

**Legislative #
160166**

ORDINANCE NO. 160166

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 years 2016-2017 and 2017 - 2018; providing conditions for the consent; providing that the consent is for the two-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, pursuant to the procedures set forth in Section 197.3632, Florida Statutes, Alachua County may 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

WHEREAS, pursuant to Section 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 the municipal service benefit unit can be extended to include a municipality with the consent of the governing body of the municipality; and

WHEREAS, by Chapter 75, Article IV, of the Alachua County Code of Ordinances allows the County to create a municipal services benefit unit for solid waste management and the County has done so; 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

WHEREAS, at least 10 days' notice prior to adoption has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance

1 and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville;
2 and

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

6 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
7 CITY OF GAINESVILLE, FLORIDA:

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

21 Section 2. This consent is granted subject to the following conditions: 1) the total
22 assessment in both the incorporated and unincorporated areas of the county does not exceed the
23 maximum amount to be collected from the assessment which is printed on the first class notice
24 distributed by Alachua County; 2) all residences in the mandatory collection area of the

1 unincorporated area and incorporated areas of the county are assessed equally; 3) all non-
2 residential property in the unincorporated area and incorporated areas of the county are assessed
3 an amount based on factors other than their location in an incorporated or unincorporated area;
4 and 4) that the benefit of the programs provided for by this assessment equals or exceeds the
5 amount assessed.

6 **Section 3.** This consent is granted only for the assessments billed for services rendered
7 from October 1, 2016 to September 30, 2017 and from October 1, 2017 to September 30, 2018
8 and, further provided the County first adopts Resolutions, when appropriate, authorizing the
9 collection of non-ad valorem assessments for solid waste services for Fiscal Years 2016 - 2017
10 and 2017 - 2018.

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

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

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

19 **PASSED AND ADOPTED** this ____ day of _____, 2016.

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LAUREN POE
MAYOR

1 Attest:

Approved as to form and legality:

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6 _____
KURT M. LANNON
7 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

8

9

10 This ordinance passed on first reading this ____ day of _____, 2016.

11

12 This ordinance passed on second reading this ____ day of _____, 2016.