



Wednesday, September 4, 2024, 5:30 p.m.

GRU Administration Building

301 SE 4th Avenue

Gainesville, FL 32601

Authority Directors

Eric Lawson - Chair

David Haslam - Vice Chair

Craig Carter

Jack Jacobs

Robert Skinner

If you have a disability and need accommodation in order to participate in this meeting, please call (352) 334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

A. CALL TO ORDER

Agenda Statement: The Gainesville Regional Utilities Authority encourages civil public speech. The Gainesville Regional Utilities Authority expects each person entering this chamber to treat others with respect and courtesy. Speakers are expected to focus on agenda items under discussion. Signs, props, posters, food, and drinks should be left outside the auditorium.

B. ROLL CALL

C. INVOCATION

D. PLEDGE OF ALLEGIANCE

E. ADMINISTRATIVE ITEMS

1. 2024-666 Oath of Office for New Authority Director (NB)

Department: Gainesville Regional Utilities

Description: The City Clerk Kristen Bryant will administer an oath of office for the new director of the Authority.

Fiscal Note: None

Recommendation: The City Clerk Kristen Bryant administer an oath of office for the new director of the Authority.

F. ADOPTION OF THE AGENDA

G. APPROVAL OF MINUTES

H. CHAIR COMMENTS

I. GENERAL PUBLIC COMMENT

(for items not on the agenda, not to exceed 30 minutes total)

J. CONSENT AGENDA

1. **2024-631 SW 24th Avenue Sanitary Sewer Force Main Improvements Project (B)**
Department: Gainesville Regional Utilities/Water and Wastewater

Description: This item is seeking approval to proceed with a construction contract for SW 24th Avenue Sanitary Sewer Force Main Improvements Project. The project includes installation of a new 24-inch force main along SW 24th Avenue between SW 91st Street and Tower Road. This force main will provide additional capacity for the increased flows coming from developments in GRU's western service area. The new force main will connect to an existing force main system at Tower Road which then conveys flow into the GRU Kanapaha Water Reclamation Facility (KWRF).

GRU Procurement issued an Invitation To Bid (ITB) for the improvements to prospective firms and posted the ITB to OpenGov on July 19, 2024. Four responses were received on August 27, 2024. The contract award will be made to the lowest, responsive, responsible Respondent. The Notice of Intent to Award is attached.

Fiscal Note: The funds for this project are included in the FY25-FY26 Water/Wastewater budget and partially funded by the Resilient Florida Grant Program.

Recommendation: GRUA authorize the CEO, or his designee, to negotiate and execute a contract with Commercial Industrial Corp. for SW 24th Avenue Sanitary Sewer Force Main Improvements Project for the price of \$4,965,360.00, subject to legal review and approval.

2. **2024-637 Jacob Rodgers v. William Stormant and City of Gainesville, d/b/a Gainesville Regional Utilities; Case No. 2016-CA-659; Eighth Judicial Circuit, in and for Alachua County, Florida. (B)**
Department: Gainesville Regional Utilities

Description: This matter is brought to the Gainesville Regional Utilities Authority to consider a conditional Mediation Agreement wherein further litigation in the courts would be avoided in favor of entry of judgment in excess of the statutorily-mandated sovereign immunity cap, but for which execution on that judgment would be limited to the \$200,000 cap on damages, absent action by the Florida Legislature.

On October 7, 2015, a City-owned vehicle driven by a GRU Electric Delivery employee collided with a vehicle in which the Plaintiff was a backseat passenger. In February 2016, the Plaintiff filed suit against the City employee, personally, and added the City as a defendant in June 2017. Due to the complex nature of the trial, the magnitude of damages, and the near guaranty that the Plaintiff will seek a legislative claims bill, attorneys from Holland & Knight were retained to conduct the trial, appeal, and subsequent claims bill defense. The trial was conducted in early May 2021. The jury reached a verdict of \$120 million against the City. The trial court denied the City's motion for a new trial, but granted a remittitur, reducing the overall award to \$18.3 million.

The Plaintiff rejected the remittitur and filed a notice of appeal. The City appealed on two points: 1) the trial court's rejection of the sovereign immunity defense that the GRU employee was not engaged in the course and scope of his employment, and 2) the jury failed to properly consider the un rebutted evidence that the Plaintiff failed to wear his seatbelt and the driver of the vehicle carrying the Plaintiff operated the vehicle in excess of the speed limit. Briefs were filed with Florida's 1st District Court of Appeal, and oral argument was scheduled for Wednesday, January 25, 2023. On January 18, 2023, however, the First DCA issued an order cancelling the oral argument and relinquishing jurisdiction to the trial court to enter a Final Judgment. On January 30, 2023, the trial court entered the judgment, so that the appellate proceedings may go forward with a new date for oral argument. The new judgment prepared by the Plaintiff prompted dismissal of the Plaintiff's appeal. The City's appeal persisted to oral argument. On November 29, 2023, the 1st DCA reversed and remanded for a new trial on comparative fault only. Thus, the remitted damages award will operate as a cap on damages. On retrial, the City can seek to reduce its liability based on the comparative fault of the Plaintiff and Plaintiff's driver without facing the risk that the jury will award damages above the remitted amount. Also, the Plaintiff will need to present his case on liability without presenting to the jury any evidence related to his damages (his reduced life expectancy, his inability to have children, the challenges he faces as a result of his paralysis, etc...). However, the Court rejected the City's arguments on sovereign immunity.

Gainesville Regional Utilities Authority

The case is now remanded back to the trial court for a limited trial scheduled to commence in September 2024. Prior to the re-trial, the parties were required to once again try to seek a mediated agreement, but under the new limited issues. On August 12, 2024, at mediation, the City, operating by and through GRU, was represented by trial attorneys from Holland & Knight, the City Attorney's Office, and GRU's Chief Operating Officer. The parties reached a mediated settlement conditioned upon approval by the GRU Authority. The proposed agreement would result in the entry of a judgement against the City in the amount of \$11,000,000 (a 39.9% reduction off the total damages awarded by the trial court and affirmed by the appellate court), and a waiver of any outstanding healthcare liens owing to the City related to this matter, in exchange for both parties avoiding the expense of another trial. The agreement specifically reserves all rights for the Plaintiff to pursue a legislative claims bill, and the City's rights to defend against entry of a legislative claims bill. Absent the entry of a claims bill, the total amount due and payable on the judgment will be the \$200,000 statutory cap on damages.

Once judgment is entered, regardless of the amount and whether by agreement or jury verdict, execution will lie only in the amount of the \$200,000 sovereign immunity cap. To the extent any potential judgment above \$200,000 exists, the Plaintiff may file a claims bill to collect the excess from the City. Any claims bill must be heard and approved by both houses of the Florida Legislature and signed by the Governor. In the event a claims bill is approved directing the City to appropriate and pay Plaintiff a sum in excess of \$200,000, the City could request the legislature structure such payment over a term of years that would allow the City to cover such liability with currently available operating funds or through a borrowing.

It is the recommendation of the City Attorney's Office and the Office of the GRU Chief Operating Officer that the proposed mediated settlement agreement be approved.

Fiscal Note: Funds are available in GRU's FY 2024 Budget.

Recommendation: The Gainesville Regional Utilities Authority 1) approve the terms of the proposed settlement; and 2) authorize the City Attorney settle the claim of Jacob Rodgers v. William Stormant and City of Gainesville, d/b/a Gainesville Regional Utilities; Case No. 2016-CA-659; Eighth Judicial Circuit, in and for Alachua County, Florida.

3. **2024-665 William and Eulajeon Malphurs v. City of Gainesville; Case No. 2023-CA-4832; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)**
Department: Gainesville Regional Utilities

Description: On the morning of February 17, 2023, Mr. and Mrs. Malphurs were heading from their home to their respective workplaces in their vehicle when they were rear-ended by a Gainesville Regional Utilities employee driving a Gainesville Regional Utilities pickup truck as they waited at the light near the intersection of 53rd Avenue and Northwest 34th Street. Should the matter proceed to trial, their attorneys would argue that the impact of this accident caused the Malphurs' substantial medical damages, lost wages, and pain and suffering. Ms. Malphurs was transported by ambulance to the hospital after the accident, where she and Mr. Malphurs were treated. MRI's later indicated that Mr. Malphurs had disc herniations to his cervical spine at C4-6, 5-6, and 6-7, and to his lumbar spine at the L2-3 vertebrae, and furthermore that Ms. Malphurs had disc bulges to her cervical spine at C2-3, 3-4, and 5-6, and to her lumbar spine at L4-5 and the L5-S1 vertebrae. Should the matter proceed to trial, their attorneys would argue that these injuries were caused by the accident and constitute compensable damages, along with lost wages and other non-economic damages.

The City's liability limit is \$200,000 per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes. As a result of continued negotiations following court-ordered mediation, Plaintiffs have agreed to accept \$52,000.00 in full and final global settlement of their combined claims. Should the matter proceed to trial, a jury would likely be able to consider the cost of Mr. and Mrs. Malphurs' past medical expenses, which were approximately \$38,000, along with their claims of future medical care expenses and lost wages, as well as past and future pain and suffering. It is the recommendation of the City Attorney's Office and the Risk Management Department that the City, by and through the GRU Authority, settle the claim for \$52,000.00 and avoid the risk of greater liability at trial.

Fiscal Note: Funds are available in GRU's FY 2024 Budget.

Recommendation: The Gainesville Regional Utilities Authority 1) approve the terms of the settlement; and 2) authorize the City Attorney settle the claim of William and Eulajeon Malphurs v. City of Gainesville; Case No. 2023-CA-4832; Eighth Judicial Circuit, in and for Alachua County, Florida.

- K. CEO COMMENTS
- L. ATTORNEY COMMENTS
- M. RESOLUTIONS (Roll Call Required)

1. **2024-557 Resolution Authorizing the Amendment of Resolution No. 2024-557 Adopted by the GRU Authority on August 7, 2024 (B)**

Department: Gainesville Regional Utilities Budget, Finance, and Accounting

Description: This item is related to amending Resolution No. 2024-557. On August 7 the GRU Authority adopted Resolution No. 2024-557 authorizing the CEO to negotiate and execute several proposed financial transactions subject to prescribed execution parameters and timeframes. The proposed resolution amends Resolution No. 2024-557 by adjusting the definition of “2019A Defeased Bonds” in the definition section of the Resolution.

Fiscal Note: No fiscal impact.

Recommendation: The GRU Authority adopt the proposed resolution.

2. **2024-632 A resolution eliminating the twenty-five percent surcharge imposed on Gainesville Regional Utilities water and wastewater connection charges to entities and consumers located outside of the corporate limits of the City of Gainesville. (B)**

Department: Gainesville Regional Utilities/Water and Wastewater

Description: A resolution of the Gainesville Regional Utilities Authority (GRUA), operating as a unit of city government and as the governing board of GRU, a unit of city government, pursuant to the authority granted to the GRUA in the City Charter, providing that the application of the City of Gainesville Code of Ordinances, Chapter 27, Article IV, Section 27-128, “Rates and Charges,” and Section 27-169, “Rates and Charges,” to the operations of Gainesville Regional Utilities is amended to eliminate the twenty-five percent surcharge imposed on GRU water and wastewater connection charges to entities and consumers located outside of the corporate limits of the City of Gainesville; providing a severability clause; providing a repealing clause; and providing an effective date of September 30, 2024.

GRUA directed this surcharge to be discontinued during its February 7, 2024, Authority meeting. This resolution will facilitate that request.

Fiscal Note: None.

Recommendation: The GRUA adopt the proposed resolution.

3. **2024-633 A resolution authorizing Gainesville Regional Utilities (GRU) to obtain a Utility Attorney who shall be a legal advisor to and attorney for (GRU) free from the direction and control of another legal entity, such as the City Commission. (B)**
Department: Gainesville Regional Utilities

Description: A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, Gainesville Regional Utilities operations is amended to provide Gainesville Regional Utilities the ability to obtain a Utility Attorney who shall be a legal advisor to and attorney for Gainesville Regional Utilities; providing a severability clause; providing a repealing clause; and providing an effective date.

Fiscal Note: None

Recommendation: The GRUA adopt the proposed resolution.

4. **2024-634 A resolution requesting reinstatement to the previous provision in the City Code of Ordinances exempting Gainesville Regional Utilities (GRU) from applicable right-of-way regulations and permit fees other than to the extent GRU is acting as a com**

Department: GRU /Electric, Gas, and Water/Wastewater

Description: A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, providing that the application of the City of Gainesville Code of Ordinances, Chapter 23, Article VI, Section 23-111, "Applicability," to the operations of Gainesville Regional Utilities is requested to be amended to reinstate the previously existing exemption from such provision for Gainesville Regional Utilities other than to the extent GRU is acting as a communications services provider; providing a severability clause; providing a repealing clause; and providing an effective date.

On March 7, 2024, the City Commission passed Ordinance No. 2024-167 to amend Chapter 23, Article VI of the City's Code of Ordinances to – in part – delete a provision exempting GRU from applicable regulations with the intention of levying right-of-way permit fees on GRU. In response, GRU has worked with General Government (GG) to facilitate the implementation of the ordinance by October 1, 2024. As a result of the process, GRU recognizes the ordinance is not in its customer's best interest, either financially or operationally and is an overreach on the part of the City.

- In Section 337.401, Florida Statutes (2024) governs the use of right-of-way for utilities subject to regulation, permits and fees includes no provision which would allow the City Commission to impose right-of-way regulations, permits and fees upon itself. In this case, GRU as an entity of the City of Gainesville.
- The proposed regulations, permits and fees are not reasonable to the extent that GRU has operated without them for over 100 years with little or no conflict, incidence, or compromise to public safety or integrity to the system.
- The ordinance is clearly punitive to the creation of a new governing entity, the GRUA

While HB 1645 recognizes that while GRU is an asset of the city, it places the GRUA in complete, unfettered control of GRU.

Fiscal Note: At this time, GRU estimates additional costs for right-of way permit fees to be \$650,000 per year and will require \$150,000 in software technology improvements to manage the additional workload created by the permitting process.

Recommendation: The GRUA adopt the proposed resolution.

5. **2024-636 A resolution requesting City of Gainesville's Ordinance No. 2024-352 and Ordinance No. 2024-448 placing a referendum on the November ballot be rescinded and taking all necessary actions to ensure the ballot measure shall not appear therewith. (B)**

Department: Gainesville Regional Utilities

Description: A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, is requesting that Ordinance No. 2024-448 and Ordinance No. 2024-352 are each rescinded and revoked in full; requesting that all appropriate parties take all actions necessary to alert the Supervisor of Elections that such Ordinances are invalidated and that no ballot measure shall appear on any ballot in accordance therewith; providing a severability clause; providing a repealing clause; and providing an effective date.

Fiscal Note: None

Recommendation: The GRUA adopt the proposed resolution.

- N. **BUSINESS DISCUSSION ITEMS**
- O. **DIRECTOR COMMENTS**
- P. **ADJOURNMENT**



**Gainesville Regional Utilities Authority
Agenda Item Report**

File Number: 2024-666

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-666 Oath of Office for New Authority Director (NB)

Department: Gainesville Regional Utilities

Description: The City Clerk Kristen Bryant will administer an oath of office for the new director of the Authority.

Fiscal Note: None

Recommendation: The City Clerk Kristen Bryant administer an oath of office for the new director of the Authority.



**Gainesville Regional Utilities Authority
Agenda Item Report**

File Number: 2024-631

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-631 SW 24th Avenue Sanitary Sewer Force Main Improvements Project (B)

Department: Gainesville Regional Utilities/Water and Wastewater

Description: This item is seeking approval to proceed with a construction contract for SW 24th Avenue Sanitary Sewer Force Main Improvements Project. The project includes installation of a new 24-inch force main along SW 24th Avenue between SW 91st Street and Tower Road. This force main will provide additional capacity for the increased flows coming from developments in GRU's western service area. The new force main will connect to an existing force main system at Tower Road which then conveys flow into the GRU Kanapaha Water Reclamation Facility (KWRF).

GRU Procurement issued an Invitation To Bid (ITB) for the improvements to prospective firms and posted the ITB to OpenGov on July 19, 2024. Four responses were received on August 27, 2024. The contract award will be made to the lowest, responsive, responsible Respondent. The Notice of Intent to Award is attached.

Fiscal Note: The funds for this project are included in the FY25-FY26 Water/Wastewater budget and partially funded by the Resilient Florida Grant Program.

Recommendation: GRUA authorize the CEO, or his designee, to negotiate and execute a contract with Commercial Industrial Corp. for SW 24th Avenue Sanitary Sewer Force Main Improvements Project for the price of \$4,965,360.00, subject to legal review and approval.

SW 24th Ave Sanitary Sewer Force Main Improvements Project

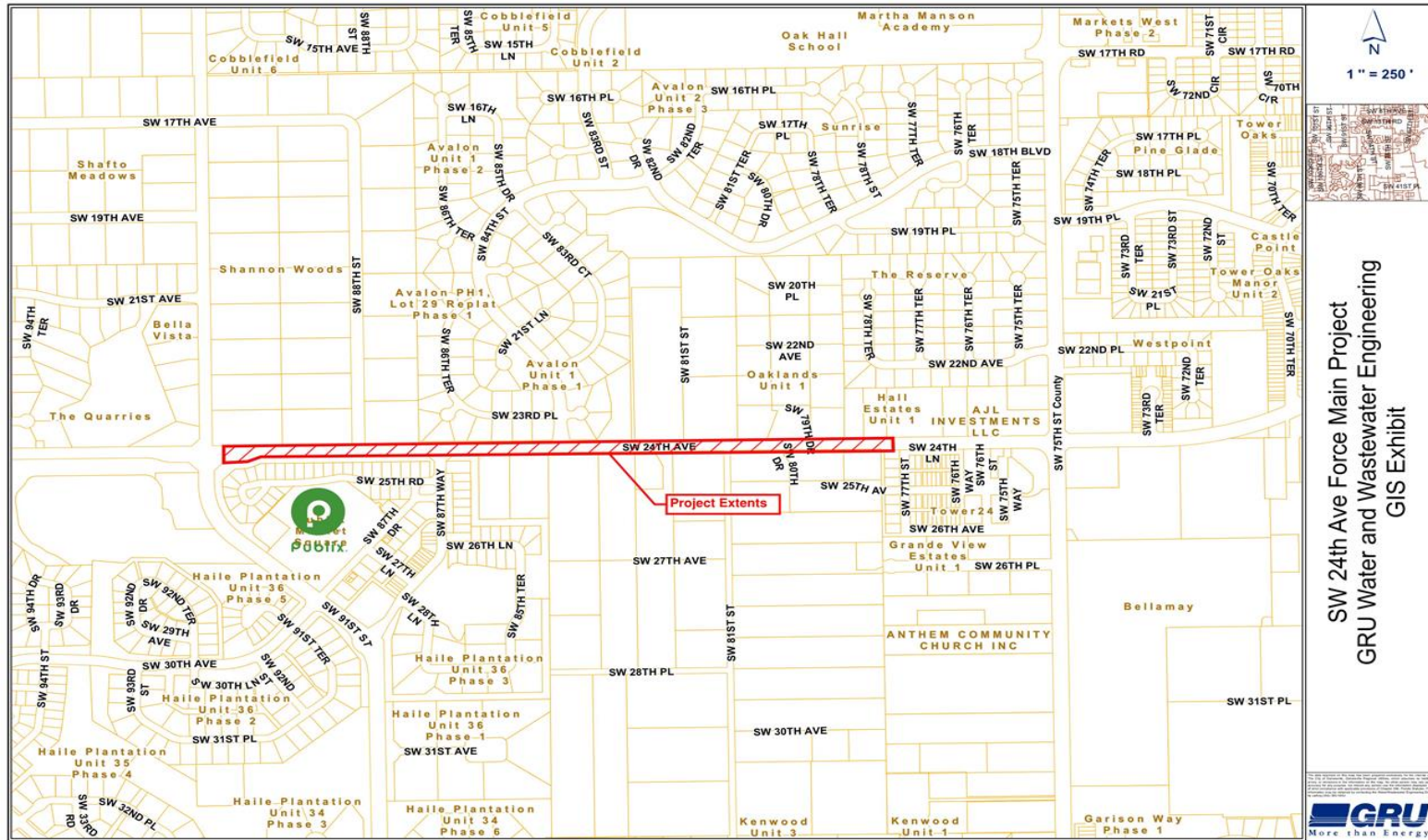
GRUA Meeting Project Overview
Sept. 4, 2024

Project Overview

- Installation of a 24-inch force main in the eastbound right-of-way easement of SW 24th Avenue between SW 91st Street and SW 75th Street (Tower Road).
 - Installed parallel to active, existing 16-inch force main
 - Connects to existing system at Tower Road and conveys flow into the GRU Kanapaha Water Reclamation Facility
 - Consists of approximately 4,425 linear feet of 24-inch PVC DR-18 force main pipe, installed primarily during normal business hours
 - Partially funded by the Resilient Florida grant program and must be under contract by Dec. 31, 2024, to meet grant requirements

Site Plan

New Wastewater Collection Force Main Route



SW 24th Ave Force Main Project
GRU Water and Wastewater Engineering
GIS Exhibit

Procurement Overview

- Invitation to bid released via OpenGOV on July 19, 2024
- Held non-mandatory pre-bid meeting Aug. 9, 2024 at GRU Eastside Operations Center
- Awarded to lowest, responsive, responsible respondent
- Proposals received Aug. 27, 2024 via GRU e-Procurement Portal.
- Recommend award to Commercial Industrial Corp.

SW 24th Avenue Force Main Improvements Project

- GRUA authorize the CEO, or his designee, to negotiate and execute a contract with Commercial Industrial Corp. for SW 24th Avenue Sanitary Sewer Force Main Improvements Project for the price of \$4,965,360, subject to legal review and approval.

**GAINESVILLE REGIONAL UTILITIES
PURCHASING DIVISION**



**NOTICE OF INTENT TO AWARD
ITB# 2024-081**

~Via OpenGov~

August 29, 2024

**To All Respondents of ITB No. 2024-081
SW 24th Avenue Sanitary Sewer Force Main Improvements Project (Grant Funded):**

Gainesville Regional Utilities has completed its review of the responses submitted to the above referenced ITB and is recommending award, pending FDEP funding approval, to **Commercial Industrial Corp.** as the lowest Responsive Responsible Respondent based on the line items listed below.

VENDOR NAME	TOTAL BID	
Commercial Industrial Corp.	Base Bid Price (Items 1-14) Not to Exceed Owner Allowance Items: Item 15 Materials and Construction Related Testing Item 19 Unsuitable Material Remove and Replace Item 20 Temporary Bypass Pumping Total Award Not to Exceed Amount	\$ 4,471,360.00 \$ 44,000.00 \$ 175,000.00 \$ 275,000.00 \$ 4,965,360.00

Thank you for your time participating on this ITB and for your interest in doing business with Gainesville Regional Utilities (GRU). If you have any questions, please contact me at via email at veleza1@gru.com.

Prepared By: Annie Velez
Procurement Specialist III



Gainesville Regional Utilities Authority Agenda Item Report

File Number: 2024-637

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-637 Jacob Rodgers v. William Stormant and City of Gainesville, d/b/a Gainesville Regional Utilities; Case No. 2016-CA-659; Eighth Judicial Circuit, in and for Alachua County, Florida. (B)

Department: Gainesville Regional Utilities

Description: This matter is brought to the Gainesville Regional Utilities Authority to consider a conditional Mediation Agreement wherein further litigation in the courts would be avoided in favor of entry of judgment in excess of the statutorily-mandated sovereign immunity cap, but for which execution on that judgment would be limited to the \$200,000 cap on damages, absent action by the Florida Legislature.

On October 7, 2015, a City-owned vehicle driven by a GRU Electric Delivery employee collided with a vehicle in which the Plaintiff was a backseat passenger. In February 2016, the Plaintiff filed suit against the City employee, personally, and added the City as a defendant in June 2017. Due to the complex nature of the trial, the magnitude of damages, and the near guaranty that the Plaintiff will seek a legislative claims bill, attorneys from Holland & Knight were retained to conduct the trial, appeal, and subsequent claims bill defense. The trial was conducted in early May 2021. The jury reached a verdict of \$120 million against the City. The trial court denied the City's motion for a new trial, but granted a remittitur, reducing the overall award to \$18.3 million.

The Plaintiff rejected the remittitur and filed a notice of appeal. The City appealed on two points: 1) the trial court's rejection of the sovereign immunity defense that the GRU employee was not engaged in the course and scope of his employment, and 2) the jury failed to properly consider the un rebutted evidence that the Plaintiff failed to wear his seatbelt and the driver of the vehicle carrying the Plaintiff operated the vehicle in excess of the speed limit. Briefs were filed with Florida's 1st District Court of Appeal, and oral argument was scheduled for Wednesday, January 25, 2023. On January 18, 2023, however, the First DCA issued an order cancelling the oral argument and relinquishing jurisdiction to the trial court to enter a Final Judgment. On January 30, 2023, the trial court entered the judgment, so that the appellate proceedings may go forward with a new date for oral argument. The new judgment prepared by the Plaintiff prompted dismissal of the Plaintiff's appeal. The City's appeal persisted to oral argument. On November 29, 2023, the 1st DCA reversed and remanded for a new trial on

comparative fault only. Thus, the remitted damages award will operate as a cap on damages. On retrial, the City can seek to reduce its liability based on the comparative fault of the Plaintiff and Plaintiff's driver without facing the risk that the jury will award damages above the remitted amount. Also, the Plaintiff will need to present his case on liability without presenting to the jury any evidence related to his damages (his reduced life expectancy, his inability to have children, the challenges he faces as a result of his paralysis, etc...). However, the Court rejected the City's arguments on sovereign immunity.

The case is now remanded back to the trial court for a limited trial scheduled to commence in September 2024. Prior to the re-trial, the parties were required to once again try to seek a mediated agreement, but under the new limited issues. On August 12, 2024, at mediation, the City, operating by and through GRU, was represented by trial attorneys from Holland & Knight, the City Attorney's Office, and GRU's Chief Operating Officer. The parties reached a mediated settlement conditioned upon approval by the GRU Authority. The proposed agreement would result in the entry of a judgement against the City in the amount of \$11,000,000 (a 39.9% reduction off the total damages awarded by the trial court and affirmed by the appellate court), and a waiver of any outstanding healthcare liens owing to the City related to this matter, in exchange for both parties avoiding the expense of another trial. The agreement specifically reserves all rights for the Plaintiff to pursue a legislative claims bill, and the City's rights to defend against entry of a legislative claims bill. Absent the entry of a claims bill, the total amount due and payable on the judgment will be the \$200,000 statutory cap on damages.

Once judgment is entered, regardless of the amount and whether by agreement or jury verdict, execution will lie only in the amount of the \$200,000 sovereign immunity cap. To the extent any potential judgment above \$200,000 exists, the Plaintiff may file a claims bill to collect the excess from the City. Any claims bill must be heard and approved by both houses of the Florida Legislature and signed by the Governor. In the event a claims bill is approved directing the City to appropriate and pay Plaintiff a sum in excess of \$200,000, the City could request the legislature structure such payment over a term of years that would allow the City to cover such liability with currently available operating funds or through a borrowing.

It is the recommendation of the City Attorney's Office and the Office of the GRU Chief Operating Officer that the proposed mediated settlement agreement be approved.

Fiscal Note: Funds are available in GRU's FY 2024 Budget.

Recommendation: The Gainesville Regional Utilities Authority 1) approve the terms of the proposed settlement; and 2) authorize the City Attorney settle the claim of Jacob Rodgers v. William Stormant and City of Gainesville, d/b/a Gainesville Regional Utilities; Case No. 2016-CA-659; Eighth Judicial Circuit, in and for Alachua County, Florida.

MEDIATION AGREEMENT

Plaintiff Jacob Rodgers, individually, and Defendant the City of Gainesville, by and through the Gainesville Regional Utility Authority (“GRUA”), a unit of city government, for reasonable and adequate consideration, agree as follows in the matter of *Jacob T. Rodgers v. City of Gainesville*, Case No: 01-2016-CA-000659, Alachua County, Florida (the “Litigation”).

1. This agreement is entered for the purpose of avoiding the risk and expense of the pending retrial in the Litigation on the issues of comparative fault, and to avoid the risk, time, and expense of post-trial and appellate proceedings.
2. This agreement is conditioned upon the approval of the GRUA.
3. This agreement shall be brought forward for consideration by the GRUA with the affirmative recommendation of management of the Gainesville Regional Utilities through COO Thomas Brown and the City Attorney’s Office through City Attorney Daniel Nee. A meeting of the GRUA will be convened as soon as is reasonably possible.
4. The terms of the proposed agreement are as follows:
 - a. Entry of a judgment in the Litigation in the amount of \$11,000,000.00, plus a waiver of outstanding related health care liens that inure to the benefit of the City/GRU;
 - b. Both Rodgers and GRU reserve all rights with respect to a legislative claims bill. The City/GRU specifically does not waive any defenses of sovereign immunity and does not agree to execution of judgment beyond the statutory cap provided in FS 768.28.
5. Counsel for Rodgers and GRU will request a brief continuance of the trial to allow for this agreement to be presented to GRUA for approval.
6. If the GRUA does not agree to entry of the judgment, the case will proceed to trial.

Jacob Rodgers

Jeff Humphries, counsel for Jacob Rodgers


Thomas Brown, Chief Operating Officer of GRU

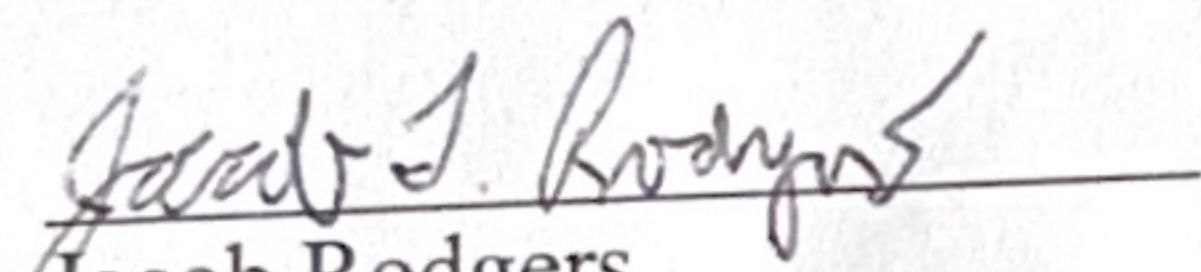

Daniel Nee, City Attorney for the City of Gainesville

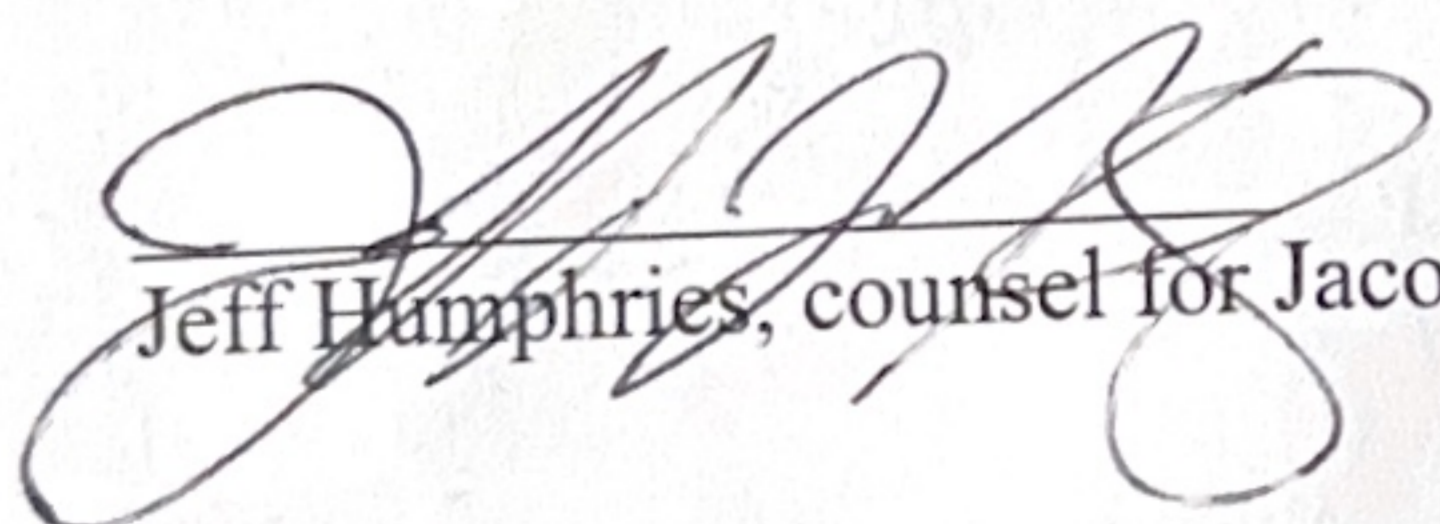
Brad Kimbro, Counsel for City of Gainesville

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Jacob Rodgers


Jeff Humphries, counsel for Jacob Rodgers

Thomas Brown, Chief Operating Officer of GRU

Daniel Nee, City Attorney for the City of Gainesville

Brad Kimbro, Counsel for City of Gainesville



**Gainesville Regional Utilities Authority
Agenda Item Report**

File Number: 2024-665

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-665 William and Eulajeon Malphurs v. City of Gainesville; Case No. 2023-CA-4832; Eighth Judicial Circuit, in and for Alachua County, Florida. (NB)

Department: Gainesville Regional Utilities

Description: On the morning of February 17, 2023, Mr. and Mrs. Malphurs were heading from their home to their respective workplaces in their vehicle when they were rear-ended by a Gainesville Regional Utilities employee driving a Gainesville Regional Utilities pickup truck as they waited at the light near the intersection of 53rd Avenue and Northwest 34th Street. Should the matter proceed to trial, their attorneys would argue that the impact of this accident caused the Malphurs' substantial medical damages, lost wages, and pain and suffering. Ms. Malphurs was transported by ambulance to the hospital after the accident, where she and Mr. Malphurs were treated. MRI's later indicated that Mr. Malphurs had disc herniations to his cervical spine at C4-6, 5-6, and 6-7, and to his lumbar spine at the L2-3 vertebrae, and furthermore that Ms. Malphurs had disc bulges to her cervical spine at C2-3, 3-4, and 5-6, and to her lumbar spine at L4-5 and the L5-S1 vertebrae. Should the matter proceed to trial, their attorneys would argue that these injuries were caused by the accident and constitute compensable damages, along with lost wages and other non-economic damages.

The City's liability limit is \$200,000 per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes. As a result of continued negotiations following court-ordered mediation, Plaintiffs have agreed to accept \$52,000.00 in full and final global settlement of their combined claims. Should the matter proceed to trial, a jury would likely be able to consider the cost of Mr. and Mrs. Malphurs' past medical expenses, which were approximately \$38,000, along with their claims of future medical care expenses and lost wages, as well as past and future pain and suffering. It is the recommendation of the City Attorney's Office and the Risk Management Department that the City, by and through the GRU Authority, settle the claim for \$52,000.00 and avoid the risk of greater liability at trial.

Fiscal Note: Funds are available in GRU's FY 2024 Budget.

Recommendation: The Gainesville Regional Utilities Authority 1) approve the terms of the settlement; and 2) authorize the City Attorney settle the claim of William and

Eulajeon Malphurs v. City of Gainesville; Case No. 2023-CA-4832; Eighth Judicial Circuit, in and for Alachua County, Florida.



**Gainesville Regional Utilities Authority
Agenda Item Report**

File Number: 2024-557

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-557 Resolution Authorizing the Amendment of Resolution No. 2024-557 Adopted by the GRU Authority on August 7, 2024 (B)

Department: Gainesville Regional Utilities Budget, Finance, and Accounting

Description: This item is related to amending Resolution No. 2024-557. On August 7 the GRU Authority adopted Resolution No. 2024-557 authorizing the CEO to negotiate and execute several proposed financial transactions subject to prescribed execution parameters and timeframes. The proposed resolution amends Resolution No. 2024-557 by adjusting the definition of “2019A Defeased Bonds” in the definition section of the Resolution.

Fiscal Note: No fiscal impact.

Recommendation: The GRU Authority adopt the proposed resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, A UNIT OF CITY GOVERNMENT OF THE CITY OF GAINESVILLE, FLORIDA, AUTHORIZING, ON BEHALF OF THE CITY OF GAINESVILLE, FLORIDA, PURSUANT TO THE POWER AND AUTHORITY OF THE AUTHORITY SET FORTH IN THE CITY CHARTER, THE AMENDMENT OF RESOLUTION NO. 2024-557 ADOPTED BY THE AUTHORITY ON AUGUST 7, 2024; PROVIDING OTHER DETAILS WITH RESPECT THERETO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission (the "Commission") of the City of Gainesville, Florida ("City") adopted on September 21, 2017 its Resolution No. 170395 incorporating by reference the Second Amended and Restated Utilities System Revenue Bond Resolution adopted by the City on September 21, 2017, as amended (the "Master Resolution"), and authorized the issuance of Bonds; and

WHEREAS, the Commission adopted Resolution No. 2023-1186 on December 22, 2023 to effectuate the orderly transition of the governance, operation, management, and control of all utility systems, properties and assets related to the System to the Gainesville Regional Utilities Authority (the "Authority"); and

WHEREAS, the Authority adopted Resolution No. 2024-557 on August 7, 2024 (the "Omnibus Resolution") that in part, authorized the defeasance of the 2019A Defeased Bonds, which are defined in the Omnibus Resolution as the October 1, 2047 maturity of the City's Utilities System Revenue Bonds, 2019 Series A; and

WHEREAS, the Authority has determined to amend the definition of the 2019A Defeased Bonds in the Omnibus Resolution (the "Amendment") to include the October 1, 2044 maturity; and

WHEREAS, it is hereby determined to be necessary to and desirable to authorize the approval of the Amendment in the manner provided herein;

NOW, THEREFORE, BE IT RESOLVED by the Authority that:

Section 1. Authority. This Resolution is adopted pursuant to the Constitution of the State of Florida, Chapter 166, Florida Statutes, Part II, Chapter 159, Florida Statutes and other applicable provisions of law.

Section 2. Definitions. Words and phrases used herein in capitalized form and otherwise defined herein (including, without limitation, in the preamble hereto) shall have the meanings ascribed thereto in the Master Resolution and the Omnibus Resolution.

Section 3. Amendment to the Omnibus Resolution. The following definition in Section 1.01 of the Omnibus Resolution is hereby amended and restated in its entirety to read as follows (with strikethroughs representing deletions):

"2019A Defeased Bonds" shall mean the Utilities System Revenue Bonds, 2019 Series A ~~maturing on October 1, 2047.~~

Section 4. Severability. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatever.

Section 5. Applicable Provisions of Law. This Resolution shall be governed by and construed in accordance with the laws of the State of Florida.

Section 6. Repealer. All resolutions or parts thereof in conflict herewith are hereby repealed.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 4th day of September, 2024.

**GAINESVILLE REGIONAL
UTILITIES AUTHORITY**

Chairman

ATTESTED:

City Clerk

Approved as to Form and Legality:

City Attorney

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**Gainesville Regional Utilities Authority
Agenda Item Report**

File Number: 2024-632

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-632 A resolution eliminating the twenty-five percent surcharge imposed on Gainesville Regional Utilities water and wastewater connection charges to entities and consumers located outside of the corporate limits of the City of Gainesville. (B)

Department: Gainesville Regional Utilities/Water and Wastewater

Description: A resolution of the Gainesville Regional Utilities Authority (GRUA), operating as a unit of city government and as the governing board of GRU, a unit of city government, pursuant to the authority granted to the GRUA in the City Charter, providing that the application of the City of Gainesville Code of Ordinances, Chapter 27, Article IV, Section 27-128, "Rates and Charges," and Section 27-169, "Rates and Charges," to the operations of Gainesville Regional Utilities is amended to eliminate the twenty-five percent surcharge imposed on GRU water and wastewater connection charges to entities and consumers located outside of the corporate limits of the City of Gainesville; providing a severability clause; providing a repealing clause; and providing an effective date of September 30, 2024.

GRUA directed this surcharge to be discontinued during its February 7, 2024, Authority meeting. This resolution will facilitate that request.

Fiscal Note: None.

Recommendation: The GRUA adopt the proposed resolution.

ConnectFree

Resolution to discontinue collection of surcharge on water and wastewater connection charges

- **ConnectFree Program Information**
 - Funds are collected from a surcharge on W/WW connection fees from new customers outside of the city limits.
 - Funds have traditionally been used for water and sewer connections for new affordable housing projects to provide local match for federal tax incentive programs and a few other select uses.
 - GRU collects the funds and transfers them to GG. The city manager has complete control to disburse funds in accordance with Resolution No. 2023-806.
- **February 7, 2024 GRUA Meeting**
 - GRUA directed this surcharge collection to be discontinued in FY 25
- **GRU has drafted a resolution to eliminate the 25% surcharge imposed on water and wastewater connection charges to entities and consumers located outside of the corporate limits of the City of Gainesville effective September 30, 2024.**

Adopt the proposed resolution



Resolution No. 2024-632
Passed _____

A resolution of the Gainesville Regional Utilities Authority, a unit of the city government of City of Gainesville, Florida, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, providing that the application of the City of Gainesville Code of Ordinances, Chapter 27, Article IV, Section 27-128, "Rates and Charges," and Section 27-169, "Rates and Charges," to the operations of Gainesville Regional Utilities is amended to eliminate the twenty-five percent surcharge imposed on Gainesville Regional Utilities water and wastewater connection charges to entities and consumers located outside of the corporate limits of the City of Gainesville; providing a severability clause; providing a repealing clause; and providing an effective date of September 30, 2024.

WHEREAS, the City of Gainesville as a municipal corporation owns, operates, and maintains a municipal utility system that provides electric power, water, wastewater, natural gas, and telecommunications services to a region within and beyond the municipal boundaries of the City of Gainesville; and

WHEREAS, the City Commission of the City of Gainesville adopted Sections 27-128 and 27-169 of the City of Gainesville Code of Ordinances, which impose a 25 percent surcharge on water and wastewater connection charges incurred beyond the municipal boundaries of the City of Gainesville; in addition, the City Commission adopted Resolution No. 2023-806 on September 7, 2023, to provide for the "ConnectFree Program" whereby such surcharges are used to assist certain projects with the extension, construction, and connection to the municipal utility's water and wastewater systems; and

WHEREAS, Article VII, 7.03(1)(b) of the Charter of the City of Gainesville vests the Gainesville Regional Utilities Authority (GRUA), operating as a unit of the City of Gainesville, with the power to amend the rates, fees, assessments, charges, rules, regulations, and policies governing the sale and use of services provided through the City of Gainesville's municipal utilities; and

WHEREAS, Article VII, 7.10(2) of the Charter of the City of Gainesville provides that all City of Gainesville ordinances, policies, rates, fees, assessments, charges, rules, regulations, and budgets related to operation of the utilities shall remain in effect until such time as the GRUA, pursuant to the powers granted in Article VII of the Charter, modifies any such item; and

WHEREAS, by posting on GRU's main website at <https://www.gru.com>, public notice was given regarding this proposed resolution and of a public hearing in the GRU Multipurpose Room located on the first floor of the GRU Administration building in the City of Gainesville; and

WHEREAS, the public hearing was held pursuant to the published notice described above, at which all interested parties had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, A UNIT OF CITY GOVERNMENT OF THE CITY OF GAINESVILLE, FLORIDA AS FOLLOWS:

SECTION 1. The application of the City of Gainesville Code of Ordinances, Chapter 27, Article IV, Section 27-128, "Rates and Charges," and Section 27-169, "Rates and Charges," to the operations of Gainesville Regional Utilities is amended as follows:

Chapter 27 – UTILITIES

Article IV. – WATER AND SEWERAGE

Division 2. - WATER

Sec. 27-128. – Rates and charges.

- (a) *Rates.* The rates to be charged and collected for water furnished by the city to consumers shall be in accordance with the schedule set out in Appendix A.
- (b) *Surcharge for entities and consumers outside corporate limits.* A surcharge equal to 25 percent shall be applied to ~~the following~~:
 - (1) ~~Connection charges, as defined herein, associated with new service connecting to the city's water system outside the corporate limits of the city; and~~
 - (2) ~~T~~he rates charged to customers of water furnished by the city to customers outside the corporate limits of the city.

The United States of America, the State of Florida and all political subdivisions, agencies, boards, commissions and instrumentalities thereof and all recognized places of religious assembly of the State of Florida are hereby exempt from the payment of the surcharge imposed and levied hereby.

Division 3. - Sewerage

Sec. 27-169. Rates and charges.

- (a) *Rates.* There is hereby established a schedule of monthly rates and charges for the use of or availability for the use of wastewater collection, treatment and disposal services, including reclaimed water service, as set out in Appendix A, subject to the following:
 - (1) Wastewater collection service charges shall be billed to and be the responsibility of the customer responsible for paying the water bill at any specific location. Provided, however, no water customer of the city that is not connected to the wastewater collection system of the city and is not otherwise subject to wastewater collection service charges shall be charged for wastewater collection service.
 - (2) The Appendix A rates for reclaimed water service shall not apply where the terms and conditions of such service are otherwise provided by contract between the city and customer which is in existence at the time of adoption of Ordinance No. 001871.
- (b) *Surcharge for entities and customers outside corporate limits.* A surcharge equal to 25 percent shall be applied to ~~the following~~:
 - (1) ~~Connection charges, as defined herein, associated with new service connecting to the city's wastewater system outside the corporate limits of the city; and~~
 - (2) ~~T~~he rates charged to customers for the use of wastewater collection, treatment and disposal services, including reclaimed water service, furnished by the city to customers outside the corporate limits of the city.
- (c) *Applicability.* For any property required to be connected to the wastewater collection system, the owner and/or occupant of such property shall pay to the city the monthly fees, rates and charges for the use of the wastewater collection system in accordance with the schedule set out in Appendix A, regardless of whether an actual connection is made. The charges for wastewater collection shall commence on the date the property is connected, or required to be connected to the wastewater collection system as provided in sections 27-169 and 27-170, whichever date occurs first.

SECTION 2. It is the intent of the GRUA that the provisions of Section 1 of this resolution shall govern in relation to the operations of Gainesville Regional Utilities, notwithstanding any conflicting provisions in the City of Gainesville Code of Ordinances. To the extent this resolution conflicts with any provisions of the City of Gainesville Code of Ordinances, the provisions of this resolution shall govern in relation to the operations of Gainesville Regional Utilities in accordance with Article VII, 7.10(2) of the Charter of the City of Gainesville. In addition, to the extent this resolution conflicts with any provisions of the City of Gainesville Code of Ordinances, the City Commission of the City of Gainesville is hereby requested to amend the Code of Ordinances accordingly.

SECTION 3. If any word, phrase, clause, paragraph, section, or provision of this resolution or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the resolution which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this resolution are declared severable.

SECTION 4. All resolutions, or parts of resolutions, in conflict herewith are to the extent of such conflict hereby repealed on the effective date of this resolution.

SECTION 5. This resolution will be effective on September 30, 2024.

PASSED AND ADOPTED this ___ day of _____, 2024.

C. ERIC LAWSON
GRU AUTHORITY CHAIRPERSON

Attest:

KRISTEN J. BRYANT
CITY CLERK

Approved as to form and legality by the City Attorney:

DANIEL M. NEE
CITY ATTORNEY



**Gainesville Regional Utilities Authority
Agenda Item Report**

File Number: 2024-633

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-633 A resolution authorizing Gainesville Regional Utilities (GRU) to obtain a Utility Attorney who shall be a legal advisor to and attorney for (GRU) free from the direction and control of another legal entity, such as the City Commission. (B)

Department: Gainesville Regional Utilities

Description: A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, Gainesville Regional Utilities operations is amended to provide Gainesville Regional Utilities the ability to obtain a Utility Attorney who shall be a legal advisor to and attorney for Gainesville Regional Utilities; providing a severability clause; providing a repealing clause; and providing an effective date.

Fiscal Note: None

Recommendation: The GRUA adopt the proposed resolution.

Resolution No. 2024-633

Passed _____

A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, the CEO/GM is herein authorized to employ, retain, and otherwise utilize the necessary legal counsel serving as legal advisors to and attorneys for Gainesville Regional Utilities; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, Chapter 2023-348, Florida Statutes, formerly known as Florida House Bill 1645, effective July 1, 2023, by Special Act amended the City of Gainesville Charter to create Article VII entitled “Gainesville Regional Utilities Authority”; and

WHEREAS, Article VII, 7.01 of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – established the Gainesville Regional Utilities Authority (hereinafter “GRUA”) with the intent that “the Authority shall operate as a unit of city government and, except as otherwise provided in this article, **shall be free from direction and control of the Gainesville City Commission**. The Authority is created for the express purpose of managing, operating, controlling, and **otherwise having broad authority with respect to the utilities** owned by the City of Gainesville (emphasis added)”; and

WHEREAS, the Gainesville City Attorney has represented the utilities department in the past, the Gainesville City Commission appoints the Gainesville City Attorney and that individual serves at the will of the commission. By Charter, the City Attorney is subject to the “procedures and limitations prescribed by the [City] [C]ommission.” Therefore, the City Attorney and its office is an instrumentality of the City Commission and not an independent officer; and

WHEREAS, to ensure compliance with the Special Act mandated in Article VII, 7.03(1)(a) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – “to manage, operate, and control the utilities, and to do all things necessary to effectuate an orderly transition of the management, operation, and control of the utilities from the city to the Authority...,” it is the GRUA’s position that it must have the ability to obtain counsel that is independent of the City and its City Commission; and

WHEREAS, Article VII, 7.03(1)(b) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – vests GRUA, operating as a unit of city government, with the power “to establish and amend the rates, fees, assessments, charges, **rules, regulations, and policies** governing the sale and use of services provided through the [City of Gainesville’s municipal] utilities” (emphasis added); and

WHEREAS, Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – provides that all City of Gainesville ordinances, policies, rates, fees, assessments, charges, rules, regulations, and budgets related to operation of the utilities shall remain in effect until such time as the GRUA, pursuant to the powers granted in Article VII of the Charter, modifies any such item; and

WHEREAS, pursuant to the powers granted in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – GRUA has the authority to request modification of any ordinance, policy, rate, fee, assessment, charge, rule, regulation, and/or budget; and

WHEREAS, pursuant to the hierarchy established in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature –, “[i]n the event that **any City charter provision, ordinance, resolution, decree, or any part**

thereof conflicts with the provisions of this article, the provisions of **this article shall govern** [...]" (emphasis added); and

WHEREAS, Article VII, 7.10(1) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – provides that "**The City** and the Authority **shall perform all acts necessary and proper to effectuate an orderly transition** of the governance, operation, management, and control of all utility systems, properties, and assets held in the possession of GRU as of January 1, 2023, to the Authority [...]" (emphasis added); and

WHEREAS, by posting on GRU's main website at <https://www.gru.com>, public notice was given regarding this proposed resolution and of a public hearing in the GRU Multipurpose Room located on the first floor of the GRU Administration building in the City of Gainesville; and

WHEREAS, the public hearing was held pursuant to the published notice described above, at which all interested parties had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, OPERATING AS A UNIT OF CITY GOVERNMENT AS FOLLOWS:

SECTION 1. The CEO/GM is herein authorized to employ, retain, and otherwise utilize the necessary legal counsel serving as legal advisors to and attorneys for Gainesville Regional Utilities.

SECTION 2. It is the intent of the GRUA that the provisions of Section 1 of this resolution shall govern in relation to the operations of Gainesville Regional Utilities, notwithstanding any conflicting provisions in the City of Gainesville Code of Ordinances. To the extent this resolution conflicts with any provisions of the City of Gainesville Code of Ordinances, the provisions of this resolution shall govern in relation to the operations of Gainesville Regional Utilities in accordance with Article VII, 7.10(2) of the Charter of the City of Gainesville. In addition, to the extent this resolution conflicts with any provisions of the City of Gainesville Code of Ordinances, the City Commission of the City of Gainesville is hereby noticed to amend the Code of Ordinances accordingly.

SECTION 3. If any word, phrase, clause, paragraph, section, or provision of this resolution or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the resolution which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this resolution are declared severable.

SECTION 4. All resolutions, or parts of resolutions, in conflict herewith are to the extent of such conflict hereby repealed on the effective date of this resolution. Further, pursuant to the hierarchy established in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature –, "[i]n the event that **any City charter provision, ordinance, resolution, decree, or any part thereof** conflicts with the provisions of this article, the provisions of **this article shall govern** [...]" (emphasis added).

SECTION 5. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ___ day of _____, 2024.

C. ERIC LAWSON
GRU AUTHORITY CHAIRPERSON

Attest:

KRISTEN J. BRYANT
CITY CLERK

Approved as to form and legality by the Authority Attorney:

S. SCOTT WALKER, ESQ.
AUTHORITY ATTORNEY



Gainesville Regional Utilities Authority Agenda Item Report

File Number: 2024-634

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-634 A resolution requesting reinstatement to the previous provision in the City Code of Ordinances exempting Gainesville Regional Utilities (GRU) from applicable right-of-way regulations and permit fees other than to the extent GRU is acting as a communication services provider. (B)

Department: GRU /Electric, Gas, and Water/Wastewater

Description: A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, providing that the application of the City of Gainesville Code of Ordinances, Chapter 23, Article VI, Section 23-111, "Applicability," to the operations of Gainesville Regional Utilities is requested to be amended to reinstate the previously existing exemption from such provision for Gainesville Regional Utilities other than to the extent GRU is acting as a communications services provider; providing a severability clause; providing a repealing clause; and providing an effective date.

On March 7, 2024, the City Commission passed Ordinance No. 2024-167 to amend Chapter 23, Article VI of the City's Code of Ordinances to – in part – delete a provision exempting GRU from applicable regulations with the intention of levying right-of-way permit fees on GRU. In response, GRU has worked with General Government (GG) to facilitate the implementation of the ordinance by October 1, 2024. As a result of the process, GRU recognizes the ordinance is not in its customer's best interest, either financially or operationally and is an overreach on the part of the City.

- In Section 337.401, Florida Statutes (2024) governs the use of right-of-way for utilities subject to regulation, permits and fees includes no provision which would allow the City Commission to impose right-of-way regulations, permits and fees upon itself. In this case, GRU as an entity of the City of Gainesville.
- The proposed regulations, permits and fees are not reasonable to the extent that GRU has operated without them for over 100 years with little or no conflict, incidence, or compromise to public safety or integrity to the system.
- The ordinance is clearly punitive to the creation of a new governing entity, the GRUA

While HB 1645 recognizes that while GRU is an asset of the city, it places the GRUA in complete, unfettered control of GRU.

Fiscal Note: At this time, GRU estimates additional costs for right-of way permit fees to be \$650,000 per year and will require \$150,000 in software technology improvements to manage the additional workload created by the permitting process.

Recommendation: The GRUA adopt the proposed resolution.

Resolution No. 2024-634
Passed _____

A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, providing that the application of the City of Gainesville Code of Ordinances, Chapter 23, Article VI, Section 23-111, “Applicability,” to the operations of Gainesville Regional Utilities is requested to be amended to reinstate the previously existing exemption from such provision for Gainesville Regional Utilities other than to the extent GRU is acting as a communications services provider; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, Chapter 2023-348, Florida Statutes, formerly known as Florida House Bill 1645, effective July 1, 2023, amended the City of Gainesville Charter to create Article VII entitled “Gainesville Regional Utilities Authority”; and

WHEREAS, the permits and fees required are not reasonable to the extent that GRU has operated without them for over 100 years with little or no conflict, incidence, or compromise to public safety or integrity to the system. The new requirement is clearly punitive to the establishment of GRUA; and

WHEREAS, Article VII, 7.01 of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – created the Gainesville Regional Utilities Authority (hereinafter “GRUA”), operating as a unit of city government for the “express purpose of managing, operating, controlling, and otherwise having broad authority with respect to the utilities owned by the City of Gainesville”; and

WHEREAS, Article VII, 7.03(1)(a) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – vests GRUA, operating as a unit of city government with the power to manage, operate, and control the utilities, and to do all things necessary to effectuate an orderly transition of the management, operation, and control of the utilities from the City Commission to the GRUA; and

WHEREAS, Article VII, 7.03(1)(b) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – vests GRUA, operating as a unit of city government, with the power “to establish and amend the rates, fees, assessments, charges, **rules, regulations, and policies** governing the sale and use of services provided through the [City of Gainesville’s municipal] utilities” (emphasis added); and

WHEREAS, Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – provides that all City of Gainesville ordinances, policies, rates, fees, assessments, charges, rules, regulations, and budgets related to operation of the utilities shall remain in effect until such time as the GRUA, pursuant to the powers granted in Article VII of the Charter, modifies any such item; and

WHEREAS, pursuant to the powers granted in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature –, GRUA has the authority to request modification of City ordinances, when necessary, to take all actions necessary of such body to effectuate GRUA’s request for modification of any ordinance, policy, rate, fee, assessment, charge, rule, regulation, and/or budget; and

WHEREAS, pursuant to the hierarchy established in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature –, “[i]n the event that **any City charter provision, ordinance, resolution, decree, or any part thereof** conflicts with the provisions of this article, the provisions of **this article shall govern** [...]” (emphasis added); and

WHEREAS, Article VII, 7.10(1) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – provides that “**The City** and the Authority **shall perform all acts necessary and proper to effectuate an orderly transition** of the governance, operation, management, and control of all utility systems, properties, and assets held in the possession of GRU as of January 1, 2023, to the Authority [...]” (emphasis added); and

WHEREAS, Article VII, 7.10(4) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – provides that “no franchise, right-of-way, license, permit or usage fee or tax may be levied by the City upon the Authority or the utilities unless allowed by general law”; and

WHEREAS, The City Commission of the City of Gainesville passed Ordinance No. 2024-167, purporting to amend Chapter 23, Article VI of the City of Gainesville Code of Ordinances to – in part – deleted a provision exempting GRU from applicable regulations with the intention of levying right-of-way permit fees on Gainesville Regional Utilities; and

WHEREAS, Section 337.401, Florida Statutes (2024), governs the use of rights-of-way for utilities and includes no provision which would allow the City Commission to impose right-of-way permit fees upon GRU – itself an unit of the City of Gainesville – given that there is no provision in such statute permitting local governmental entities to impose right-of-way fees upon itself; and

WHEREAS, no other provision of general Florida law permits the City Commission to impose right-of-way permit fees upon GRU; and

WHEREAS, pursuant to the lack of general law permitting the City Commission of the City of Gainesville to impose right-of-way permit fees upon GRU, Ordinance No. 2024-167 – insofar as it attempts to impose right-of-way permit fees upon GRU – is in direct conflict with the Charter of the City of Gainesville; and

WHEREAS, it is apparent to GRU that the attempted imposition of right-of-way permit fees upon GRU is an unreasonable and punitive action taken by the City Commission which is in conflict with Florida law and the Charter of the City of Gainesville as GRU has operated without such fees for over 100 years with little or no conflict, incidence, or compromise to public safety or integrity to the utility system; and

WHEREAS, in accordance with the powers vested in GRUA under Article VII of the Charter of the City of Gainesville, as referenced above, GRUA elects to exercise its power to request modification of Chapter 23, Article VI, Section 23-111 “Applicability” of the Code of Ordinances to revert this Chapter to prior language; and

WHEREAS, by posting on GRU’s main website at <https://www.gru.com>, public notice was given regarding this proposed resolution and of a public hearing in the GRU Multipurpose Room located on the first floor of the GRU Administration building in the City of Gainesville; and

WHEREAS, the public hearing was held pursuant to the published notice described above, at which all interested parties had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, OPERATING AS A UNIT OF CITY GOVERNMENT AS FOLLOWS:

SECTION 1. The application of the City of Gainesville Code of Ordinances, Chapter 23, Article VI, Section 23-111, “Applicability,” to Gainesville Regional Utilities is requested to be amended as follows:

Chapter 23 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Article VI. – PUBLIC RIGHTS-OF-WAY USE BY UTILITIES

Sec. 23-111. – Applicability.

It is unlawful for any person to place, install, locate, relocate, construct, maintain, repair, operate, or remove any utilities under, on, over, across, or within the public rights-of-way without: 1) first obtaining a written permit from the city in accordance with this article, unless exempted from this requirement by section 23-116; and 2) maintaining compliance with this article for the entire duration that any permitted utility remains under, on, over, across, or within a public rights-of-way.

This article applies to all utilities existing in the public rights-of-way prior to the effective date of this article, and the owners or agents of such utilities have one year from the effective date of this article to comply with the terms of this article or be in violation thereof, with the exception of any provision of this article regarding the location or design of the utility. Notwithstanding the foregoing, this article does not apply to the City of Gainesville or Gainesville Regional Utilities (GRU), except to the extent that the city or GRU is acting as a communications services provider.

SECTION 2. It is the intent of the GRUA that the provisions of Section 1 of this resolution shall govern in relation to the operations of Gainesville Regional Utilities, notwithstanding any conflicting provisions in the City of Gainesville Code of Ordinances. To the extent this resolution conflicts with any provisions of the City of Gainesville Code of Ordinances, the provisions of this resolution shall govern in relation to the operations of Gainesville Regional Utilities in accordance with Article VII, 7.10(2) of the Charter of the City of Gainesville. In addition, to the extent this resolution conflicts with any provisions of the City of Gainesville Code of Ordinances, the City Commission of the City of Gainesville is hereby noticed to amend the Code of Ordinances accordingly.

SECTION 3. If any word, phrase, clause, paragraph, section, or provision of this resolution or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the resolution which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this resolution are declared severable.

SECTION 4. All resolutions, or parts of resolutions, in conflict herewith are to the extent of such conflict hereby repealed on the effective date of this resolution. Further, pursuant to the hierarchy established in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature –, “[i]n the event that **any City charter provision, ordinance, resolution, decree, or any part thereof** conflicts with the provisions of this article, the provisions of **this article shall govern** [...]” (emphasis added).

SECTION 5. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ___ day of _____, 2024.

C. ERIC LAWSON
GRU AUTHORITY CHAIRPERSON

Attest:

KRISTEN J. BRYANT
CITY CLERK

Approved as to form and legality by the Authority Attorney:

S. SCOTT WALKER, ESQ.
AUTHORITY ATTORNEY



**Gainesville Regional Utilities Authority
Agenda Item Report**

File Number: 2024-636

Agenda Date: September 4, 2024

Department: Gainesville Regional Utilities

Title: 2024-636 A resolution requesting City of Gainesville's Ordinance No. 2024-352 and Ordinance No. 2024-448 placing a referendum on the November ballot be rescinded and taking all necessary actions to ensure the ballot measure shall not appear therewith. (B)

Department: Gainesville Regional Utilities

Description: A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, is requesting that Ordinance No. 2024-448 and Ordinance No. 2024-352 are each rescinded and revoked in full; requesting that all appropriate parties take all actions necessary to alert the Supervisor of Elections that such Ordinances are invalidated and that no ballot measure shall appear on any ballot in accordance therewith; providing a severability clause; providing a repealing clause; and providing an effective date.

Fiscal Note: None

Recommendation: The GRUA adopt the proposed resolution.

Resolution No. 2024-636
Passed _____

A resolution of the Gainesville Regional Utilities Authority, operating as a unit of city government and as the governing board of Gainesville Regional Utilities, pursuant to the authority granted to the Gainesville Regional Utilities Authority in the City Charter, is requesting that Ordinance No. 2024-448 and Ordinance No. 2024-352 are each rescinded and revoked in full; requesting that all appropriate parties take all actions necessary to alert the Supervisor of Elections that such Ordinances are invalidated and that no ballot measure shall appear on any ballot in accordance therewith; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, Chapter 2023-348, Florida Statutes formerly known as Florida House Bill 1645, effective July 1, 2023, amended the City of Gainesville Charter to create Article VII entitled “Gainesville Regional Utilities Authority”; and

WHEREAS, with the establishment of the GRUA via Chapter 2023-348, its mission is to maintain independence from the City Commission. The proposed ordinances and referendum are in direct conflict; and

WHEREAS, Article VII, 7.01 of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – created the Gainesville Regional Utilities Authority (hereinafter “GRUA”), operating as a unit of city government for the “express purpose of managing, operating, controlling, and otherwise having broad authority with respect to the utilities owned by the City of Gainesville; and

WHEREAS, Article VII, 7.03(1)(a) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – vests GRUA, operating as a unit of city government with the power to manage, operate, and control the utilities, and to do all things necessary to effectuate an orderly transition of the management, operation, and control of the utilities from the City Commission to the GRUA; and

WHEREAS, Article VII, 7.03(1)(b) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – vests GRUA, operating as a unit of city government, with the power “to establish and amend the rates, fees, assessments, charges, **rules, regulations, and policies** governing the sale and use of services provided through the [City of Gainesville’s municipal] utilities” (emphasis added); and

WHEREAS, Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – provides that all City of Gainesville ordinances, policies, rates, fees, assessments, charges, rules, regulations, and budgets related to operation of the utilities shall remain in effect until such time as the GRUA, pursuant to the powers granted in Article VII of the Charter, modifies any such item; and

WHEREAS, pursuant to the powers granted in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature –, GRUA has the authority to request modification of City ordinances, when necessary, to request all actions necessary of such body to effectuate GRUA’s request for modification of any ordinance, policy, rate, fee, assessment, charge, rule, regulation, and/or budget; and

WHEREAS, pursuant to the hierarchy established in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature –, “[i]n the event that **any City charter provision, ordinance, resolution, decree, or any part thereof** conflicts with the provisions of this article, the provisions of **this article shall govern** [...]” (emphasis added); and

WHEREAS, Article VII, 7.10(1) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature – provides that “***The City*** and the Authority ***shall perform all acts necessary and proper to effectuate an orderly transition*** of the governance, operation, management, and control of all utility systems, properties, and assets held in the possession of GRU as of January 1, 2023, to the Authority [...]” (emphasis added); and

WHEREAS, The City Commission of the City of Gainesville adopted but not yet codified Ordinance No. 2024-352 (May 23, 2024), purporting to submit to the voters of the City of Gainesville an amendment to the Charter of the City of Gainesville deleting Article VII – establishing GRUA – of the Charter in its entirety; and

WHEREAS, it was found that Ordinance No. 2024-352 did not comply with the requirements of Section 166.041 Florida Statutes (2024); and

WHEREAS, The City Commission of the City of Gainesville adopted but not yet codified Ordinance No. 2024-352 (May 23, 2024), purporting to submit to the voters of the City of Gainesville an amendment to the Charter of the City of Gainesville not reinstating Section 3.06 (General manager for utilities) of Article III of section 1 of Chapter 90-394, Laws of Florida and changing management of the Utility from a CEO to the City Manager; and

WHEREAS, The City Commission of the City of Gainesville adopted but not yet codified Ordinance No. 2024-352, purporting to submit to the voters does not comply with Florida Statutes Section 101.161 for clear and unambiguous language and for Florida Statutes Section 166.041 for the subject not being clearly stated and unambiguous in the title and does not clearly explain the proposed impacts of the Ordinance 2024-352; and

WHEREAS, The City Commission of the City of Gainesville adopted but not yet codified Ordinance No. 2024-352, purporting to submit to the voters does not comply with the requirements of Section 166.041 Florida Statutes (2024) for the lack of adequately describing the financial impact to businesses. See GRU’s external financial advisors’ memo on May 29, 2024, estimating the change in governance to the City Commission from GRUA would cause a rating agency downgrade with an impact of ~\$28.3 million. This downgrade would be passed on to businesses and other rate payers; and

WHEREAS, The City Commission of the City of Gainesville adopted but not yet codified Ordinance No. 2024-448 (June 18, 2024), purporting to take the same action as outlined in Ordinance No. 2024-352 because a business impact statement was not provided (i.e. submit to the voters of the City of Gainesville an amendment to the Charter of the City of Gainesville deleting Article VII – establishing GRUA – of the Charter in its entirety); and

WHEREAS, The City Commission of the City of Gainesville adopted but not codified Ordinance No. 2024-448, purporting to submit to the voters of the City of Gainesville an amendment to the Charter of the City of Gainesville not reinstating Section 3.06 (General manager for utilities) of Article III of section 1 of Chapter 90-394, Laws of Florida; and

WHEREAS, The City Commission of the City of Gainesville adopted but not yet codified Ordinance No. 2024-448, purporting to submit to the voters does not comply with Florida Statutes Section 101.161 for clear and unambiguous language and for Florida Statutes Section 166.041 for the subject being clearly stated and unambiguous in the title and does not clearly explain the proposed impacts of the Ordinance 2024-448; and

WHEREAS, The City Commission of the City of Gainesville adopted but not yet codified Ordinance No. 2024-448, purporting to submit to the voters does not comply with the requirements of Section 166.041 Florida Statutes (2024) for the lack of adequately describing the financial impact to businesses. See GRU’s external financial advisors’ memo on May 29, 2024 estimating the change in governance to the City

Commission from GRUA would cause a rating agency downgrade with an impact of ~\$28.3 million. This downgrade would be passed on to businesses and other rate payers; and

WHEREAS, it is apparent that Ordinance No. 2024-448 relates to the rules, regulations, and policies of the utility which is a domain over which GRUA has been granted authority, to the exclusion of the City Commission, in keeping with the provisions of Article VII, 7.03(1)(b) of the Charter of the City of Gainesville; and

WHEREAS, it is apparent that Ordinance No. 2024-448 is an ordinance which relates to the operation of the utility and is thereby modifiable by request from GRUA pursuant to the powers vested in GRUA under Article VII, 7.10(2) of the Charter of the City of Gainesville; and

WHEREAS, it is apparent that Ordinance No. 2024-448 is an exercise of action by the City Commission which is directly opposite of the requirements of Article VII, 7.10(1) of the Charter of the City of Gainesville demanding that the City perform all acts necessary and proper to effectuate an orderly transition of the governance, operation, and management of GRU to GRUA; and

WHEREAS, in accordance with the powers vested in GRUA under Article VII of the Charter of the City of Gainesville, as referenced above, GRUA elects to exercise its power to request modification of Ordinance No. 2024-448 and 2024-352 by requesting a rescinding of such Ordinances in order to obtain compliance with the Charter of the City of Gainesville; and

WHEREAS, by posting on GRU's main website at <https://www.gru.com>, public notice was given regarding this proposed resolution and of a public hearing in the GRU Multipurpose Room located on the first floor of the GRU Administration building in the City of Gainesville; and

WHEREAS, the public hearing was held pursuant to the published notice described above, at which all interested parties had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, OPERATING AS A UNIT OF CITY GOVERNMENT AS FOLLOWS:

SECTION 1. City of Gainesville, Florida Ordinances No. 2024-448 and No. 2024-352 are hereby requested to be rescinded in full and the City Clerk and all other appropriate parties are hereby requested to take all actions necessary to alert the Supervisor of Elections that such Ordinance No. 2024-448 is invalidated and no ballot measure shall appear on any ballot in accordance therewith.

~~"SHALL THE CITY OF GAINESVILLE CHARTER BE AMENDED TO DELETE ARTICLE VII, ELIMINATING THE GOVERNOR-APPOINTED GAINESVILLE REGIONAL UTILITIES AUTHORITY AND ITS APPOINTED ADMINISTRATOR THAT MANAGE, OPERATE AND CONTROL THE CITY OF GAINESVILLE'S LOCAL PUBLIC UTILITIES, AND PLACING THAT RESPONSIBILITY WITH THE ELECTED CITY COMMISSION AND CHARTER OFFICER; AND ELIMINATING LIMITATIONS ON THE GOVERNMENT SERVICES CONTRIBUTION AND UTILITY DIRECTIVES, AS PROPOSED BY ORDINANCE NO. 2024-448?"~~

SECTION 2. It is the intent of the GRUA that the provisions of Section 1 of this resolution shall govern in relation to the operations of Gainesville Regional Utilities, notwithstanding any conflicting provisions in the City of Gainesville Code of Ordinances. To the extent this resolution conflicts with any provisions of the City of Gainesville Code of Ordinances, the provisions of this resolution shall govern in relation to the operations of Gainesville Regional Utilities in accordance with Article VII, 7.10(2) of the Charter of the City of Gainesville. In addition, to the extent this resolution conflicts with any provisions of the City of Gainesville Code of Ordinances, the City Commission of the City of Gainesville is hereby noticed to amend the Code of Ordinances accordingly.

SECTION 3. If any word, phrase, clause, paragraph, section, or provision of this resolution or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the resolution which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this resolution are declared severable.

SECTION 4. All resolutions, or parts of resolutions, in conflict herewith are to the extent of such conflict hereby repealed on the effective date of this resolution. Further, pursuant to the hierarchy established in Article VII, 7.10(2) of the Charter of the City of Gainesville – as instituted by Chapter 2023-348, Florida Statutes, 2024, a special act of the Florida legislature –, “[i]n the event that **any City charter provision, ordinance**, resolution, decree, **or any part thereof** conflicts with the provisions of this article, the provisions of **this article shall govern** [...]” (emphasis added).

SECTION 5. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ___ day of _____, 2024.

C. ERIC LAWSON
GRU AUTHORITY CHAIRPERSON

Attest:

KRISTEN J. BRYANT
CITY CLERK

Approved as to form and legality by the Authority Attorney:

S. SCOTT WALKER, ESQ.
AUTHORITY ATTORNEY