RESOLUTION NO. 171065 1 2 3 A RESOLUTION OF THE CITY COMMISSION OF THE 4 GAINESVILLE, FLORIDA, **INITIATING** CITY OF 5 CONFLICT RESOLUTION **PROCEDURES** PER SECTION 164.101, FLORIDA STATUTES, THE FLORIDA 6 7 GOVERNMENTAL CONFLICT RESOLUTION ACT. 8 PERTAINING TO A CONFLICT BETWEEN THE CITY OF 9 GAINESVILLE: ALACHUA COUNTY, FLORIDA; AND THE SHERIFF OF ALACHUA COUNTY, FLORIDA; AND 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE. 11 12 13 14 WHEREAS, the purpose of the Florida Governmental Conflict Resolution Act is 15 to promote, protect, and improve the health, safety, and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict 16 17 resolution procedure that can provide an equitable, expeditious, effective, and 18 inexpensive method for resolution of conflicts between and among local and regional 19 governmental entities, such as the City of Gainesville; Alachua County, Florida; and the 20 Sheriff of Alachua County, Florida; and WHEREAS, in October 2006 the City of Gainesville, Florida ("City") and Alachua 21 County, Florida ("County") entered into a Fire Services Assistance Agreement 22 23 (hereinafter "FSAA") effective on October 1, 2006 and remaining in effect until terminated as provided therein; and 24 WHEREAS, under the terms of the FSAA, the City and the County agreed to 25 provide "automatic aid to each other through the response of the closest available unit" 26 without regard to the political jurisdiction in which the event occurred; and 27 WHEREAS, the FSAA provided for reimbursement payments for fire service 28 costs associated with services provided within the other's political jurisdiction pursuant to 29 30 a formula set out therein; and 31 WHEREAS, pursuant to a May 2009 Interlocal Agreement between the City, the 32 County and the Alachua County Sheriff ("Sheriff"), the parties agreed to establish and

maintain a Combined Communication Center (the "CCC") providing for coordinated dispatch and radio communication services for law enforcement, fire, emergency, medical, and emergency management; and

WHEREAS, the Sheriff is assigned the responsibility for management and operation of the CCC, including the dispatch of both City and County emergency units to all emergency communication calls received by the CCC; and

WHEREAS, historically the dispatch of the closest fire unit under the FSAA resulted in the City responding to more calls in the County than the County responded to in the City; and

WHEREAS, consequently, under the FSAA, the County reimbursed the City more for fire response costs than the City reimbursed the County; and

WHEREAS, in December 2015, the parties agreed to temporarily suspend reimbursement payments under the FSAA from October 1, 2015 through September 30, 2017, with the compensatory payments to recommence on October 1, 2017; and

WHEREAS, in May 2017, the County provided notice to the City that it intended to terminate the FSAA effective as of June 1, 2018; and

WHEREAS, because fire service calls are dispatched by the CCC, the City put the CCC on notice that, as a result of the County's termination of the FSAA, commencing on June 1, 2018, the CCC should dispatch fire service calls by jurisdiction – meaning County Fire Rescue will be dispatched for calls in the County and Gainesville Fire Rescue will be dispatched for calls in the City; and

WHEREAS, The Sheriff (and her staff) made a presentation to the City Commission at its meeting on April 5th, at which the Sheriff informed the City Commission that she would continue to direct the CCC to dispatch the quickest response unit (as if the FSAA still existed) after June 1; and

59 WHEREAS, the Sheriff's action will result in the City's fire units being dispatched 60 to fire calls outside the City's jurisdiction without reimbursement of the costs of such service and without the agreement of the City to do so; and

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- WHEREAS, a portion of the City's fire service costs are funded through the imposition of a Fire Services Special Assessment. Per State Law, the City is prohibited from expending Fire Services Special Assessment revenue on property that does not pay the special assessment; and
- WHEREAS, the Florida Governmental Conflict Resolution Act authorizes the City of Gainesville to initiate the conflict resolution provisions of the Act prior to initiating court proceedings against the County and the Sheriff; and
- 69 WHEREAS, the Florida Governmental Conflict Resolution Act sets forth the 70 procedures for notice and conflict dispute resolution of intergovernmental disputes.
- 71 NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE 72 GAINESVILLE, FLORIDA, AS FOLLOWS:
- 73 Section 1: Findings: The City Commission adopts the findings as provided in 74 the foregoing whereas clauses.
 - Section 2: Intention: It is the intention of the City Commission of the City of Gainesville to initiate the conflict resolution procedures of the Florida Governmental Conflict Resolution Act as set forth in Chapter 164, Florida Statutes, prior to initiating court proceedings to compel the Sheriff on June 1, 2018 (the effective date of the County's termination of the FSAA) to dispatch fire service calls based on jurisdictional boundaries regardless of which agency has the closest unit; or in the alternative, to compel the County to reimburse the City for fire services provided by the City in the County's jurisdiction.
- 83 Section 3: Issues in the Conflict: The issues in the conflict are: 1) the 84 Sheriff's announced refusal to dispatch fire services based on jurisdictional boundaries;

85	and 2) the County's announced refusal to reimburse the City for City fire services
86	provided in the County.
87	Section 4: <u>The Governmental Entities in Conflict</u> : The governmental entities
88	with which the City Commission of the City of Gainesville, Florida has a conflict are
89	Alachua County, Florida and the Sheriff of Alachua County, Florida.
90	Section 5: <u>Justification for Initiating the Conflict</u> : The conflict resolution
91	procedure is justified because the City of Gainesville in good faith believes that the
92	Sheriff's announced refusal to dispatch fire services on a jurisdictional boundary basis is
93	unlawful, and that the County's announced refusal to reimburse the City for fire services
94	provided within the County is unlawful.
95	Section 6: <u>Conflict Assessment Meeting:</u> The City Manager is hereby
96	authorized and directed to provide a certified copy of this resolution and the letter
97	required by Section 164.1052(1) to the County Manager and the Chief Administrator of
98	the Sheriffs' Office of Alachua County by certified mail, return receipt requested, to
99	schedule a conflict assessment meeting, and to take all other appropriate action
100	pursuant to Section 164.1053.
101	Section 7: This Resolution shall take effect immediately upon adoption.
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103	PASSED AND ADOPTED this 3rd day of May, 2018.
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105	LAUDENHOE
106 107	LAUREN POE MAYOR
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110	ATTEST: Approved as to form and legality
111 112	Omigliolo Hames Sicolle m Shalley
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CLERK OF THE COMMISSION

114 115 CITY ATTORNEY