



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#16-0026

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: January 20, 2016

TITLE: Ordinance Amending Nomenclature Relating to Fire Assessments

Recommendation

It is recommended that the City Commission approve an ordinance amending the City's Code of Ordinances to strike the word "rescue" and references to emergency medical services from the fire assessment related ordinance.

Background

The City's Fire-Rescue Department provides both fire control and emergency medical services for the City. The consolidated fire rescue program enhances and strengthens the relationship of such services for the benefit of the City and its neighbors.

The cost of providing the fire control portion of these services is offset by a fire assessment fee. The City collects an assessment for fire services, facilities and programs, based on the special benefit these services provide to buildings within the areas served by the City. Each year the City adopts a resolution providing notice of and setting the rate for reimposing the assessment as required by Ordinance No. C-99-49.

The Fourth District Court of Appeal in 2000 rendered an opinion in the case of SMM Properties, Inc. v. City of North Lauderdale, 760 So.2d 998 (Fla. 4th DCA, 2000) stating that emergency medical services do not provide the requisite special benefit to property and therefore could not be the basis of a valid special assessment. The Florida Supreme Court in City of North Lauderdale v. SMM Properties, Inc. 825 So.2d 343 (Fla. 2002) later held that a special assessment for emergency medical services was invalid.

The City has been operating consistent with such rulings and has removed the Emergency Medical Services Cost from the Fire Rescue Assessment in order to comply with the ruling. Each preliminary rate resolution since the 2000 ruling clearly states that the fire assessment rate will not include any amount attributable to Emergency Medical Services (EMS).

Although the City has made it clear in the annual resolutions that the fire assessment is only for cost associated with fire control, the enabling Ordinance allowing for this

collection uses the term “fire rescue” to refer to the services provided by the City and still includes references to emergency medical services. In an abundance of caution, staff recommends removing the word “rescue” and references to emergency medical services from the Ordinance to avoid any confusion that may be caused by the terms.

This change in language will not change the intent, application, or collection of the fire assessment fee in any way.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the **Internal Support Cylinder**, specifically advancing:

- Goal 12: Be a leading government organization, managing our resources wisely and sustainably.
- Objective 1: Ensure sound fiscal management

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachment

Exhibit 1 – Ordinance

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