

MEMORANDUM

Office of the City Attorney

Legistar No. 050314a

Phone: 334-5011/Fax 334-2229
Box 46

September 26, 2005

TO: Mayor and City Commission

DATE: ~~September 12, 2005~~

FROM: City Attorney

~~FIRST READING~~
SECOND READING

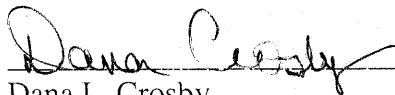
SUBJECT: Ordinance No. 0-05-83

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in a non-ad valorem assessment for a municipal service benefit unit created by Alachua County for the provision of solid waste management costs; providing conditions for the consent; providing that the consent is for a one year period; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

Passage of an ordinance is necessary to provide consent for all land within the City of Gainesville to be included in a portion of the non-ad valorem assessment for a municipal service benefit unit created by Alachua County. This assessment covers the cost of the Waste Alternatives and Environmental Protection programs and approximately 25% of the Rural Collection Center program. On December 14, 2004, the Alachua County Board of County Commissioners adopted Resolution 04-134, its notice of intent to utilize the uniform method of collecting non-ad valorem assessments for the 2005-2006 fiscal year, including collection of non-ad valorem assessments for solid waste management in the entire county. The proposed ordinance is presented to continue this assessment in the City for the next year. If approved on first reading, the second and final reading will be September 26, 2005. The effective date of this ordinance is October 1, 2005.

Prepared by:



Dana L. Crosby,
Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:DLC:sw

PASSED ON FIRST READING BY A VOTE OF 6-0.

Ordinance No. _____
0-05-83

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4 **An ordinance of the City of Gainesville, Florida, providing consent for the**
5 **entire corporate limits of the City of Gainesville, Florida to be included in a**
6 **non-ad valorem assessment for a municipal service benefit unit created by**
7 **Alachua County for the provision of solid waste management costs;**
8 **providing conditions for the consent; providing that the consent is for a one**
9 **year period; and providing an effective date.**

10
11 **WHEREAS**, pursuant to §197.3632(3)(a), Florida Statutes, Alachua County has advertised a
12 notice of intent to use the uniform method of collecting non-ad valorem assessments throughout the
13 County to fund a portion of the cost of solid waste management in both the incorporated and
14 unincorporated areas of the County and has adopted a resolution stating its intent as set forth in the
15 advertisement; and

16 **WHEREAS**, pursuant to §125.01(1)(q), Florida Statutes, the County is authorized to
17 establish a municipal service benefit unit for any part or all of the unincorporated area of the county
18 for the purpose of providing for solid management services; and

19 **WHEREAS**, pursuant to §125.01(1)(q), Florida Statutes, a municipal service benefit unit can
20 be extended to include a municipality with the consent of the governing body of the municipality
21 given either annually or for a term of years; and

22 **WHEREAS**, at least 10 days notice prior to adoption has been given once by publication in a
23 newspaper of general circulation notifying the public of this proposed ordinance and of a Public
24 Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

25 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at which
26 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

27 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**

1 OF GAINESVILLE, FLORIDA:

2 **Section 1.** Subject to the conditions provided in this ordinance, the City Commission of the
3 City of Gainesville, as the City's governing body, consents to the inclusion of the City in the
4 municipal service benefit unit for a non-ad valorem special assessment for the provision of solid
5 waste management as stated in Alachua County Resolution No. 04-134 adopted on December 14,
6 2004, a copy of which is attached as Exhibit "1."

7 **Section 2.** This consent is granted subject to the following conditions: 1) the total assessment
8 in both the incorporated and unincorporated areas of the county does not exceed the maximum
9 amount to be collected from the assessment which is printed on the first class notice distributed by
10 Alachua County, which amount replaces the costs previously included in the tipping fee of the
11 Southwest Landfill for the County's hazardous waste program, waste alternatives office, and partial
12 cost of the rural collection centers, plus administration and billing costs associated with the
13 assessment; 2) all residences in the mandatory collection area of the unincorporated area and
14 incorporated areas of the county are assessed equally; 3) all non-residential property in the
15 unincorporated area and incorporated areas of the county are assessed an amount based on factors
16 other than their location in an incorporated or unincorporated area; and 4) that the benefit of the
17 programs provided for by this assessment equals or exceeds the amount assessed. This consent does
18 not apply to assessments for collection, disposal or recycling costs other than specifically provided
19 herein.

20 **Section 3.** This consent is granted only for the assessments to be billed in November of the
21 year 2005 for services rendered from October 1, 2005 to September 30, 2006.

22 **Section 4.** This ordinance shall become effective October 1, 2005.

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PASSED AND ADOPTED this _____ day of _____, 2005.

PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

Kurt M. Lannon
Clerk of the Commission

Marion J. Radson
City Attorney

This Ordinance passed on first reading this _____ day of September, 2005.

This Ordinance passed on second reading this _____ day of September, 2005.

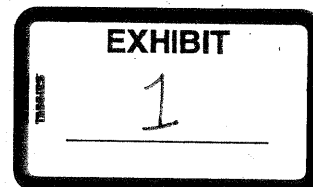
RESOLUTION 04-134

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION, DISPOSAL, RECYCLING AND MANAGEMENT; AND FOR COMMUNITY MAINTENANCE IN THE SUGARFOOT OAKS/CEDAR RIDGE PRESERVATION AND ENHANCEMENT DISTRICT; INDICATING INTENT TO LEVY SUCH NON-AD VALOREM ASSESSMENTS AGAINST IMPROVED PROPERTY THROUGHOUT ALACHUA COUNTY, INCLUDING THE INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE DISTRIBUTION OF CERTIFIED COPIES OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida (hereinafter, the "Board"), finds that the proper collection, disposal, recycling and management of solid waste is necessary for the health, safety, and welfare of the citizens of Alachua County, Florida; and,

WHEREAS, the Board, established the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District, to further neighborhood preservation and revitalization; and

WHEREAS, Chapter 403, *Florida Statutes*, the Alachua County Charter, Section 125.01, *Florida Statutes*, Chapters 71 and 75, Alachua County Code, and other applicable provisions of law authorize the imposition of a non-ad valorem assessment against improved properties within the boundaries of Alachua County for collection, disposal, recycling and management of solid waste and for community maintenance in the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District; and,



WHEREAS, pursuant to Section 197.3632(3)(a), *Florida Statutes*, Alachua County intends to impose non-ad valorem assessments against improved properties within the boundaries of Alachua County for collection, disposal, recycling and management of solid waste and for community maintenance in the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District; and,

WHEREAS, Alachua County intends to use the uniform method of collecting such assessments; and,

WHEREAS, Alachua County has, pursuant to Section 197.3632(3)(a), *Florida Statutes*, published notice of its intent to utilize the uniform method of collecting non-ad valorem assessments for the 2005-2006 fiscal year; has attached the proof of publication as **Exhibit "A"**; and has held a duly advertised public hearing prior to the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. That, for the 2005-2006 fiscal year and on the tax statement mailed out during such fiscal year, the County intends to use the uniform method of collecting non-ad valorem assessments authorized by Section 197.3632, *Florida Statutes*, for the provision of collection, disposal, recycling and management of solid waste and for community maintenance in the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District. Such non-ad valorem assessments shall be levied against Commercial, Institutional, Industrial and Residential Property throughout the incorporated and unincorporated areas of Alachua County. A legal description of the areas subject to the assessments is attached hereto as **Exhibit "B"** and incorporated herein by reference, and geographic depictions of the areas are attached hereto as **Exhibit "C"** and incorporated herein by reference.

2. That the County hereby determines that the levy of the assessments is needed

to fund the cost of collection, disposal, recycling and management of solid waste and to fund the cost of community maintenance within the non-ad valorem assessment areas.

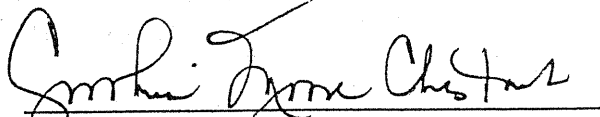
3. That, upon adoption of this resolution, the County Manager is hereby directed to transmit a certified copy of this resolution by United States mail to the State of Florida Department of Revenue, the Alachua County Tax Collector, and the Alachua County Property Appraiser on or before January 10, 2005.

4. This Resolution shall take effect immediately upon its adoption.

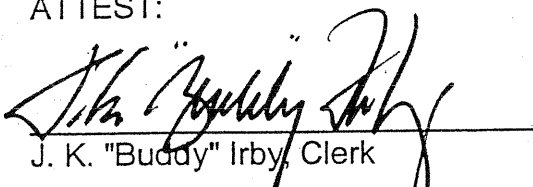
DULY ADOPTED in regular session, this 14 day of December, A.D., 2004.

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

By:


Cynthia Moore Chestnut, Chair
Board of County Commissioners

ATTEST:


J. K. "Buddy" Irby, Clerk
(SEAL)

APPROVED AS TO FORM

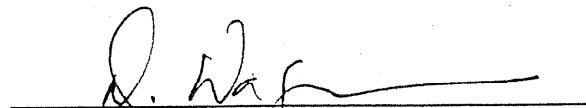

Alachua County Attorney

EXHIBIT A
Proof of Publication