST READINGS[210851.](#)**Charter Amendment Addressing Vacancies in Office (B)**

Ordinance No. 210851

An ordinance of the City of Gainesville, Florida; proposing an amendment to 2.04 titled "Election and terms" of the Charter Laws of the City of Gainesville; providing for submission of the charter amendment to the voters for approval or disapproval at the November 8, 2022 election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters; providing directions to the codifier; providing directions to the city clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Currently per City Charter 2.04(4):

(4) Vacancies in office shall be filled in one of the following ways:

(a) If less than 6 months remain in the unexpired term or until the next regular election, the commission by a majority vote of the remaining members shall choose and appoint a successor, who is otherwise eligible under section 2.03 of this act, to serve until a newly elected commissioner is qualified.

(b) If more than 6 months remain in the unexpired term and a general election is not scheduled within 6 months, the commission shall fill the vacancy by a special election to be held not more than 60 days after the occurrence of the vacancy. [emphasis added]

In the time since this Charter provision was enacted, requirements and procedures regarding elections have expanded such that it is extremely difficult, and impossible in some instances, to call and conduct an election within 60 days. The recent City special election held to fill a vacancy resulted from a voluntary resignation for which the resigning commissioner provided 30 days' notice, thus expanding the time to hold the special election. Even still, the City benefitted greatly from a fortuitous calendar and the extraordinary commitment and sacrifice by the Alachua County Supervisor of Elections and her staff. If an unexpected vacancy in office were to result from a sudden death, incapacity, or removal from office the City would be hard-pressed to meet the 60-day deadline set forth in the Charter.

At the February 10, 2022 General Policy Committee meeting, the Office of the City Attorney proposed placing a Charter Amendment on the ballot for the November 8, 2022 election to avoid logistically difficult and costly special elections when a commission seat is vacated prior to the end of

the term of office. The proposed Charter Amendment would have allowed the remaining members of the City Commission to appoint a person to fill a vacancy until the next possible (given qualifying deadline) biennial City election. The City Commission did not support the proposed amendment, but, rather, directed that the issue be scheduled for further discussion. At the June 2, 2022 City Commission meeting, the Office of the City Attorney was directed to prepare a proposed Charter Amendment providing that a special election be "called" rather than "held" within 60 days and conducted expeditiously based on conditions including the existing elections calendar. At the June 16, 2022 City Commission meeting, the Office of the City Attorney was directed to advertise and place the proposed ordinance on the next available agenda. Of course, any changes to the Charter would be subject to voter referendum.

If the Commission reaches consensus on a desired Charter Amendment, the Charter and state law require that the ballot title, ballot question, and text of the Charter Amendment be embodied in an enabling ordinance that must be approved by four-fifths of the Commission members, which is 6 of 7 Commission members. The Alachua County Supervisor of Elections has indicated that any proposed referendum to be presented on the November 8, 2022 ballot must be provided to her office in proper form, in English and Spanish, by the end of July, 2022.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/10/22	General Policy Committee	Approved, as shown above
6/2/22	City Commission	Approved, as shown above
6/16/22	City Commission	Approved, as shown above

[210851 Charter Amendment Ordinance Draft 20220203](#)

[210851 Charter Amendment Ordinance Draft 20220616.pdf](#)

[210851 draft ordinance 20220714](#)

MEMBER COMMENT

ADJOURNMENT