**FIRST READING: FOR ATTORNEY ONLY**

**ORDINANCE NO. 2025-67**

**AN ORDINANCE AMENDING ORDINANCE 2024-18 PROVIDING CONSENT FOR THE ENTIRE CORPORATE LIMITS OF THE CITY OF NEWBERRY FLORIDA, TO BE INCLUDED IN A NON-AD VALOREM ASSESSMENT FOR MUNICIPAL SERVICE BENEFIT UNIT CREATED BY ALACHUA COUNTY FOR THE PROVISION OF SOLID WASTE MANAGEMENT COSTS; PROVIDING CONDITIONS FOR THE CONSENT; PROVIDING THAT THE CONSENT IS CONTINGENT ON THE ANNUAL RATE INCREASE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**

**WHEREAS,** pursuant to §197.3632 (3) (a) of the Florida Statutes, Alachua County has advertised a notice of intent to 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 both the incorporated and unincorporated areas of the County and has adopted a resolution stating its intent as set forth in the advertisement; and

**WHEREAS,** pursuant to §125.01(1)(q) of the 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 garbage and trash collection and disposal; and

**WHEREAS,** pursuant to §125.01(1)(q) of the Florida Statutes, a municipal service benefit unit can be extended to include a municipality with the consent of the governing body of the municipality given either annually or for a term of years; and

**WHEREAS,** the City of Newberry has participated in the solid waste municipal service benefit unit since 1997 and most recently approved Ordinance 2023-25 which provided for participation for one fiscal year beginning October 1, 2023 and terminating September 30, 2024; and

**WHEREAS,** by adoption of Ordinance 97-4, the County created the Municipal Service Benefit Unit for solid waste management to include property within a municipality with the consent of the municipality; and

**WHEREAS,** prior to final approval, at least ten (10) days notice has been given once by publication in a newspaper of general circulation or via the Alachua County website notifying the public of this proposed ordinance and of a Public Hearing in the City Hall, City of Newberry; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA:**

**Section 1:** Subject to the conditions provided in this Ordinance, the City Commission of the City of Newberry, as the City's governing body, consents to the inclusion of the City in the municipal service benefit unit for a non-ad valorem special assessment for the provision of solid waste management as stated in Alachua County Resolution No. 2024-50 on July 9th, 2024, a copy of which is attached as **Exhibit A**.

**Section 2:** This consent is granted subject to the following conditions:

1. The total assessment in both the incorporated and unincorporated areas of the county does not exceed the maximum amount to be collected from the assessment which is established by the County’s initial rate resolution, which amount covers the costs historically included in the County’s landfill tipping fee for the County’s hazardous waste program, waste alternatives office, and partial costs of the rural collection centers, plus administration and billing costs associated with the assessment; and

2. All residences in the mandatory collection area of the unincorporated area and incorporated areas of the county are assessed equally; and

3. All non-residential property in the unincorporated and incorporated areas of the county are assessed an amount based on factors other than their location in an incorporated or unincorporated areas; and

4. That the benefit of the programs provided for by this assessment equals or exceeds the amount assessed; and

5. This consent does not apply to assessments for collection, disposal or recycling costs other than specifically provided herein.

**Section 3:** Consent under this ordinance shall be granted on an annual basis, provided that the annual increase in the non-ad valorem assessment does not exceed ten percent (10%) from the prior year. If the County proposes an increase greater than ten percent (10%), this ordinance shall become null and void, and the City Commission must vote to determine whether to rejoin the assessment.

**Section 4:** This Ordinance shall become effective immediately upon final adoption.

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

**Section 6:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**DONE THE FIRST READING,** by the City Commission of the City of Newberry, Florida, at a regular meeting, this 11th day of August 2025.

**DONE, THE PUBLIC NOTICE,** on the website of Alachua County at alachuacounty.us pursuant to Florida Statute 50.0311(3), by the City Clerk of the City of Newberry, Florida on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2025 through the \_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2025.

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

**DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 25th day of August 2025.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Honorable Timothy R Marden, Mayor

ATTEST, BY THE CLERK OF THE

CITY COMMISSION OF THE CITY OF

NEWBERRY, FLORIDA:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judy S. Rice, City Clerk

APPROVED AS TO FORM AND

LEGALITY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Attorney’s Office

Attachment (1): Exhibit A – Alachua County Resolution No. 2025-32, dated July 8th, 2025

(49 pages)