



This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears above any article. [Order a reprint of this article now.](#)

Ocala may turn up heat on School Board over \$500K-plus in fire fees

By Susan Latham Carr
Staff writer

Published: Monday, July 18, 2011 at 5:25 p.m.

The Ocala City Council will decide Tuesday whether to put the Marion County School Board on notice that the city intends to begin conflict resolution procedures to collect the more than \$500,000 it believes it is owed for fire protection. School officials say they are not obligated to pay such fees because there is no contract.

The City Council on March 15 directed its attorney to sue the School Board for the fees, but state law requires that the two entities must first try to resolve their differences through dispute resolution before taking the matter to court.

The city is claiming that the School Board has not paid for fire protection since Jan. 1, 2007. As of June 16, 2011, the fees with interest have climbed to \$503,191, which increases every month the School Board does not pay.

"We are taxpayer funded and we don't feel we should be paying fees like any other entity, corporation or business," School Superintendent Jim Yancey said.

But City Attorney Patrick Gilligan said city taxpayers are subsidizing the schools' fire service.

"They are getting fire service for free," Gilligan said.

He said the city could refuse to provide the service, but added, "I guarantee we never would."

Similar arguments are being fought throughout Florida. The argument about the fire fee has dragged on in Ocala since 2006, when the city instituted both a Fire Service Impact Fee and a Fire Service User Fee. Shortly after the fees were enacted, the School Board said it was not obligated to pay either charge.

The city agreed that the School Board was not obligated to pay the impact fee, but said the School Board was responsible for paying the user fee.

In March, School Board attorney Beverly Morris said that, based on a decision made in a 2006 case between the city of Gainesville and the Department of Transportation, the School Board is not required to pay unless there is a written contract. And therein lies the rub. The city says the contract requirement is only for improvements and the School Board owes the city the money.

Gilligan, in his report to the City Council for Tuesday night's meeting, wrote that the School Board continues to follow the Alachua County case in which the Alachua County School Board is refusing to pay the city of Gainesville for storm water fees.

The council meeting starts at 4 p.m. in Council Chambers on the second floor of City Hall, 151 SE Osceola Ave., Ocala.

Contact Susan Latham Carr at 352-867-4156 or susan.carr@starbanner.com.

Copyright © 2011 Ocala.com — All rights reserved. Restricted use only.

