

1 RESOLUTION NO. 091050

2  
3 PASSED June 3, 2010

4 A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA,  
5 RELATING TO THE PROVISION OF FIRE SERVICES,  
6 FACILITIES AND PROGRAMS IN THE CITY OF  
7 GAINESVILLE; DESCRIBING THE METHOD OF ASSESSING  
8 FIRE SERVICES ASSESSED COSTS AGAINST ASSESSED  
9 PROPERTY LOCATED WITHIN THE CITY OF GAINESVILLE;  
10 ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR  
11 FIRE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING  
12 OCTOBER 1, 2010; DIRECTING THE PREPARATION OF AN  
13 ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING  
14 AND DIRECTING THE PROVISION OF NOTICE THEREOF;  
15 PROVIDING FOR A VACANCY ADJUSTMENT FOR MOBILE  
16 HOME PARK AND RECREATIONAL VEHICLE PARK  
17 PROPERTY; PROVIDING FOR FIRE FLOW MITIGATION  
18 CREDITS AND HARDSHIP ASSISTANCE; PROVIDING FOR  
19 CONFLICTS; PROVIDING FOR SEVERABILITY; AND  
20 PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

30 **WHEREAS**, the City Commission desires to impose an annual Fire Services  
31 Assessment program within the City limits for Fire Services, using the tax bill collection  
32 method for the Fiscal Year beginning on October 1, 2010.

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

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

4           **SECTION 2. PURPOSE AND DEFINITIONS.**

5           (A) This resolution constitutes the Initial Assessment Resolution as defined in  
6 the Ordinance which initiates the process for developing the Assessment Roll and  
7 directs the imposition of Fire Assessments for the Fiscal Year beginning October 1,  
8 2010.

9           (B) All capitalized words and terms not otherwise defined herein shall have  
10 the meanings set forth in the Ordinance. Unless the context indicates otherwise, words  
11 imparting the singular number, include the plural number, and vice versa.

12           **"Availability Factor"** means the factor applied to the Fire Protection Units to  
13 account for the City's stand-by availability in each Hazard Class for fire services,  
14 facilities, or programs, which is determined by analyzing the historical Fire Services  
15 Incident Reports in the Incident Database under the methodology described in Section 6  
16 of this Initial Assessment Resolution.

17           **"Availability Percentage"** means the portion of the total Scheduled Hours that  
18 do not relate to the active provision of fire services, as determined in Section 6 of this  
19 Initial Assessment Resolution.

20           **"Building Area"** means the total area of a Building expressed in square feet and  
21 reflected on the Tax Roll or, in the event such information is not reflected or determined  
22 not to be accurately reflected on the Tax Roll, that area determined by the City.

23           **"Building Use"** shall mean the property use that poses the greatest fire hazard  
24 according to the Hazard Classifications, as assigned to each Building based upon the  
25 DOR Codes, Improvement Codes, and/or field verification.

1           **"CAD"** or **"Computer Aided Dispatch"** means the City's electronic system for  
2 dispatching and recording fire service incidents and responses.

3           **"Certified Fire Sprinkler System"** means an automatic sprinkler system which  
4 is approved by the City and installed, inspected, monitored, and maintained in  
5 accordance with applicable NFPA, State and City standards.

6           **"Code Descriptions"** mean the descriptions listed in the Fixed Property Use  
7 Codes, the DOR Codes, the Improvement Codes, and the Hazard Classifications.

8           **"Combined Factor"** means the number arrived at by adding the Demand Factor  
9 to the Availability Factor for each Hazard Class.

10          **"Condominium Complex"** means a condominium community created by a  
11 declaration of condominium pursuant to Chapter 718, Florida Statutes.

12          **"Demand Factor"** means the factor applied to the Fire Protection Units to  
13 account for the relative demand in each Hazard Class for fire services, facilities, or  
14 programs, which is determined by analyzing the historical Fire Services Incident  
15 Reports in the Incident Database under the methodology described in Section 6 of this  
16 Initial Assessment Resolution.

17          **"Demand Percentage"** means the portion of the total Scheduled Hours that  
18 relate to the active provision of fire services, as determined in Section 6 of this Initial  
19 Assessment Resolution.

20          **"DOR Code"** means a property use code established in Rule 12D-8.008, Florida  
21 Administrative Code, assigned by the Property Appraiser to Tax Parcels within the City,  
22 attached hereto as Appendix D.

23          **"Dwelling Unit"** means (1) a Building, or a portion thereof, available to be used  
24 for residential purposes, consisting of one or more rooms arranged, designed, used, or  
25 intended to be used as living quarters for one family only, or (2) the use of land in which

1 lots or spaces are offered for rent or lease for the placement of mobile homes for  
2 residential purposes.

3 **"Emergency Medical Services"** means those services recorded in the Incident  
4 Reports that assign a "type of situation found code" of 300, 311, 321, 322, 324, 371,  
5 and 6112. The type of situation found codes are attached hereto as Appendix A and  
6 incorporated herein by reference.

7 **"Emergency Medical Services Cost"** means the amount, other than first  
8 response medical services, determined by the City Commission to be associated with  
9 Emergency Medical Services.

10 **"Fire Flow Mitigation Credit"** means for any Building a reduction of 10% of the  
11 Net Fire Protection Units assigned to that Building due to the presence of a Certified  
12 Fire Sprinkler System. The Fire Flow Mitigation Credit for each Building shall be  
13 determined in accordance with Section 10 of this Initial Assessment Resolution and the  
14 Fire Flow Mitigation Credit Policy provided in Appendix H.

15 **"Fire Flow Requirement"** means the minimum amount of water, which equates  
16 to the number of fire fighters, quantity and size of apparatus and other special fire  
17 fighting equipment, required to be available for each Building in the City pursuant to the  
18 City's standard resource allocation for an initial response to a fire call. Each Building's  
19 Fire Flow Requirement is expressed in an assignment of Fire Protection Units.

20 **"Fire Protection Unit"** means the standard unit used to calculate the Fire Flow  
21 Requirement for each Building based upon the Building's Hazard Classification. Fire  
22 Protection Units are measured in 300 gallon per minute increments, which is the City's  
23 standard resource allocation for an initial response to a fire call.

24 **"Fire Services Assessment"** means a special assessment lawfully imposed by  
25 the City Commission against Assessed Property to fund all or any portion of the cost of

1 the provision of fire services, facilities, or programs providing a special benefit to  
2 property as a consequence of possessing a logical relationship to the value, use, or  
3 characteristics of the Assessed Property.

4 **"Fire Services Assessed Cost"** means

5 (1) the amount determined by the City Commission to be assessed in any  
6 Fiscal Year to fund all or any portion of the cost of the provision of fire services,  
7 facilities, or programs which provide a special benefit to Assessed Property, and shall  
8 include, but not be limited to, the following components: (A) the cost of physical  
9 construction, reconstruction or completion of any required facility or improvement; (B)  
10 the costs incurred in any required acquisition or purchase; (C) the cost of all labor,  
11 materials, machinery, and equipment; (D) the cost of fuel, parts, supplies, maintenance,  
12 repairs, and utilities; (E) the cost of computer services, data processing, and  
13 communications; (F) the cost of all lands and interest therein, leases, property rights,  
14 easements, and franchises of any nature whatsoever; (G) the cost of any indemnity or  
15 surety bonds and premiums for insurance; (H) the cost of salaries, volunteer pay,  
16 workers' compensation insurance, or other employment benefits; (I) the cost of  
17 uniforms, training, travel, and per diem; (J) the cost of construction plans and  
18 specifications, surveys and estimates of costs; (K) the cost of engineering, financial,  
19 legal, and other professional services; (L) the costs of compliance with any contracts or  
20 agreements entered into by the City to provide fire services; (M) all costs associated with  
21 the structure, implementation, collection, and enforcement of the Fire Services  
22 Assessments, including any service charges of the Tax Collector, or Property Appraiser  
23 and amounts necessary to off-set discounts received for early payment of Fire Services  
24 Assessments pursuant to the Uniform Assessment Collection Act or for early payment  
25 of Fire Services Assessments collected pursuant to the Ordinance; (N) all other costs

1 and expenses necessary or incidental to the acquisition, provision, or construction of fire  
2 services, facilities, or programs, and such other expenses as may be necessary or  
3 incidental to any related financing authorized by the City Commission by subsequent  
4 resolution; (O) a reasonable amount for contingency and anticipated delinquencies and  
5 uncollectible Fire Services Assessments; and (P) reimbursement to the City or any  
6 other Person for any moneys advanced for any costs incurred by the City or such  
7 Person in connection with any of the foregoing components of Fire Services Assessed  
8 Cost.

9 (2) In no event shall the Fire Services Assessed Cost include any amount  
10 attributable to the Emergency Medical Services Cost.

11 **"Fire Services Incident Reports"** means those Incident Reports that do not  
12 record Emergency Medical Services.

13 **"FFIRS"** means the Florida Fire Incident Reporting System maintained by the  
14 Florida State Fire Marshal.

15 **"Fixed Property Use Codes"** mean the property use codes used by FFIRS as  
16 specified in Appendix B attached hereto and incorporated herein by reference.

17 **"Hazard Classification"** or **"Hazard Class"** means a series of numbers 3  
18 through 7 assigned to each Building Use in Appendix C, which is attached hereto and  
19 incorporated herein by reference, which reflects the quantity or combustibility of the  
20 Building's contents and the anticipated rate of spread and heat release in the event of a  
21 fire, as provided in NFPA 1142, Chapter 5.

22 **"Hazard Class 3"** means a severe hazard occupancy where the quantity or  
23 combustibility of contents is expected to develop very high rates of spread and heat  
24 release, as defined in NFPA 1142, Chapter 5. This Hazard Class includes, but is not  
25 limited to, building uses such as flammable liquid spraying, plastic processing, plywood

1 and particleboard manufacturing, sawmills, and textile picking.

2       **"Hazard Class 4"** means a high hazard occupancy where the quantity or  
3 combustibility of contents is expected to develop high rates of spread and heat release,  
4 as defined in NFPA 1142, Chapter 5. This Hazard Class includes, but is not limited to,  
5 building uses such as commercial barns and stables, building material storage,  
6 department stores, repair garages, and warehouses.

7       **"Hazard Class 5"** means a moderate hazard occupancy where the quantity or  
8 combustibility of contents is expected to develop moderate rates of spread and heat  
9 release, as defined in NFPA 1142, Chapter 5. This Hazard Class includes, but is not  
10 limited to, building uses such as clothing plants, farm storage, laundries, machine  
11 shops, restaurants, nurseries, and unoccupied buildings.

12       **"Hazard Class 6"** means a low hazard occupancy where the quantity or  
13 combustibility of contents is expected to develop low rates of spread and heat release,  
14 as defined in NFPA 1142, Chapter 5. This Hazard Class includes, but is not limited to,  
15 building uses such as bakeries, barber or beauty shops, churches, medical offices,  
16 service stations, government buildings, and parking garages.

17       **"Hazard Class 7"** means a light hazard occupancy where the quantity or  
18 combustibility of contents is expected to develop relatively light rates of spread and heat  
19 release, as defined in NFPA 1142, Chapter 5. This Hazard Class includes, but is not  
20 limited to, building uses such as apartments, single family homes, hospitals, hotels and  
21 motels, nursing homes, prisons, and schools.

22       **"Improvement Codes"** mean the building use codes assigned by the Property  
23 Appraiser to Tax Parcels within the City as specified in Appendix C attached hereto and  
24 incorporated herein by reference or assigned by the City to Tax Parcels within the City  
25 after field verification.

1           **"Incident Database"** means the incident data specific to the City derived from  
2 the FFIRS Incident Reports maintained by the Florida State Fire Marshal and CAD.

3           **"Incident Report"** means an individual report filed with the Florida State Fire  
4 Marshal under FFIRS or a report filed within CAD.

5           **"Mobile Home Park Property"** means (1) a place set aside and offered by a  
6 person, for either direct or indirect remuneration of the owner, lessor, or operator of  
7 such place, for the parking, accommodation, or rental of five or more mobile homes; and  
8 (2) licensed by the Department of Health of the State of Florida, or its successor in  
9 function as a "mobile home park" under Chapter 513, Florida Statutes, as may be  
10 amended from time-to-time.

11           **"Net Fire Protection Unit"** means the amount of Fire Protection Units assigned  
12 to each Hazard Class after application of the Demand and Availability Factors.

13           **"NFPA"** means the National Fire Protection Association.

14           **"NFPA 1142"** means NFPA 1142, 2007 edition, Standard on Water Supplies for  
15 Suburban and Rural Fire Fighting.

16           **"NFPA 1710"** means NFPA 1710, 2010 edition, Standard for the Organization  
17 and Deployment of Fire Suppression Operations, Emergency Medical Operations and  
18 Special Operations to the Public by Career Fire Departments.

19           **"Non-Residential Condominium Building"** means a Building that contains one  
20 or more Non-Residential Condominium Units or appurtenant common area.

21           **"Non-Residential Condominium Unit"** means those Tax Parcels contained  
22 within a Condominium Complex that do not contain Dwelling Units.

23           **"Recreational Vehicle Park"** means (1) a place set aside and offered by a  
24 person, for either direct or indirect remuneration of the owner, lessor, or operator of  
25 such place, for the parking, accommodation, or rental of five or more recreational

1 vehicles or tents; and (2) licensed by the Department of Health of the State of Florida, or  
2 its successor in function as a "recreational vehicle park" under Chapter 513, Florida  
3 Statutes, as may be amended from time-to-time.

4 **"Residential Condominium"** means those Tax Parcels to which the Property  
5 Appraiser has assigned a DOR Code of 0400 in the DOR Codes or as verified by the  
6 City through field work.

7 **"Scheduled Hours"** means the total number of combat personnel-hours staffed  
8 to provide fire services for a certain sampling period.

9 **"Special Use Building"** means a Building that presents a special fire service  
10 problem as determined by the City, such that the methodology for assignment of Fire  
11 Protection Units is inapplicable due to the extraordinary risk presented by that Building.  
12 Examples of such Special Use Buildings include, but are not limited to, lumberyards,  
13 petroleum storage facilities, refineries, grain elevators, and large chemical plants.

14 **"Tax Parcel"** means a parcel of property located within the City to which the  
15 Property Appraiser has assigned a distinct ad valorem property tax identification  
16 number.

17 **"Time in Service"** means the total amount of person-hours expended on historic  
18 fire calls as determined by an examination of each Fire Service Incident Report for  
19 incident response times, an average amount of time for processing reports, and  
20 required number of person-hours for training and aggregated by Hazard Class.

21 **"Townhouse Building"** means a Building that contains one or more Townhouse  
22 Units.

23 **"Townhouse Unit"** means a Tax Parcel to which the Property Appraiser has  
24 assigned a DOR Code of 0100 or 0300 in the DOR Codes and/or as verified by the City  
25 through field work.

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

2           (A)    Upon the imposition of a Fire Services Assessment for fire services,  
3 facilities, or programs against Assessed Property located within the City, the City shall  
4 provide fire services to such Assessed Property. A portion of the cost to provide such  
5 fire services, facilities, or programs shall be funded from proceeds of the Fire Services  
6 Assessments. The remaining cost required to provide fire services, facilities, and  
7 programs shall be funded by legally available City revenues other than Fire Services  
8 Assessment proceeds.

9           (B)    It is hereby ascertained, determined, and declared that each parcel of  
10 Assessed Property located within the City will be benefited by the City's provision of fire  
11 services, facilities, and programs in an amount not less than the Fire Services  
12 Assessment imposed against such parcel, computed in the manner set forth in this  
13 Initial Assessment Resolution.

14           **SECTION 4. IMPOSITION AND COMPUTATION OF FIRE SPECIAL**  
15 **ASSESSMENTS.** Fire Services Assessments shall be imposed against all Tax Parcels  
16 within the City. Fire Services Assessments shall be computed in the manner set forth in  
17 this Initial Assessment Resolution.

18           **SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND**  
19 **FAIR APPORTIONMENT.** It is hereby ascertained and declared that the Fire Services  
20 Assessed Costs provide a special benefit to the Assessed Property based upon the  
21 following legislative determinations and based upon that certain report entitled "City of  
22 Gainesville, Florida Fire Assessment Memorandum, May 2010", prepared by  
23 Government Services Group, Inc., which is hereby incorporated herein by reference.

1 **General**

2 (A) Upon the adoption of this Initial Assessment Resolution determining the  
3 Fire Services Assessed Costs and identifying the Assessed Property to be included in  
4 the Assessment Roll, the legislative determinations of special benefit ascertained and  
5 declared in Section 11-4 of the Ordinance are hereby ratified and confirmed.

6 (B) Fire services possess a logical relationship to the use and enjoyment of  
7 property by: (1) protecting the value of the improvements and structures through the  
8 provision of available fire services; (2) protecting the life and safety of intended  
9 occupants in the use and enjoyment of property; (3) lowering the cost of fire insurance  
10 by the presence of a professional and comprehensive fire services program within the  
11 City; (4) containing the spread of fire incidents occurring on land with the potential to  
12 spread and endanger property and property features, and (5) preserving and enhancing  
13 the value of property due to the availability of comprehensive fire services.

14 (C) It is fair and reasonable to use the Improvement Codes and the DOR  
15 Codes in the apportionment methodology because: (1) the Tax Roll database employing  
16 the use of such property use codes is the most comprehensive, accurate, and reliable  
17 information readily available to determine the Building Use and Building Area for  
18 improved property in the City, and (2) the Tax Roll database employing the use of such  
19 property use codes is maintained by the Property Appraiser and is thus consistent with  
20 parcel designations on the Tax Roll. This compatibility permits the development of an  
21 Assessment Roll in conformity with the requirements of the Uniform Method of  
22 Collection.

23 (D) The data available in the Improvement Codes is more useful and accurate  
24 to determine Building Use and Building Area than relying exclusively upon the data  
25 maintained in the DOR Codes alone because (1) the data maintained in the

1 Improvement Codes reveals the existence of a Building with a different use than the use  
2 described on the DOR Code, (2) the Improvement Codes represent records maintained  
3 by the Property Appraiser with the most information relative to Building Area regardless  
4 of property use, and (3) the City conducted field work to ascertain Building use when  
5 sufficient information was not available relative to Building Area.

6 (E) The suppression of fire on land and other unimproved property primarily  
7 benefits the Buildings within the adjacent improved property by the containment of the  
8 spread of fire rather than the preservation of the unimproved property. Additionally, the  
9 potential need for the City's fire service resources is generated primarily by improved  
10 properties and the level of services required to meet anticipated demand for fire  
11 services and the corresponding annual fire services budget required to fund fire  
12 services provided to land and other unimproved property would be required  
13 notwithstanding the occurrence of any incidents from such property uses. Therefore, it  
14 is fair and reasonable not to apportion any of the Fire Services Assessed Costs to land  
15 and other unimproved property.

16 (F) Improved properties specially benefit from the availability of a professional  
17 fire services program within the City through lowered fire insurance premiums and the  
18 protection of the life and safety of the occupants of the property. Such benefits accrue  
19 mainly to Buildings and not to land or other unimproved properties. Therefore it is fair  
20 and reasonable not to apportion any of the Fire Services Assessed Costs to land or  
21 other unimproved properties.

### 22 **Budget Allocation**

23 (G) It is fair and reasonable and consistent with the decision from the Florida  
24 Supreme Court in the case of County of North Lauderdale v. SMM Properties, Inc., 825  
25 So. 2d 343 (Fla. 2002), to exclude from the Fire Services Assessed Cost amounts

1 determined to constitute the Emergency Medical Services Cost.

2 (H) The level of services required to meet anticipated demand for fire services  
3 and the corresponding annual fire services budget required to fund fire services  
4 provided to unimproved, non-specific property uses would be required notwithstanding  
5 the occurrence of any incidents from such non-specific property uses. Therefore, it is  
6 fair and reasonable to omit from the Demand Factor calculation the Fire Services  
7 Incident Reports documenting fire services provided to non-specific property uses.

8 **Apportionment Methodology**

9 (I) The potential demand for fire services is driven by the property's assigned  
10 Fire Flow Requirement (expressed in Net Fire Protection Units), as determined by the  
11 City's response protocols, the Hazard Classification according to Building Use, the  
12 Square Footage of the Building, and application of the Demand and Availability Factors.

13 (J) Apportioning the Fire Services Assessed Costs for fire services on a Fire  
14 Protection Unit basis is a fair and reasonable method of apportionment based upon  
15 historical demand for fire services, the fire risk presented by each specific Building Use,  
16 the size of the Building, and the amount of fire flow, fire fighters, quantity and size of  
17 apparatus, and other special fire fighting equipment that must be available for each  
18 Building in accordance with the City's standards and practices.

19 (K) Apportioning the Fire Services Assessed Costs between the City's fire  
20 department's time spent in response to fire service calls, as reflected in the Demand  
21 Percentage, and the stand-by time when the City fire department is available to respond  
22 to improved properties, as reflected in the Availability Percentage, is fair and reasonable  
23 and proportional to the special benefit received because it recognizes and allows an  
24 adjustment in the amount of Net Fire Protection Units assigned to each Building based  
25 upon the historical demand, as reflected by the Time in Service, for fire services in each

1 Hazard Class.

2 (L) The Fire Services Incident Reports are a reliable source of data to help  
3 determine the potential demand for fire services from Buildings located within Assessed  
4 Property and their intended occupants. There exist sufficient Fire Services Incident  
5 Reports that document the historical demand for fire services from Assessed Property.  
6 The Demand Factor that has been determined for each Hazard Class by an  
7 examination of such Fire Services Incident Reports is consistent with the experience of  
8 the City. Therefore, the use of Demand Factors that were determined by an examination  
9 of historical Fire Services Incident Reports is a fair and reasonable method to adjust the  
10 Fire Protection Units assigned to each Hazard Class to account for historical demands  
11 for service.

12 (M) Given the low number of Fire Services Incident Reports within the  
13 sampling period for Hazard Class 3 and Hazard Class 4 and given the similar nature of  
14 these Hazard Classifications with regard to the hazard occupancy of these Building  
15 Uses, it is fair and reasonable to combine the two Hazard Classifications for determining  
16 the Demand Factor.

17 (N) NFPA 1710 reflects the City's standards and practices and specifies the  
18 minimum criteria required to ensure that the fire department's fire suppression capability  
19 includes personnel, equipment and resources to deploy the initial arriving company, the  
20 full initial alarm assignment, and additional alarm assignments. In accordance with  
21 NFPA 1710 and the City's standards, the initial full alarm assignment should provide the  
22 establishment of an uninterrupted water supply of a minimum of 300 GPM for 30  
23 minutes. Therefore, it is fair and reasonable to define each Fire Protection Unit in  
24 accordance with this standard and equate each Fire Protection Unit to the City's  
25 capability to effectively deliver 300 GPM of Fire Flow.

1 (O) In accordance with NFPA 1710, the Fire Flow Requirement for each  
2 Building is a proxy for the effective fire fighting force necessary to deliver all fire  
3 suppression activities and mitigate all potential hazards, including the number of fire  
4 fighters, quantity and size of apparatus and other special fire fighting equipment  
5 required to be available for each Building in the City pursuant to the City's standard  
6 resource allocation for an initial response to a fire call. Therefore, it is fair and  
7 reasonable to use the Fire Flow Requirement (as expressed in Fire Protection Units) for  
8 each Building for the apportionment methodology because the Fire Flow Requirement  
9 for each Building provides a reasonable estimation of the costs of the fire fighters,  
10 apparatus, equipment, services, facilities and programs the City must have available to  
11 serve each Building and these fire fighting resources are directly funded by the Fire  
12 Services Assessment.

13 (P) The City's initial full alarm assignment provides for the establishment of an  
14 uninterrupted water supply of 300 gallons per minute. It is fair and reasonable to use the  
15 City's response protocol, which are in accordance with NFPA 1710, as the basis for  
16 calculating the Fire Protection Units assigned to each Building because each Fire  
17 Protection Unit equates to the fire department's capability to effectively deliver fire flow  
18 of 300 gallons per minute.

19 (Q) NFPA 1142, Annex G provides a method for determining the Fire Flow  
20 Requirement for Buildings depending upon a series of factors, including the type of  
21 construction, size of the Building and the Hazard Class or potential combustibility of the  
22 contents of the Building. NFPA 1142, Annex G is used by the City to determine the Fire  
23 Flow Requirement and fire department resources that must be available in the event of  
24 a maximum fire response for each Building within the City. Therefore, it is fair and  
25 reasonable to use NFPA 1142, Annex G in the apportionment methodology because

1 such standard contains the best practices in the fire fighting industry and is the most  
2 comprehensive, accurate and reliable information with regard to determining Fire Flow  
3 Requirements.

4 (R) It is fair and reasonable to use "ordinary construction" as the construction  
5 type for determining the Fire Flow Requirement for each Building because ordinary  
6 construction is the predominant construction type within the City.

7 (S) A fire in a Building containing highly combustible contents will require a  
8 higher rate of fire flow and associated resources due to a greater risk of fire spread and  
9 heat release than a Building with contents of low combustability and the City must  
10 allocate its fire fighting resources to provide the required fire flow for the structure.  
11 Therefore, it is fair and reasonable to use the Hazard Classifications established by  
12 NFPA 1142, Chapter 5 as one factor in the apportionment methodology because such  
13 standard contains the best practices in the fire fighting industry and is the most  
14 comprehensive, accurate and reliable information with regard to Building risk  
15 assignments.

16 (T) The greater the size of the Building, the greater the potential for a large  
17 fire and the greater the Fire Flow Requirement that must be available in the event of a  
18 fire in a structure of that Building's size and Hazard Classification. Therefore, it is fair  
19 and reasonable to use Building Square Footage as one factor in the apportionment  
20 methodology.

21 (U) There may be additional factors that could increase the Fire Flow  
22 Requirement needed for a specific Building; however, the administrative burden of  
23 collecting and maintaining such data for every property within the City makes it currently  
24 impractical for the City to utilize these factors and greatly outweighs the benefit that  
25 could be realized from a further refinement of the apportionment methodology.

1 (V) The demand for the availability of fire services diminishes at the outer limit  
2 of Building size since a fire occurring in a Building greater than a certain size is not  
3 capable of being suppressed under expected conditions and the fire control activities  
4 under such circumstances are directed to avoid the spread of the fire to adjacent  
5 structures. Further, the City's maximum fire flow under present circumstances is at  
6 least 12,000 gallons per minute. Therefore it is fair and reasonable to place a cap on the  
7 maximum Fire Flow Requirement attributable to any Building of 12,000 gallons per  
8 minute.

9 (W) In the case of a Building equipped with a Certified Fire Sprinkler System,  
10 the City's fire fighting resources must still be present at the scene of any fire incident to  
11 control the scene, respond in the event of a system malfunction, ultimately extinguish any  
12 fire, and ensure the safety of all structures involved. However, fully functioning and  
13 properly designed Certified Fire Sprinkler Systems may provide some measure of built-  
14 in fire protection which may lessen the total fire suppression burden and the use of the  
15 City's fire fighting resources. Further, as an incentive to encourage existing and new  
16 Buildings to employ this type of fire safety measure, it is fair and reasonable to provide  
17 Fire Flow Mitigation Credits for Buildings that perform to original design standards for  
18 Certified Fire Sprinkler Systems that are installed, monitored, inspected, maintained and  
19 tested to the specifications of City standards.

20 (X) Pursuant to NFPA 1142, Annex G, the Fire Flow Requirement for Special  
21 Use Buildings, such as lumber yards, aircraft hangars and petroleum storage facilities  
22 which present special fire service problems should be determined on an individual basis,  
23 therefore it is fair and reasonable for the City to determine the Fire Flow Requirement  
24 for Special Use Buildings on an individual basis using the factors and methods outlined  
25 in NFPA 1142, Annex G.

1 (Y) Section 166.223, Florida Statutes, mandates that the City treat  
2 Recreational Vehicle Park property as Commercial Property for non-ad valorem special  
3 assessments levied by the City. Thus, it is fair and reasonable to treat each space  
4 within Recreational Vehicle Park property as a Building and assign the square footage  
5 of 191 square feet, the average size of a recreational vehicle, according to the Florida  
6 Association of RV Parks and Campgrounds.

7 (Z) In accordance with available data and field surveying, the City has  
8 determined that the average mobile home located on Mobile Home Park or Recreational  
9 Vehicle Park property in the City has a Building Area of 720 square feet. Given that the  
10 actual Building Area for these mobile homes within the City is not available and that the  
11 cost of measuring or verifying the Building Area for each individual mobile home greatly  
12 exceeds any benefit to be derived from individual measurement and verification, it is fair  
13 and reasonable to assign each mobile home located on Mobile Home Park or  
14 Recreational Vehicle Park property or for which square footage information is not  
15 available an assumed Building Area of 720 square feet.

16 **Policies**

17 (AA) As a consequence of the transient use and potential extraordinary  
18 vacancies within Mobile Home Park property and Recreational Vehicle Park property  
19 and the lack of demand for fire services for unoccupied spaces, it is fair and reasonable  
20 to provide for an extraordinary vacancy adjustment procedure for Mobile Home Park  
21 property and Recreational Vehicle Park property.

22 **SECTION 6. APPORTIONMENT METHODOLOGY.** The Fire Services  
23 Assessment for each Tax Parcel within the City shall be determined as follows:

24 (A) Assign each Building to the appropriate Hazard Classification according to  
25 its Building Use. Then separate each Building, except Special Use Buildings, Mobile

1 Home Park property, and Recreational Vehicle Park property, into the appropriate  
2 square footage categories by Hazard Classification provided in the Fire Protection Unit  
3 Assignment Chart, which is attached hereto as Appendix E and incorporated herein by  
4 reference.

5 (B) The Fire Protection Units for each Special Use Building shall be based  
6 upon the assigned Fire Flow Requirement as determined by the City on a case-by-case  
7 basis in accordance with the standards outlined in NFPA 1142. Then assign Fire  
8 Protection Units to each Tax Parcel based upon the appropriate square footage  
9 categories by Hazard Classification provided in the Fire Protection Unit Assignment  
10 Chart incorporated in subsection (A) above.

11 (C) The Fire Protection Units for each Tax Parcel of Recreational Vehicle Park  
12 property shall be determined by aggregating the amount of Building Area associated  
13 with each recreational vehicle space at 191 square feet and each mobile home space at  
14 720 square feet, based upon the number of recreational vehicle and mobile home  
15 spaces as reported to the Department of Health. Then assign Fire Protection Units for  
16 the recreational vehicle and mobile home spaces to each Tax Parcel based upon the  
17 appropriate square footage categories by Hazard Classification provided in the Fire  
18 Protection Unit Assignment Chart incorporated in subsection (A) above. The Fire  
19 Protection Units for Buildings located on Recreational Vehicle Park property that are not  
20 recreational vehicle or mobile home spaces shall be assigned in accordance with  
21 subsection (A) above.

22 (D) The Fire Protection Units for each Tax Parcel of Mobile Home Park  
23 property shall be determined by assigning the average square footage of 720 square  
24 feet to each mobile home space and 191 square feet for each recreational vehicle  
25 space, based upon the number of mobile home and recreational vehicle spaces as

1 reported to the Department of Health. Then assign Fire Protection Units to each mobile  
2 home and recreational vehicle space based upon the appropriate square footage  
3 categories by Hazard Classification provided in the Fire Protection Unit Assignment  
4 Chart incorporated in subsection (A) above. The Fire Protection Units for Buildings  
5 located on Mobile Home Park property that are not mobile home spaces shall be  
6 assigned in accordance with subsection (A) above.

7 (E) Based upon these assignments of Fire Protection Units in subsections (A),  
8 (B), (C) and (D), allocate the appropriate number of Fire Protection Units to each  
9 Building (or Tax Parcel for Recreational Vehicle Park and Mobile Home Park property)  
10 and then add up the total number of Fire Protection Units in each Hazard Class.

11 (F) Based upon the Fire Services Incident Reports and other City data  
12 sources, the total Time in Service was determined within the sampling period from  
13 January 1, 2009 through December 31, 2009. The total Time in Service was then  
14 divided into the total Scheduled Hours within the same sampling period to arrive at the  
15 Demand Percentage. The remainder of the Scheduled Hours not included within the  
16 Time in Service were likewise divided into the total Scheduled Hours to arrive at the  
17 Availability Percentage.

18 (G) Utilizing data from the Fire Services Incident Reports related to the type of  
19 calls and physical location of each call, correlate the Building Use with the Code  
20 Descriptions in the Fire Services Incident Reports and assign fire service incidents to  
21 each Hazard Class. Any duplicate responses and mutual aid given calls shall be  
22 removed. For purposes of the Demand and Availability Factors, Hazard Classes 3 and 4  
23 shall be combined.

24 (H) Based upon such assignment of Fire Services Incident Reports to each  
25 Hazard Class and other City data sources, determine the total Fire Services Incident

1 Reports within the sampling period for each Hazard Class. Then calculate a Demand  
2 Factor for each Hazard Class by (1) dividing the total number of Fire Services Incidents  
3 assigned to each Hazard Class by the total number of Fire Protection Units assigned to  
4 each Hazard Class in subsection (E) above to determine the number of Fire Services  
5 Incidents per Fire Protection Unit, and then (2) dividing the number of Fire Services  
6 Incidents per Fire Protection Unit by the average number of Fire Services Incidents per  
7 Fire Protection Unit for all Hazard Classes, and then (3) multiplying that result by the  
8 Demand Percentage determined in subsection (F) above.

9 (I) Calculate an Availability Factor for each Hazard Class by dividing the  
10 Availability Percentage by 100. For each Hazard Class, add the Demand Factor  
11 determined in subsection (G) and the Availability Factor to arrive at the Combined  
12 Factor.

13 (J) Multiply the Fire Protection Units assigned to each Building in subsections  
14 (A), (B), (C), and (D) above by the Combined Factor determined for the appropriate  
15 Hazard Class in subsection (I) above to determine the Net Fire Protection Units for each  
16 Building. Then aggregate the Net Fire Protection Units assigned to each Building by  
17 Hazard Class.

18 (K) Divide the Assessed Cost, as determined in Section 5 of this Initial  
19 Assessment Resolution, by the total number of Net Fire Protection Units for all Hazard  
20 Classes to arrive at the rate per Net Fire Protection Unit.

21 (L) Multiply the rate per Net Fire Protection Unit from subsection (K) by the  
22 total Net Fire Protection Units assigned to each Building in subsections (J). The result is  
23 the total Fire Special Assessment to be imposed upon each Building (or Tax Parcel for  
24 Recreational Vehicle Park and Mobile Home Park property), except for Residential  
25 Condominiums, Non-Residential Condominium Units, and Townhouse Buildings, which

1 shall be further apportioned as provided in subsection (M) below.

2 (M) For Residential Condominiums, Non-Residential Condominium Units, and  
3 Townhouse Buildings, the Fire Services Assessment shall be determined as follows:

4 (1) For Residential Condominiums, add the number of Net Fire  
5 Protection Units assigned to all Buildings within the Condominium Complex and  
6 then divide this product by the total number of Residential Condominiums within  
7 the Condominium Complex to determine each Residential Condominium's Fire  
8 Net Protection Unit assignment. Multiply the appropriate rate per Net Fire  
9 Protection Unit from subsection (K) by the total Net Fire Protection Units  
10 assigned to that Residential Condominium to determine each Residential  
11 Condominium's Fire Services Assessment.

12 (2) For Non-Residential Condominium Units, divide each Non-  
13 Residential Condominium Unit's square footage by the total Building Area of the  
14 Non-Residential Condominium Building to determine each Non-Residential  
15 Condominium Unit's relative percentage of the total Building Area. Multiply the  
16 total Net Fire Protection Units assigned to each Non-Residential Condominium  
17 Building by each Non-Residential Condominium Unit's relative percentage of the  
18 total Building Area to determine each Non-Residential Condominium Unit's share  
19 of Net Fire Protection Units. Multiply the appropriate rate per Net Fire Protection  
20 Unit from subsection (K) by the total Net Fire Protection Units assigned to that  
21 Non-Residential Condominium Unit to determine each Non-Residential  
22 Condominium Unit's Fire Services Assessment.

23 (3) For Townhouse Buildings, add the number of Net Fire Protection  
24 Units assigned to all Townhouse Buildings within the townhouse community and  
25 then divide this product by the total number of Townhouse Units to determine

1 each Townhouse Unit's share of Net Fire Protection Units. Multiply the  
2 appropriate rate per Net Fire Protection Unit from subsection (K) by the total Net  
3 Fire Protection Units assigned to that Townhouse Unit to determine each  
4 Townhouse Unit's Fire Services Assessment.

5 **SECTION 7. DETERMINATION OF FIRE SERVICES ASSESSED COSTS;**  
6 **ESTABLISHMENT OF INITIAL FIRE SERVICES ASSESSMENTS.**

7 (A) The total Fire Services Assessed Costs to be assessed and apportioned  
8 among benefitted parcels for the Fiscal Year beginning October 1, 2010, is \$7,166,675.

9 (B) The estimated rate per Net Fire Protection Unit to be assessed against  
10 benefitted property to generate the estimated Assessed Cost for the Fiscal Year  
11 beginning October 1, 2010, is hereby established as \$104.00 per Net Fire Protection  
12 Unit for the purpose of this Initial Assessment Resolution.

13 (C) The estimated Fire Services Assessment specified in subsection (B) above  
14 is hereby established to fund the specified Fire Services Assessed Costs determined to  
15 be assessed in the Fiscal Year beginning October 1, 2010. No portion of such Fire  
16 Services Assessed Costs are attributable to impact fee revenue that funds capital  
17 improvements necessitated by new growth or development. Further, no portion of such  
18 Fire Services Assessed Costs are attributable to the Emergency Medical Services Cost.

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

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

1 (F) The estimated Fire Services Assessments established in this Initial  
2 Assessment Resolution shall be the estimated assessment rates applied by the City  
3 Manager in the preparation of the preliminary Assessment Roll for the Fiscal Year  
4 beginning October 1, 2010, as provided in Section 8 of this Initial Assessment  
5 Resolution.

6 **SECTION 8. ASSESSMENT ROLL.**

7 (A) The City Manager is hereby directed to prepare, or cause to be prepared,  
8 a preliminary Assessment Roll for the Fiscal Year beginning October 1, 2010, in the  
9 manner provided in Section 11-33 of the Ordinance. The Assessment Roll shall include  
10 all Tax Parcels within the City. The City Manager shall apportion the estimated Fire  
11 Services Assessed Cost to be recovered through Fire Services Assessments in the  
12 manner set forth in this Initial Assessment Resolution.

13 (B) A copy of this Initial Assessment Resolution, documentation related to the  
14 estimated amount of the Fire Services Assessed Cost to be recovered through the  
15 imposition of Fire Services Assessments, and the preliminary Assessment Roll shall be  
16 maintained on file in the office of the City Manager and open to public inspection. The  
17 foregoing shall not be construed to require that the preliminary Assessment Roll be in  
18 printed form if the amount of the Fire Services Assessment for each parcel of property  
19 can be determined by the use of a computer terminal available to the public.

20 (C) It is hereby ascertained, determined, and declared that the method of  
21 determining the Fire Services Assessments for fire services as set forth in this Initial  
22 Assessment Resolution is a fair and reasonable method of apportioning the Fire  
23 Services Assessed Cost among parcels of Assessed Property located within the City.

24 **SECTION 9. VACANCY ADJUSTMENT.**

25 (A) As a consequence of the transient use and potential for significant

1 numbers of vacancies within Mobile Home Parks and Recreational Vehicle Parks and  
 2 the potential sustained lack of demand for fire services for unoccupied spaces, each  
 3 Owner of Mobile Home Park and Recreational Vehicle Park property shall be afforded  
 4 the opportunity to demonstrate, in the manner described below, the vacancy rate in  
 5 space occupancy within such property and receive a vacancy adjustment to the Fire  
 6 Services Assessments imposed upon such property.

7 (B) Notwithstanding any language to the contrary herein, vacant spaces in  
 8 Mobile Home Park property shall not be subject to the Fire Services Assessments.  
 9 Similarly, vacant spaces within Recreational Vehicle Park property shall not be subject  
 10 to the Fire Services Assessments.

11 (C) Vacant spaces shall be those determined by the City Manager based on  
 12 evidence of a vacancy rate provided by the Owner on or before September 1, 2010 for  
 13 the initial Fiscal Year and on or before June 1 of each year thereafter. The vacancy rate  
 14 shall be defined as the percentage of available spaces within a Mobile Home Park or  
 15 Recreational Vehicle Park that were vacant between January 1 through and including  
 16 December 31 of the calendar year preceding the applicable deadline for the Owner's  
 17 submittal of vacancy rate evidence for each year and shall be calculated as follows:

18	Exact Number of Permitted Sites within the park	_____	A
19	(not including overflow areas)		
20	Times (x) Days in Reporting Period	(x 365)	B
21	Total Possible Space Nights	_____	C
22	A x B = C (Example: 100 sites x 365 days = 36,500)		
23	Actual Space Nights	_____	D
24	Sum of Number of Actual Occupied Spaces for Each Day in Calendar Year		
25	Occupancy Percentage	_____	E
26	D/C = E (Example: 12,500/36,500 = 34.2%)		
27	Vacancy Rate	_____	F
28	Subtract E from 100% (Example: 100% - 34.2% = 65.8%)		

29

1 The Owner shall certify by affidavit to the City, on a form provided by the City Manager,  
2 the vacancy rate for the respective time period; such certification shall be subject to  
3 verification and audit. At a minimum, such affidavit shall conclusively identify and affirm  
4 (1) the tax parcel, (2) the number of spaces and type of improvements in the Mobile  
5 Home Park or Recreational Vehicle Park, and (3) the vacancy rate.

6 (D) The City Manager is directed and authorized to adjust, or cause to be  
7 adjusted, any Fire Services Assessment imposed for the Fiscal Year beginning October  
8 1, 2010 upon a parcel of Mobile Home Park or Recreational Vehicle Park property  
9 whose Owner timely and satisfactorily demonstrates by affidavit that such parcel has  
10 experienced vacancies by multiplying the vacancy rate (expressed as a decimal) by the  
11 Fire Services Assessment attributable to the entire parcel of Mobile Home Park or  
12 Recreational Vehicle Park property and reducing the assessment by an equivalent  
13 amount.

14 (E) Any shortfall in the expected Fire Services Assessment proceeds due to  
15 any adjustment for vacancy shall be supplemented by any legally available funds and  
16 shall not be paid for by proceeds or funds derived from Fire Services Assessments.

17 **SECTION 10. FIRE FLOW MITIGATION CREDIT.**

18 (A) Although the City's fire fighting resources must still be present at the  
19 scene of any fire incident, the City Commission recognizes the potential benefits  
20 provided by Certified Fire Sprinkler Systems and the City Commission desires to  
21 encourage existing and new Buildings to employ this type of fire safety measure.  
22 Accordingly, the number of Fire Protection Units otherwise attributable to such Buildings  
23 shall be adjusted by a Fire Flow Mitigation Credit determined in accordance with the Fire  
24 Flow Mitigation Credit Policy, attached hereto as Appendix H and incorporated herein  
25 by reference. The Fire Flow Mitigation Credit shall be a 10% reduction in Net Fire

1 Protection Units assigned to the building.

2 (B) Prior to August 15, 2010, the property owner shall file with the City  
3 Manager an application under oath demonstrating entitlement to a Fire Flow Mitigation  
4 Credit in accordance with the attached Fire Flow Mitigation Credit Policy. Such  
5 application shall include the following:

6 (1) The name and address of all Owners of the property;

7 (2) The address and legal description for the property;

8 (3) Documentation on the type of Certified Fire Sprinkler System  
9 installed in the Building and proof that the building is protected by an automatic sprinkler  
10 system that fully meets the requirements of NFPA 13, NFPA 13D or NFPA 13R and that  
11 the system was installed, inspected, monitored, and maintained in accordance with the  
12 City's standards;

13 (4) The property owner shall furnish such other information relating to  
14 the application as may be reasonably requested.

15 (C) The City Manager, with the assistance of other members of the  
16 administrative staff of the City, shall, within thirty (30) business days after the filing of  
17 such application, review the application and such other supporting data that may be  
18 filed therewith and make such further investigation as may be reasonably required in  
19 order to determine if the applicant is qualified for a Fire Flow Mitigation Credit pursuant  
20 to this Section.

21 (D) The City Manager shall furnish his written decision to such property owner  
22 by United States mail, postage prepaid, addressed to the property owner at the address  
23 stated on the application on or before the expiration of forty-five (45) business days  
24 following the filing of the application determining if the property is or is not qualified for a  
25 Fire Flow Mitigation Credit pursuant to this Section.

1 (E) If the City Manager determines that such property is entitled to a Fire Flow  
2 Mitigation Credit pursuant to this Section, then the City Manager shall adjust or cause to  
3 be adjusted the number of Fire Protection Units assigned to said property in accordance  
4 with the Fire Flow Mitigation Credit Policy.

5 (F) Any Fire Flow Mitigation Credit granted is valid for one Fiscal Year. After  
6 the application for a Fire Flow Mitigation Credit for the Fiscal Year beginning October 1,  
7 2010, which application deadline is provided in paragraph (B) above, the property owner  
8 must reapply annually by June 1 to continue to receive the Fire Flow Mitigation Credit  
9 for the next Fiscal Year.

10 **SECTION 11. HARDSHIP ASSISTANCE.** An owner of improved residential  
11 property who meets low income level and asset guidelines established by the City shall  
12 be eligible to receive payment of the Fire Services Assessment by the City. Applicants  
13 for this hardship assistance shall provide written documentation satisfactory to the City  
14 Manager in order to qualify for such assistance. Any amounts provided for hardship  
15 assistance shall be paid by the City from funds other than those generated by the Fire  
16 Services Assessment.

17 **SECTION 12. METHOD OF COLLECTION.** It is hereby declared that the Fire  
18 Services Assessments shall be collected and enforced pursuant to Uniform Assessment  
19 Collection Act as provided in Section 11-61 of the Ordinance for the Fiscal Year  
20 beginning October 1, 2010.

21 **SECTION 13. AUTHORIZATION OF PUBLIC HEARING.** There is hereby  
22 established a public hearing to be held at 6:00 p.m. on July 15, 2010, or as soon  
23 thereafter as may be heard, in the Commission Chambers of City Hall, 200 E. University  
24 Avenue, Gainesville, Florida, at which time the City Commission will receive and

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

3 **SECTION 14. NOTICE BY PUBLICATION.** The City Manager shall publish a  
4 notice of the public hearing authorized by Section 13 hereof in the manner and time  
5 provided in Section 11-34 of the Ordinance. The notice shall be published no later than  
6 June 24, 2010 in substantially the form attached hereto as Appendix F.

7 **SECTION 15. NOTICE BY MAIL.** The City Manager shall also provide notice by  
8 first class mail to the Owner of each parcel of Assessed Property, as required by  
9 Section 11-35 of the Ordinance, in substantially the form attached hereto as Appendix  
10 G. Such notices shall be mailed no later than June 24, 2010.

11 **SECTION 16. APPLICATION OF ASSESSMENT PROCEEDS.** The revenue  
12 derived from the City's Fire Services Assessments will be utilized for the provision of fire  
13 services, facilities, and programs, as reflected by the Fire Services Assessed Cost. In  
14 the event there is any fund balance remaining at the end of the Fiscal Year, such  
15 balance shall be carried forward and used only to fund fire services, facilities, and  
16 programs provided to properties within the City.

17 **SECTION 17. EFFECTIVE DATE.** This Initial Assessment Resolution shall take  
18 effect immediately upon its passage and adoption.

19 PASSED AND ADOPTED this 3rd day of June, 2010.

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By: Craig Lowe  
CRAIG LOWE, Mayor

ATTEST:  
[Signature]  
Kurt M. Lannon  
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:  
[Signature]  
Marion J. Radson JUN - 3 2010  
City Attorney