

11B

**City of Winter Haven Fact Sheet
City Commission Meeting
April 27, 2009**

DATE: April 20, 2009

TO: Honorable Mayor and City Commissioners

FROM: *Dvg*
David L. Greene, City Manager

SUBJECT: Ordinance O-09-25: Repeal of Ordinance O-08-63, Motor Vehicle Crash (MVC) Emergency Response Service Fees

BACKGROUND:

Ordinance O-08-63 entitled the "Motor Vehicle Crash Emergency Response Service Fee Ordinance" was adopted June 23, 2008. It established fees to recover labor, material and equipment costs for fire and police to respond to, provide on-scene emergency care and investigate motor vehicle crashes occurring within the City limits of Winter Haven.

The intent of the Ordinance enacting MVC service fees was to provide an equitable and suitable system for supplementing tax-based revenue deficiencies resulting from Florida Legislature enacted measures as well as voter approved Property Tax Reform. This adversely impacted funding of municipal operations, including the Police and Fire Departments. The 2008/09 Fiscal Year Budget projected \$200,000 in Police and Fire MVC service fees would be collected. The moneys were to be used for employing more emergency service response personnel, thereby supporting Police and Fire Department budgets.

The City's invoicing and collection of MVC Service Fees began July 23, 2008. The City has issued 1,097 invoices totaling \$63,169.35. To date, \$16,231.19 has been collected. MVC service fees have not risen to the level anticipated, nor are they envisioned to do so.

The Florida Legislature is contemplating enacting legislation which may revoke and/or otherwise restrict a local government's ability to impose such fees. With this knowledge and to promote the best interests of the public, staff recommends the repeal of Ordinance O-08-63 and refunding of MVC service fees, without interest, to the responsible party who paid said fees.

Ordinance O-09-25 has been drafted by the City Attorney to repeal Ordinance O-08-63. It directs the City Manager to refund the collected fees.

Recommendation:

Staff recommends that the City Commission approve Ordinance O-09-25.

Attachment:

Ordinance O-09-25

ORDINANCE NO: O-09-25

AN ORDINANCE REPEALING ORDINANCE O-08-63 REGARDING THE ENFORCEMENT AND THE RECEIPT OF FEES TO RECOVER COSTS FOR FIRE AND POLICE TO RESPOND TO MOTOR VEHICLE CRASHES WITHIN THE CITY LIMITS AND PROVIDE ON-SCENE EMERGENCY CARE AND INVESTIGATIVE SERVICES; PROVIDING FOR A REFUND OF ALL FIRE AND POLICE EMERGENCY SERVICE MOTOR VEHICLE CRASH RESPONSE FEES PAID; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Haven established fees to recover costs for fire and police to respond to motor vehicle crashes within the City limits and provide on-scene emergency care and investigative services via the adoption of Ordinance O-08-63 on June 23, 2008; and

WHEREAS, said Ordinance was codified in Chapter 18, Article V, Sections 18-151 through 18-159 of the City's Code of Ordinances; and

WHEREAS, it is contemplated that the Florida Legislature may enact legislation which may repeal and/or otherwise restrict a local government's ability to impose such fees; and

WHEREAS, it is in the best interest of the citizens and residents of the City to repeal the fees as set forth above and require that all fees paid be refunded without interest to the responsible party who paid same as directed herein.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA AS FOLLOWS:

SECTION 1: That Ordinance O-08-63 and the provisions of Chapter 18, Article V, Sections 18-151 through 18-159 of the City's Code of Ordinances are hereby

repealed in their entirety upon the effective date of this Ordinance. That the City Manager is hereby authorized to refund without interest all such fees paid pursuant to said repealed provisions to the responsible party who paid same upon the effective date of this Ordinance.

SECTION 2: SEVERABILITY

The provisions of this ordinance are severable. If any word, sentence, clause, phrase or provision of this ordinance for any reason is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 3: SCRIVENER'S ERRORS

Any scrivener's error as a result of the passage of this Ordinance may be corrected by the City Manager or his designee without further legislative action, so long as the intent of this Ordinance is preserved, by filing a revised copy thereof with the City Clerk's office with the terms "Staff Revised" and the revision version number in the style of the Ordinance.

SECTION 4: REPEALER

All ordinances in conflict with the provisions herein are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage after second reading.

INTRODUCED on first reading this 27th day of April, 2009.

PASSED on second reading this 11th day of May, 2009.

CITY OF WINTER HAVEN, FLORIDA

By: _____
Yvonne Brooks, Mayor

ATTEST:

Dorothy R. Johnson, City Clerk

APPROVED AS TO FORM:

Frederick J. Murphy, Jr., City Attorney