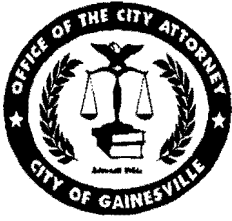


**LEGISLATIVE**

**#120041A**



# MEMORANDUM

Office of the City Attorney

Legistar No. 120041

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

TO: Mayor and City Commission

DATE: July 19, 2012  
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 120041

**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 the non ad-valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the three fiscal years commencing with fiscal year 2012-2013 and extending through fiscal year 2014-2015; providing conditions for the consent; providing that the consent is for the three-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

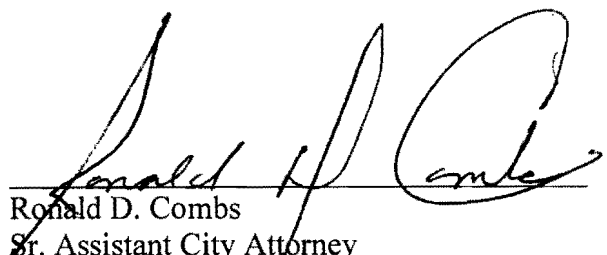
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Recommendation: The City Commission adopt the proposed ordinance.

At its meeting on June 7, 2012, the City Commission authorized the Clerk of Commission to advertise and the City Attorney to draft an ordinance allowing the non ad-valorem assessment for solid waste management by Alachua County to continue inside the city limits for an additional three fiscal years commencing with fiscal year 2012-2013, and extending through fiscal year 2014-2015.

This ordinance requires two readings. If approved on first reading, the second and final reading will be August 2, 2012.

Prepared by:

  
Ronald D. Combs  
Sr. Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson  
City Attorney

MJR:RDC:cl

ORDINANCE NO. 120041

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

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

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

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

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

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

38           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
39 **CITY OF GAINESVILLE, FLORIDA:**

40           **Section 1.** Subject to the conditions provided in this ordinance, the City Commission of  
41 the City of Gainesville, as the City’s governing body, consents to the inclusion of the City in a  
42 non-ad valorem special assessment for the municipal service benefit unit as stated in Alachua  
43 County Resolution No. 11-141, adopted on December 13, 2011, a copy of which is attached as  
44 Exhibit “A.” This consent is given only as to an assessment to fund the Waste Alternatives  
45 Program, the Environmental Protection program, an approximate, not to exceed, amount of 36%  
46 of the Rural Collection Centers Program and Solid Waste Facilities Cost as defined in Alachua  
47 County Resolution No. 11-141, and does not apply to assessments to fund the collection,  
48 disposal or recycling costs other than specifically provided herein.

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

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

58 **Section 3.** This consent is granted only for the assessments: (1) billed in November  
59 2012, for services rendered from October 1, 2012 to September 30, 2013; (2) billed in November  
60 2013, for services rendered from October 1, 2013 to September 30, 2014; (3) billed in November  
61 2014, for services rendered from October 1, 2014 to September 30, 2015; and, further provided  
62 the County first adopts a Resolution, when appropriate, authorizing the collection of non-ad  
63 valorem assessments for solid waste services for Fiscal Years 2012-2013; 2013-2014 and 2014-  
64 2015.

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

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

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

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72 PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

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\_\_\_\_\_  
CRAIG LOWE  
MAYOR

78

**D R A F T**

**6/11/12**

79 ATTEST:

Approved as to form and legality

80

81

82 \_\_\_\_\_  
KURT M. LANNON

83 CLERK OF THE COMMISSION

\_\_\_\_\_

MARION J. RADSON

CITY ATTORNEY

84 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

85 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2012.