

CITY COUNCIL RESOLUTION NO. 2022-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, CONSTITUTING THE FISCAL YEAR 2022-2023 ANNUAL FIRE ASSESSMENT RESOLUTION, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE CITY, FLORIDA; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF LAKE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; APPROVING THE RATES OF ASSESSMENT; APPROVING THE FINAL ASSESSMENT ROLL; CONFIRMING AND SUPPLEMENTING THE 2022 PRELIMINARY RATE RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of Lake City, Florida (the "City Council"), has enacted Ordinance No. 2002-958 (the "Ordinance") (codified as Chapter 46, Article IV, City of Lake City Code) which authorizes the imposition of Fire Protection Assessments for fire protection services, facilities, and programs against Assessed Property located within the City; and

WHEREAS, the reimposition of a Fire Protection Assessment for fire protection services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Protection Assessed Cost among parcels of Assessed Property; and

WHEREAS, the City Council desires to reimpose a Fire Protection Assessment within the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2022; and

WHEREAS, the City Council, on August 4, 2022, adopted the 2022 Preliminary Rate Resolution as confirmed, supplemented and amended herein, containing and referencing a brief and general description of the fire protection facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Protection Assessed Cost to compute the Fire Protection Assessment for fire protection services, facilities, and programs against Assessed Property, updating and estimating a rate of assessment, and

directing the updating and preparation of the Assessment Roll, provision of published notice required by the Ordinance and mailed notice; and

WHEREAS, in order to reimpose Fire Protection Assessments for the Fiscal Year beginning October 1, 2022, the Ordinance requires the City Council to adopt an Annual Rate Resolution, during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and mailed as required by the terms of the Ordinance and proof of publication and mailing being attached hereto as Appendix A; and

WHEREAS, a public hearing was held on September 6, 2022, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 2002-958, (the "Ordinance")(codified as Chapter 46, Article IV, City of Lake City Code), Resolution No. 2002-055, as amended (the "Initial Assessment Resolution"), Resolution No. 2002-062 (the "Final Assessment Resolution"), Preliminary and Annual Resolutions adopted in subsequent years, and the 2022 Preliminary Rate Resolution, Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, as amended, the Final

Assessment Resolution, amended, subsequent Preliminary and Annual Resolutions, as amended, and the 2022 Preliminary Rate Resolution, as may be amended by this Annual Resolution.

SECTION 3. REIMPOSITION OF FIRE PROTECTION ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, as updated, which is hereby amended as needed and approved, are hereby found to be specially benefited by the provision of the fire protection services, facilities, and programs described or referenced in the Preliminary Rate Resolution, in the amount of the Fire Protection Assessment set forth in the updated Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Initial Assessment Resolution, as amended, the Final Assessment Resolution, as amended, and the subsequent Preliminary and Annual Rate Resolutions, as amended and supplemented by the 2022 Preliminary Resolution and this Annual Resolution, from the fire protection services, facilities, or programs to be provided and a legislative determination that the Fire Protection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit.

The method for computing Fire Protection Assessments and the Parcel Apportionment methodology referenced in the City of Lake City Fire Assessment Update Study Final Report - July 26, 2021 and ratified by the 2022 Preliminary Resolution adopted by the City Commission is hereby approved and reaffirmed. The provisions of the Initial Resolution (Resolution No. 2002-055), as amended and confirmed by subsequent Final, Preliminary and Annual Resolutions, including the provisions of the 2008 Preliminary Resolution (Resolution No. 2008-058), relating to Indigency Relief and Extraordinary Vacancies in Recreational Vehicle Parks, and as amended, supplemented and confirmed by the 2022 Preliminary Rate Resolution, are hereby reaffirmed. Resolution No. 2008-058, Section 9, is hereby amended to name the Columbia County Tax Collector as the City Manager's designee related to administration of Indigency Relief. Notice of a public hearing has

been published and mailed as required by the terms of the Ordinance and proof of publication and mailing being attached hereto as Appendix A. A public hearing was held on September 6, 2022, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance

(B) The Fire Protection Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Protection Assessed Cost for the Fiscal Year commencing October 1, 2022, are hereby established as follows:

FY2022-23 Fire Protection Assessment Rates

Residential Property Category	Rates	
Single Family Residential	Rate per Dwelling Unit	\$252.02
Multi-Family Residential	Rate per Dwelling Unit	\$227.35
Nonresidential Property Category	Rates	
Commercial	Rate per Square Foot	\$0.1565
Industrial/Warehouse	Rate per Square Foot	\$0.0402
Vacant Land	Rate per Parcel	\$ 50.40

(C) The above rates of assessment are hereby finally approved. Fire Protection Assessments for fire protection services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as herein amended and approved, are hereby levied and reimposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2022.

(D) No Fire Rescue Assessment shall be imposed upon a parcel of Government Property or upon Buildings located upon parcels of Institutional Property whose Building use is wholly exempt from ad valorem taxation under Florida law. Any shortfall in the expected Fire Protection Assessment proceeds due to any reduction or exemption from payment of the Fire Protection Assessments required by law or authorized by the City Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Protection Assessments.

(E) As authorized in Section 2.13 of the Ordinance (codified at sec. 46-110, City of Lake City Code), Interim Fire Protection Assessments are also levied and imposed against all property for which a Building Permit is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(F) Fire Protection Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(G) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Fire Protection Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix B.

SECTION 4. AMENDMENT AND CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The 2022 Preliminary Rate Resolution, as may have been modified, supplemented, and amended herein, is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Fire Protection Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the adoption of this Annual Rate Resolution.

SECTION 6. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this resolution.

SECTION 7. EFFECTIVE DATE. This Annual Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED at a meeting of the City Council this ____ day of September, 2022.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST

APPROVED AS TO FORM AND LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney

APPENDIX A

PROOF OF PUBLICATION AND MAILING OF NOTICE

STATE OF FLORIDA,
 COUNTY OF: COLUMBIA COUNTY

Before the undersigned authority personally appeared Todd Wilson, who on oath says that he or she is Publisher of the Lake City Reporter, a newspaper published at Lake City in Columbia County, Florida; that the attached copy of advertisement, being a

in the matter of Legal Notice of Public Hearing

in the _____ Court, was published in said newspaper by print in the issues of August 12, 2022

or by publication on the newspaper's website, if authorized, on August 12, 2022

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

[Handwritten Signature]

Sworn to and subscribed before me this 12 day of August, A.D. 2022, by Todd Wilson, who is personally known to me.

[Handwritten Signature: Kathleen Ariotto]
 (Signature of Notary Public)



KATHLEEN ARIOTTO
 Commission # GG 229945
 Expires August 20, 2022
 Bonded Thru Budget Notary Services

re-imposing fire protection special assessments for the fire protection services within the City of Lake City (see map of City below) Year beginning October 1, 2022.

NOTICE OF PUBLIC HEARING TO RE-IMPOSE AND PROVIDE FOR COLLECTION OF FIRE PROTECTION SPECIAL ASSESSMENTS CITY OF LAKE CITY, FLORIDA

Notice is hereby given that the City Council of the City of Lake City will conduct a public hearing to consider re-imposing fire protection special assessments for the provision of fire protection services within the City of Lake City (see map of City below) for the Fiscal Year beginning October 1, 2022.

The hearing will be held at 6:00 p.m., or as soon as possible thereafter, on September 6, 2022, in the City Council Chambers of City Hall, 205 North Marion Avenue, Lake City, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (386)719-5756, at least three (3) days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire protection assessment schedule:

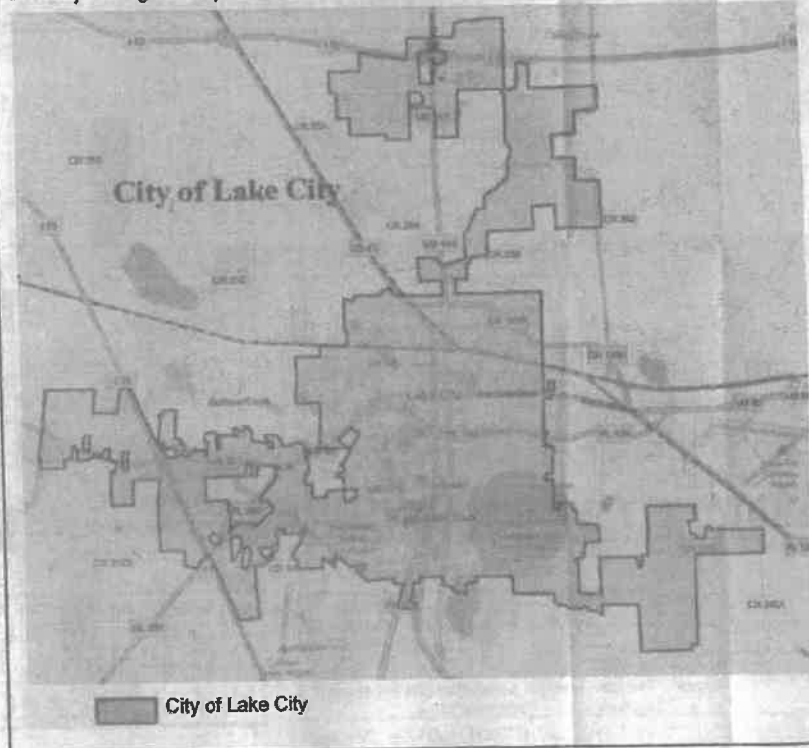
Proposed Fire Protection Assessment Rates for FY2022-23

Residential Property Category	Not to Exceed Rates	
Single Family	Rate Per Dwelling Unit	\$ 252.02
Multi-family	Rate Per Dwelling Unit	\$ 227.35
Nonresidential Property Category	Not to Exceed Rates	
Commercial	Rate Per Square Foot	\$0.1565
Industrial/Warehouse	Rate Per Square Foot	\$0.0402
Vacant Land	Rate Per Parcel	\$ 50.40

Copies of the Fire Protection Assessment Ordinance (Ordinance No. 2002-958) the Initial Assessment Resolution (Resolution No. 2002-055), the Final Assessment Resolution (Resolution No. 2002-062), subsequent Preliminary and Annual Resolutions amending and confirming the Fire Protection Assessments, the 2021 Fire Assessment Update Report, the 2022 Preliminary Assessment Resolution, and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the City Clerk's office located at City Hall, 205 North Marion Avenue, Lake City, Florida.

The assessments will be collected by the Tax Collector on the ad valorem property tax bill which will be mailed in November 2022, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Manager's Office at (386) 719 -5768, Monday through Friday between 8:00 a.m. and 5:00 p.m.



AFFIDAVIT OF MAILING OF NOTICE OF PUBLIC HEARING
FOR FIRE PROTECTION ASSESSMENT FOR CITY OF LAKE CITY, FLORIDA

BEFORE ME, the undersigned authority, personally appeared the undersigned affiant(s), who after being duly sworn depose and say:

1) Thelton M. Goff II is a Director of Ad Valorem Taxes with the Columbia County Tax Collector's Office. The Columbia County Tax Collector's Office has caused the notices required by Florida Statutes 197.3632, the Assessment Ordinance and the Preliminary Assessment Resolution to be prepared in conformance with the Assessment Ordinance.

2) On or before August 12, 2022, the Columbia County Tax Collector's Office mailed the above referenced notices by First Class Mail to certain owners of real property located within the City of Lake City, Florida, in accordance with Florida Statutes 197.3632, the Assessment Ordinance and the Initial and Preliminary Resolutions, as reflected on, and at the address shown on, the real property assessment tax roll database maintained by the Columbia County Property Appraiser and the Columbia County Tax Collector for the purposes of the levy and collection of Ad Valorem taxes.

FURTHER AFFIANT SAYETH NAUGHT.



Signature of Affiant

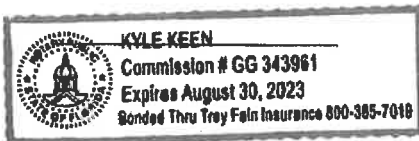
Thelton M. Goff II

Printed Name of Affiant
Columbia County Tax Collector's Office

State of Florida
County of Columbia

The foregoing instrument was acknowledged before me this 26th day of AUGUST, 2022
by Thelton Goff II. He/She is personally known or has produced _____
_____ as identification.

My Commission Expires:





Notary Public, State of Florida

APPENDIX B

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE
TO FIRE PROTECTION
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City of Lake City, or authorized agent of the City of Lake City, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire protection services (the "Fire Protection Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Columbia County Tax Collector by September 15, 2022.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Columbia County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this ____ day of _____, 2022.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

**(To Be Delivered to Columbia County Tax Collector
no later than Sept. 15, 2022)**