

RESOLUTION NO. 2025-26

A RESOLUTION OF THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, A UNIT OF CITY GOVERNMENT OF THE CITY OF GAINESVILLE, FLORIDA, AUTHORIZING AND RATIFYING THE AUTHORITY'S USE OF INDEPENDENT LEGAL COUNSEL TO SERVE AS "UTILITIES ATTORNEYS" FOR THE PURPOSE OF CONDUCTING THE BUSINESS OF THE AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Charter of the City being Chapter 12760, Laws of Florida, as amended by Chapter 90-394, Laws of Florida was amended pursuant to House Bill 1645 and codified by Chapter No. 2023-348, Laws of Florida (the "Charter Amendment"), which such Charter Amendment, among other things, added Article VII to the Charter and thereby created the Gainesville Regional Utilities Authority (the "Authority"); and

WHEREAS, the Charter Amendment grants the Authority the power 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, consistent with the Charter Amendment, including specifically authority to approve the issuance of revenue bonds, the execution and attestations of bonds by officers, employees and agents of the City, by individuals designated by the Authority as agents of the City for such purposes, and authorized the Authority to enter into hedging agreements for interest rate and commodity price fluctuations; and

WHEREAS, the City Commission of the City (the "City Commission") adopted Resolution No. 2023-1186 on December 22, 2023 (the "Transitional Resolution") 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 Authority; and

WHEREAS, the Authority adopted Resolution 2023-1148 on December 6, 2023 and thereafter ratified by the Authority pursuant to Resolution No. 2024-557 on August 7, 2024, 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 Authority; and

WHEREAS, as part of the transition of the management, operation, and control of the utilities from the City to the Authority, the Authority chief executive office/general manager (CEO/GM) determined that it was necessary for the Authority to employ or contract with independent counsel to perform legal services for the Authority, who shall serve as Utilities Attorney for the Authority; and

WHEREAS, previous resolutions and actions taken by the City and the Authority on matters, including, without limitation, bond and other related transactions, references the City Attorney, and the CEO/GM recommends that the Authority adopt a resolution that authorizes Utilities Attorney as an agent of the City for the purposes outlined in the Charter Amendment, and to provide that Utilities Attorney performs legal services for the Authority as directed or approved by the Authority or the CEO/GM, including, without limitation, to sign as to form on legality all agreements entered into pursuant to the Charter Amendment, for the benefit of the System and ratifies all prior actions heretofore taken by the Utilities Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Authority, a unit of city government of the City, that:

Section 1. Recitals. The foregoing recitals in the preamble hereto are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. Authority. The Authority hereby authorizes the Utilities Attorney who shall serve as the independent, legal counsel employed by or contracted with the Authority as selected by CEO/ GM, as an agent of the City as authorized by and to for the purposes described in the Charter Amendment and ratifies all prior actions taken by any such Utilities Attorney. Utilities Attorney may perform legal services for the Authority as directed or approved by the Authority or the CEO/GM, including, without limitation, signing agreements entered into on behalf of the System pursuant to the Charter Amendment, as to form and legality.


Section 3. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Severability. If any one or more of the covenants, agreements or provisions of this Resolution should be held to be contrary to any express provision of law or to be contrary to the policy of express law, though not expressly prohibited, or to be against public policy, or should for any reason whatsoever be held invalid, then such covenants, agreements, or provisions of, and in no way affect the validity of, all the other provisions of this Resolution.


Section 5. Effective Date. This Resolution shall take effect immediately after its adoption by the Authority.

PASSED AND ADOPTED IN PUBLIC SESSION OF THE GAINESVILLE REGIONAL UTILITIES AUTHORITY, THIS 15 DAY OF JANUARY, 2025.

GAINESVILLE REGIONAL UTILITIES
AUTHORITY

By: 
Chairman
Eric Lawson

APPROVED AS TO FORM AND
LEGALITY:

By: 
Utilities Attorney
J. Scott Walker, Esq.

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DEPARTMENT OF REVENUE

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STATE OF TEXAS DEPARTMENT OF REVENUE

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