

Legislative #

150086

ORDINANCE NO. 150086

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 fiscal year 2015-2016; providing conditions for the consent; providing that the consent is for the one-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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 the incorporated and unincorporated areas of the County and has adopted a resolution stating its intent as set forth in the advertisement; and

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, by Charter 75, Article IV, Alachua County Code, the County created the Municipal Services Benefit Unit for solid waste management to include property within a municipality with the consent of the municipality; 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, 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; and

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

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

8 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
9 **CITY OF GAINESVILLE, FLORIDA:**

10 **Section 1.** Subject to the conditions provided in this ordinance, the City Commission of
11 the City of Gainesville, as the City's governing body, consents to the inclusion of the City in a
12 non-ad valorem special assessment for the municipal service benefit unit as stated in Alachua
13 County Resolution No. 14-126, adopted on December 9, 2014, a copy of which is attached as
14 Exhibit "A." This consent is given only as to an assessment to fund the Waste Alternatives
15 Program; the Environmental Protection Program; an approximate, not to exceed, amount of 36%
16 of the Rural Collection Centers Program; Solid Waste Facilities Cost; and does not apply to
17 assessments to fund the collection, disposal or recycling costs other than specifically provided
18 herein. "Solid Waste Facilities Cost," as defined in Alachua County Resolution No. 15-63,
19 means the estimated cost of providing, maintaining, operating, and monitoring the Solid Waste
20 Management Facilities known as "closed landfills" (including the Northeast, the Northeast
21 Auxiliary, the Southeast and the Northwest closed landfills) and the property intended for future
22 Solid Waste Management Facilities known as Balu Forest.

23 **Section 2.** This consent is granted subject to the following conditions: 1) the total
24 assessment in both the incorporated and unincorporated areas of the county does not exceed the

1 maximum amount to be collected from the assessment which is printed on the first class notice
2 distributed by Alachua County; 2) all residences in the mandatory collection area of the
3 unincorporated area and incorporated areas of the county are assessed equally; 3) all non-
4 residential property in the unincorporated area and incorporated areas of the county are assessed
5 an amount based on factors other than their location in an incorporated or unincorporated area;
6 and 4) that the benefit of the programs provided for by this assessment equals or exceeds the
7 amount assessed.

8 **Section 3.** This consent is granted only for the assessments billed in November 2015, for
9 services rendered from October 1, 2015 to September 30, 2016, and, further provided the County
10 first adopts a Resolution, when appropriate, authorizing the collection of non-ad valorem
11 assessments for solid waste services for Fiscal Year 2015-2016.

12 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
13 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
14 finding shall not affect the other provisions or applications of the ordinance which can be given
15 effect without the invalid or unconstitutional provisions or application, and to this end the
16 provisions of this ordinance are declared severable.

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

19

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

2 **PASSED AND ADOPTED** this ____ day of _____, 2015.

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EDWARD B. BRADDY
MAYOR

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11 Attest:

Approved as to form and legality:

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KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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This ordinance passed on first reading this ____ day of _____, 2015.

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This ordinance passed on second reading this ____ day of _____, 2015.