

ORDINANCE 17-09

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA; AUTHORIZING ALACHUA COUNTY TO LEVY SPECIAL ASSESSMENTS WITHIN CITY BOUNDARIES TO PAY FOR FIRE PROTECTION SERVICES AND INCLUSION OF THE CITY IN THE ALACHUA COUNTY FIRE PROTECTION MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR THE TERM OF SUCH AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Alachua, Florida (the "City") and Alachua County, Florida (the "County") desire to jointly accomplish certain public health, welfare and safety objectives related to the provision of fire protection services within the City; and

WHEREAS, the County is authorized by section 125.01(1)(q), Florida Statutes, to establish "municipal service benefit units" ("MSBU") and levy special assessments against the real property therein to fund essential services; and

WHEREAS, in accordance therewith, the County is considering establishment of an MSBU to fund the provision of fire protection services and facilities for the fiscal year beginning October 1, 2017, and each fiscal year thereafter; and

WHEREAS, Section 125.01(1)(q), Florida Statutes, provides that subject to the consent by ordinance of the governing body of the affected municipality, the boundaries of an MSBU may include all or part of the boundaries of a municipality; and

WHEREAS, the County currently provides fire protection services in the City which are funded through an Interlocal agreement between the City and the County pursuant to which the City pays the County an annual amount, and such amount is typically paid through general fund revenues of the City; and

WHEREAS, Inclusion of the City in the MSBU will replace the need for a contractual service arrangement with the County and the payment of general fund revenues by the City to the County each year; and

WHEREAS, the City hereby determines that the inclusion of the City in the MSBU established by the County to fund fire protection services is in the best interests of the citizens and residents of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Findings of Fact

The above recitals are true and correct and are incorporated into this ordinance by reference.

Section 2. Approval for Inclusion in MSBU

The City Commission of the City of Alachua, Florida, hereby approves and authorizes inclusion of the City in the MSBU created by the County to fund fire protection services as outlined herein, including the levy of special assessments by the County within the City in accordance with the same terms and conditions adopted by the County for all other property included in the MSBU.

Section 3. Term

This Ordinance and the approval and authorization set forth herein shall remain in full effect for the duration of the MSBU or until such time as the City Commission repeals this Ordinance, whichever occurs first. Notice of the proposed repeal of this Ordinance shall be provided in writing to Alachua County no later than March 1 of the year in which the City intends to withdraw from the MSBU to avoid imposition of special assessments for the forthcoming fiscal year.

Section 4. Providing for Severability

It is the declared intent of the Alachua City Commission that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance and the remainder of this ordinance, after the exclusion of such part or parts, shall be deemed to be v

Section 5. Effective Date

This Ordinance shall be effective upon its passage and adoption on the second and final reading.

PASSED on first reading on the 22nd day of May, 2017

PASSED and **DULY ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading on the 12th day of June, 2017.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

APPROVED AS TO FORM

ATTEST:

Traci L. Gresham, City Manager/Clerk

Marian B. Rush, City Attorney