

LEGISLATIVE ID

#120041

Alachua County Board of County Commissioners



Paula M. DeLaney, *Chair*
Mike Byerly, *Vice Chair*
Susan Baird
Lee Pinkoson

Administration
Richard Drummond
County Manager

May 15, 2012

Mr. Russ Blackburn
City Manager
PO Box 490, Station 6
Gainesville, FL 32602

Dear Mr. Blackburn:

Beginning with the 1997-98 fiscal year, the City of Gainesville has partnered with the Alachua County Board of County Commissioners' and other municipalities to provide certain solid waste services to all residents through a non-ad valorem assessment for solid waste management. On December 13, 2011, the Board adopted Resolution 11-141, which allows the County to collect non-ad valorem assessments for solid waste management in the entire county. Gainesville's Resolution 110169 allowing this assessment will expire September 30, 2012.

The Board of County Commissioners is requesting that the City of Gainesville adopt an ordinance allowing the assessment for solid waste management to continue inside your municipal limits. This request is for three additional years, effective October 1, 2012 and extending through September 30, 2015. In order for the solid waste assessment to be included on the 2012 TRIM notice, the assessment data must be completed before July 25, 2012.

To assist in the continuation of our long-term partnership, it is preferable for a first reading of approval of an ordinance, allowing the assessment within your Municipality, occur before the July 25, 2012 deadline. The County is required to certify the non-ad valorem assessment roll by September 15th and the County asks that your resolution be finalized prior to this date. The rates for fiscal year 2011-2012 are enclosed and the proposed rates for the next fiscal year will be provided once the rates are finalized.

Sally Palmi, Waste Management Director, will be contacting you to schedule a meeting to discuss this request. Staff will also be able to assist in scheduling a presentation at your council meetings.

Respectfully,

A handwritten signature in blue ink that reads "Rick", which is a common nickname for Richard A. Drummond.

Richard A. Drummond
County Manager

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Enclosures

Related materials are enclosed for your reference:

- Gainesville's Resolution 110169
- Alachua County Resolution 11-141
- Solid Waste Program descriptions
- Proposed changes for Fiscal Year 2012-2013
- Fiscal Year 2011-2012 assessment rates

RAD:mwt

xc: Richard Hedrick, Director, Alachua County Public Works Department
Chris Bird, Director, Alachua County Environmental Protection Department
Sally Palmi, Assistant Public Works/Waste Management Director

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ORDINANCE NO. 110169

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3
4 **An ordinance of the City of Gainesville, Florida,**
5 **providing consent for the entire corporate limits of the**
6 **City of Gainesville, Florida to be included in the non-ad**
7 **valorem assessment for the municipal service benefit**
8 **unit created by Alachua County for certain solid waste**
9 **management services for the 2011-2012 fiscal year;**
10 **providing conditions for the consent; providing that the**
11 **consent is for a one-year period; providing a**
12 **severability clause; providing a repealing clause; and**
13 **providing an immediate effective date.**

14
15 **WHEREAS**, pursuant to §125.01(1)(q), Florida Statutes, the County is authorized to
16 establish a municipal service benefit unit for any part or all of the unincorporated area of the
17 county for the purpose of providing for solid waste services; and

18 **WHEREAS**, pursuant to §125.01(1)(q), Florida Statutes, a municipal service benefit can
19 be extended to include a municipality with the consent of the governing body of the
20 municipality; and

21 **WHEREAS**, pursuant to §197.3632(3)(a), Florida Statutes, Alachua County advertised a
22 notice of intent to use the uniform method of collecting non-ad valorem assessments to fund the
23 collection, disposal, recycling and management of solid waste in both the incorporated and
24 unincorporated areas of the County for 2011-2012 Fiscal Year and on July 12, 2011, held a
25 public hearing and adopted Resolution 11-75 stating its intent as set forth in the advertisement;
26 and

27 **WHEREAS**, the City of Gainesville desires to provide consent for the entire corporate
28 limits of the City to be included in the non-ad valorem assessment for the provision of certain
29 solid waste management services that benefit the residents of the City.

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

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

36 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
37 **CITY OF GAINESVILLE, FLORIDA:**

38 **Section 1.** Subject to the conditions provided in this ordinance, the City Commission of
39 the City of Gainesville, as the City’s governing body, consents to the inclusion of the City in a
40 non-ad valorem special assessment for the municipal service benefit unit as stated in Alachua
41 County Resolution No. 11-75, adopted on July 12, 2011, a copy of which is attached as Exhibit
42 “A.” This consent is given only as to an assessment to fund the Waste Alternatives Program, the
43 Environmental Protection program, an approximate, not to exceed, amount of 36% of the Rural
44 Collection Centers Program, and Solid Waste Facilities Cost as defined in Resolution No. 11-75
45 and does not apply to assessments to fund the collection, disposal or recycling costs other than
46 specifically provided herein.

47 **Section 2.** This consent is granted subject to the following conditions: 1) the total
48 assessment in both the incorporated and unincorporated areas of the county does not exceed the
49 maximum amount to be collected from the assessment which is printed on the first class notice
50 distributed by Alachua County; 2) all residences in the mandatory collection area of the
51 unincorporated area and incorporated areas of the county are assessed equally; 3) all non-
52 residential property in the unincorporated area and incorporated areas of the county are assessed

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53 an amount based on factors other than their location in an incorporated or unincorporated area;
54 and 4) that the benefit of the programs provided for by this assessment equals or exceeds the
55 amount assessed.

56 **Section 3.** This consent is granted only for the assessments to be billed in November
57 2011, for services rendered from October 1, 2011 to September 30, 2012, provided the County
58 first adopts a Resolution authorizing the collection of non-ad valorem assessments for solid
59 waste services for Fiscal year 2011-2012.

60 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be
61 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
62 way affect the validity of the remaining portions of this ordinance.

63 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
64 such conflict hereby repealed.

65 **Section 6.** This ordinance shall take effect immediately upon adoption.

66

67 PASSED AND ADOPTED this ____ day of _____, 2011.

68

69

70

71

72

CRAIG LOWE
MAYOR

73 ATTEST:

Approved as to form and legality

74

75

76 _____
KURT M. LANNON
77 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

78 This Ordinance passed on first reading this ____ day of _____, 2011.

79 This Ordinance passed on second reading this ____ day of _____, 2011.

RESOLUTION 11-141

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,

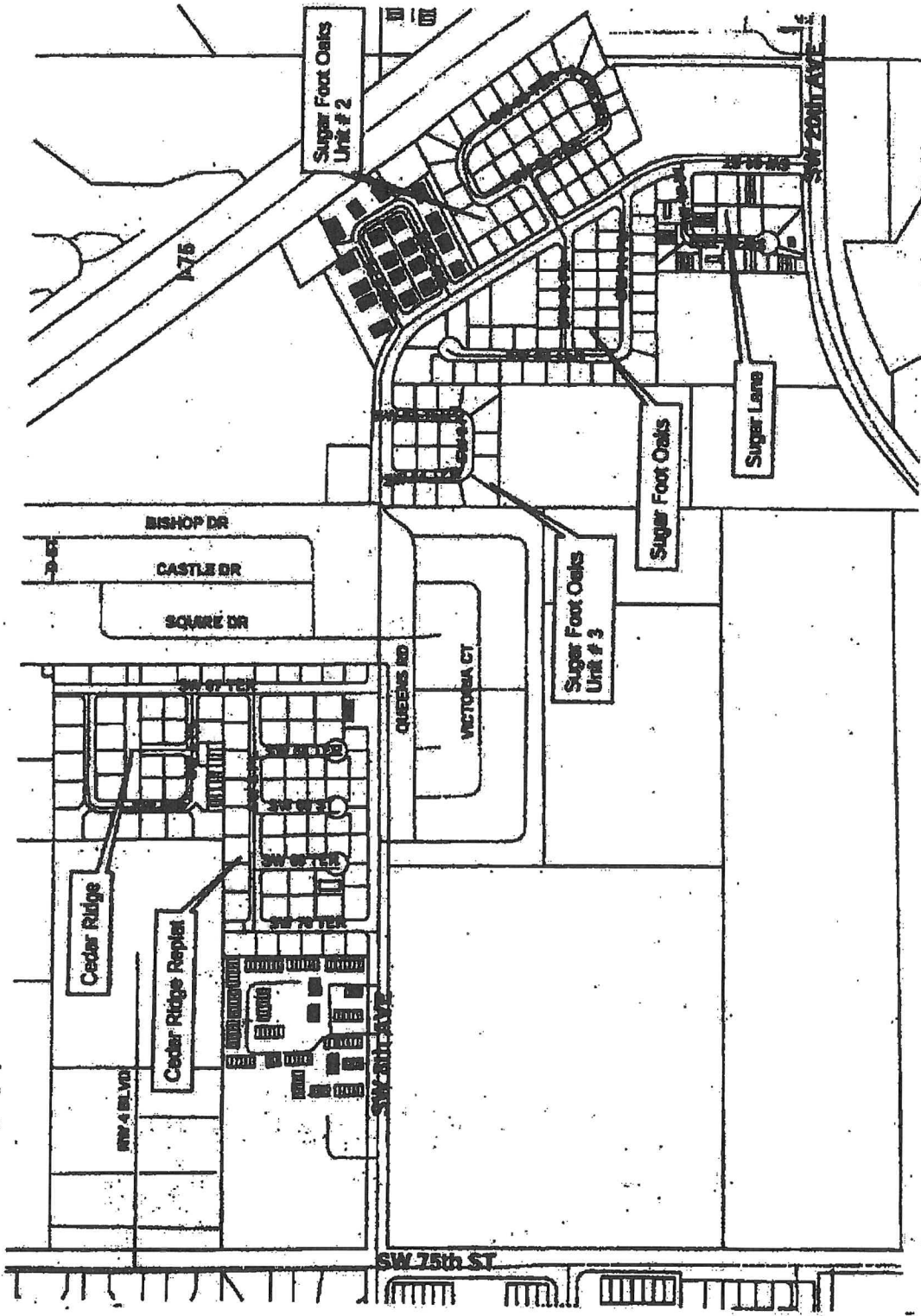
EXHIBIT A
Proof of Publication

EXHIBIT B
Legal Description

along the east line of section one, township eight south, range twenty-one east to the southeast corner of section thirty-six, township seven south, range twenty-one east; thence north along the east line of said section thirty-six to the northeast corner of the southeast quarter of the southeast quarter of said section thirty-six; thence west to the northwest corner of the southwest quarter of the southwest quarter of said section thirty-six; thence north along the west line of said section thirty-six to its intersection with the thread of the Santa Fe River; thence northerly and westerly along the thread of the Santa Fe River to its intersection with the east line of the southwest quarter of the northwest quarter of section thirty-three, township seven south, range twenty-one east; thence north to the northeast corner of the southwest quarter of the northwest quarter of said section thirty-three; thence west to the northeast corner of the southeast quarter of the northeast quarter of section thirty-two, township seven south, range twenty-one east; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section thirty-two; thence west to the southwest corner of the northeast quarter of the northeast quarter of section thirty-one, township seven south, range twenty-one east; thence north to the northwest corner of the northeast quarter of the northeast quarter of said section thirty-one; thence west to the half-mile corner of the south line of section thirty, township seven south, range twenty-one east; thence north on the quarter section line of said section thirty to its intersection with the thread of the Santa Fe River; thence southerly and westerly along the thread of said Santa Fe River to its intersection with the south line of the southwest quarter of the northeast quarter of section twenty-eight, township seven south, range twenty east; thence west to the southwest corner of the northeast quarter of said section twenty-eight; thence north to the northwest corner of the northeast quarter of said section twenty-eight; thence west to the northwest corner of said section twenty-eight; thence north along the east line of section twenty, township seven

south, range twenty east to the southeast corner of the northeast quarter of said section twenty; thence west on the quarter section line of said section twenty to its intersection with the thread of the Santa Fe River; thence northerly and westerly along the thread of the Santa Fe River to its southernmost intersection with the east line of section two, township seven south, range seventeen east; thence run south along the east line of said section eleven to the northeast corner of government lot four in said section eleven; thence run west to the northwest corner of said government lot four; thence run south along west line of said government lot four to the southwest corner of said government lot four; thence run west along the south line of said section eleven to the northwest corner of section fourteen, township seven south, range seventeen east; thence run south along the west line of said section fourteen to the southwest corner of said section fourteen; thence run east along south line of said section fourteen to its intersection with the thread of the Santa Fe River; thence run southerly and westerly along the thread of said river to the point of beginning.

EXHIBIT C
Geographic Depiction



**NON-AD VALOREM ASSESSMENT RATES
FY 2011-2012**

| Assess. Code | Description | Rate |
|-------------------------------------|-----------------------|-----------|
| <u>MANDATORY REFUSE COLLECTION:</u> | | |
| 0120 | 20 gal. Mini-can | 163.42 |
| 0135 | Single fam-35 g | 183.37 |
| 0164 | Single fam-64 g | 240.68 |
| 0196 | Single fam-96 g | 335.75 |
| 0220 | Multi-fam -mini-can | 163.42 |
| 0235 | Multi-fam -35 g | 183.37 |
| 0264 | Multi-fam -64 g | 240.68 |
| 0296 | Multi-fam -96 g | 335.75 |
| 0320 | Condo -mini-can | 163.42 |
| 0335 | Condo -35 g | 183.37 |
| 0364 | Condo -64 g | 240.68 |
| 0396 | Condo -96 g | 335.75 |
| <u>PAVING:</u> | | |
| 0401 | Beville Hgts | 0.00 |
| 0402 | Robinson Hgts | 0.00 |
| 0403 | NW 136th St | 0.00 |
| 0404 | NW 133rd St | 0.00 |
| 0405 | West End Est | 0.00 |
| 0406 | NE 132nd Ave | 265.99 |
| 0407 | Prarie Bluff | 198.68 |
| 0408 | Country Club | 165.92 |
| 0409 | GNV G & C Club | 11,588.95 |
| <u>WATER EXTENSION</u> | | |
| 0411 | Westend Golfview Est. | 193.00 |
| 0412 | Westend Est. | 193.00 |
| <u>NBHD PRESERVATION:</u> | | |
| 0420 | Nbhd Preservation | 60.00 |
| <u>RURAL COLLECTION CENTERS:</u> | | |
| 0501 | Rural Coll. Cntr | 88.14 |
| <u>SOLID WASTE MANAGEMENT:</u> | | |
| 0710 | Residential | 17.78 |
| 0720 | Com. Coll. Res. | 16.62 |
| 0730 | Non-mand. Res. | 11.32 |
| 0801 | Commercial | 14.16 |
| 0802 | Commercial | 43.07 |
| 0803 | Commercial | 86.44 |
| 0804 | Commercial | 144.25 |
| 0805 | Commercial | 202.07 |
| 0806 | Commercial | 259.88 |
| 0807 | Commercial | 361.06 |
| 0808 | Commercial | 505.60 |
| 0809 | Commercial | 722.41 |
| 0810 | Commercial | 1,011.49 |
| 0811 | Commercial | 2,023.27 |
| 0812 | Commercial | 4,335.92 |
| 0813 | Commercial | 8,383.04 |
| 0814 | Commercial | 13,189.01 |

SOLID WASTE MANAGEMENT ASSESSMENT

What is the specific benefit to each class of property?

- Waste Alternatives provides public information concerning source reduction and separation, recycling, composting, household hazardous waste and litter prevention. Specializes in education for kindergarten through post secondary students, residents, businesses and institutions. Additional services include performing waste audits for businesses and institutions, designing commercial and multifamily recycling programs and conducting special recycling events. All activities are county-wide and include all municipalities. **This program is a benefit to Residential and Commercial Property.**
- Environmental Protection program provides collection, recycling and disposal of household hazardous waste. In addition, provides hazardous waste clean-up project management, field inspections for environmental regulatory compliance, appointment-based hazardous waste collection and technical assistance to the County's Office of Waste Management. All activities are countywide and include all municipalities. **Approximately 32 percent of the cost of this program is a benefit to Commercial Property, and approximately 68 percent is a benefit to Residential Property.**
- Rural Collection Centers provide drop-off sites for residential solid waste, recycling and household hazardous waste. All activities are countywide and include all municipalities. The Rural Collection Centers are funded through two sources. Approximately 64 percent of the funds come from the existing rural collection center assessment and about 36 percent from solid waste management assessment. The proportion from each funding source is based upon a periodic survey of users of the collection centers to determine what percentage are rural residents as compared to municipal and County mandatory residents. **This program is a benefit to Residential Property.**
- Solid Waste Management Facilities Maintenance and Monitoring Program. Maintaining, Operating and Monitoring Solid Waste Management Facilities known as "closed landfills" and the property intended for future Solid Waste Management Facilities known as Balu Forest, as well as certain shared utilities costs, is provided by the Solid Waste Engineering section. **This program is a benefit to Residential and Commercial Property.**
- Proposed for Fiscal Year 2012-2013 - Equitable Distribution of Expenses – New River Landfill out of county waste surcharge. The New River Landfill charges a \$2.35 per ton surcharge in addition to the tipping fee for disposal of Alachua County's waste. This surcharge is normally collected through the County tipping fee at the Leveda Brown Environmental Park and Transfer Station. Not all garbage collected for disposal goes through the transfer station; some waste is directly hauled to New River Landfill. The solid waste assessment is based on the amount of garbage generated by each parcel. By applying the New River Landfill surcharge to the solid waste assessment, all users of the solid waste system will equitably share this expense. **This is a benefit to Residential and Commercial Property.**