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School Board votes to stop paying city stormwater fees

The vote comes after Ocala sued the school district for \$572,265 in fire fees.

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Published: Tuesday, November 8, 2011 at 8:51 p.m.

School Board officials threw off their gloves in their fight with the city of Ocala over the implementation of user fees, voting unanimously Tuesday night to immediately stop paying \$9,500 per month in stormwater fees.

The emergency vote came just three weeks after the city of Ocala filed a lawsuit against the School Board in regard to fire service user fees, seeking \$572,265 plus interest that has accrued since the school system stopped paying those in January 2007.

Superintendent of Schools Jim Yancey said Tuesday night that Alachua County School Board attorney Susan Seigle has been retained to handle Marion County's case.

Seigle advised Marion County to immediately stop paying the fees.

Seigle, a Gainesville attorney, is well-versed in such lawsuits, Marion School Board Chairwoman Judi Zanetti said.

Seigle has been defending the Alachua County School Board in a similar case.

The Alachua County School Board decided to stop paying stormwater fees in 2010 in light of two successful court cases in Pinellas County in which the judge ruled the school district didn't have to pay fees to the city of Clearwater.

After mediation initially failed between the Alachua boards, the city of Gainesville filed suit. Ever since the Alachua lawsuit began, Marion County school officials have been waiting patiently to see how the court rules in that case.

Marion County Deputy Superintendent of Schools Wally Wagoner said after Tuesday night's vote that mediation a few weeks ago with the city of Ocala did not progress. He expects that the Marion County case will have to be decided in court.

The city of Ocala filed its fire service fee complaint on Oct. 14 in circuit court. The city and the School Board have been haggling over the fees since 2006.

When the city instituted both a Fire Service Impact Fee and a Fire Service User Fee, the School Board balked.

Florida law states that schools are not liable for impact fees or service availability fees. As local and state funding has dwindled due to the economy, similar fee arguments have been waged throughout the state.

City Attorney Patrick Gilligan wrote a letter to Marion School Board attorney Beverly Morris that the school system is not obligated to pay the impact fee.

However, he believes user fees, like the fire fee, are not exempt under state law.

Morris told the City Council earlier this year that the board is not obligated to pay the fire service user fees. She said the point is moot since there is no contract between the city and School Board to pay the fees.

She noted that in the absence of a contract, sovereign immunity prevents the School Board from having to pay the fees.

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