



Alachua County Board of County Commissioners

Ken Cornell, *Chair*
Marihelen Wheeler, *Vice Chair*
Charles S. Chestnut, IV
Mary Alford
Anna Prizzia

Administration
Michele L. Lieberman
County Manager

January 13, 2021

VIA CERTIFIED MAIL/RRR

Mr. Lee Feldman, City Manager
City of Gainesville
P.O. Box 490
Gainesville, FL 32627-0490

Dear Mr. Feldman:

On January 5, 2021, the Alachua County Board of County Commissioners passed the enclosed Resolution pursuant to Chapter 164, Florida Statutes, initiating the governmental conflict resolution procedures, as set forth therein.

The Alachua County Board of County Commissioners finds that a conflict exists between the County and the City of Gainesville, Florida as it relates to the unilateral imposition of public service communication rates against the County GRUCom, a City agency, along with a provision that if the rates are not accepted services will be terminated.

The County will suffer material injury as a result of the City agency's unilateral action in imposing the rate and the County's inability to unilaterally allocate an increase in the Combined Communications Center's costs to the City without the City's approval.

At this time, the County would propose that the chief administrator and counsel for each entity should attend a conflict assessment meeting pursuant to Section 164.1053 Florida Statutes. The County proposes that this meeting be held on February 1, 2021, beginning at 10:30 a.m. in the Grace Knight Conference Room, 12 SE 1st Street, Gainesville. If this date and time are unacceptable, the County will work with the City to coordinate a time within the statutory time frame so that all appropriate persons may attend. It would be useful if those individuals responsible for setting the GRUCom rates in this matter be available, as well as any individuals involved in decision making for the City's financial support of the Combined Communications Center.

Sincerely,

Ken Cornell, Chair
Alachua County Commission

enclosure


cc: with enclosure, to:
Alachua County Board of County Commissioners
Michele Lieberman, County Manager
Sylvia Torres, County Attorney
Nicolle Shalley, City Attorney
City of High Springs
City of Alachua
City of Newberry
Gainesville Regional Airport
GRU
Santa Fe College
University of Florida (UPD)
VA Medical Center
Shands-UF Health
State of Florida Department of Health

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2021 - 01

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTION 164.1052, FLORIDA STATUTES, DECLARING THE INTENT OF THE ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF GAINESVILLE, FLORIDA AS IT RELATES TO THE ACCOUNTING AND BILLING PROCESS FOR SERVICES PROVIDED BY GRUCOM, A MUNICIPAL UTILITY OWNED AND CONTROLLED BY THE CITY OF GAINESVILLE AND PROVIDED TO THE COUNTY FOR PURPOSES OF EMERGENCY DISPATCH SERVICES; DIRECTING THE COUNTY MANAGER AND COUNTY ATTORNEY TO ADHERE TO THE PROCEDURAL REQUIREMENTS AND REMEDIES AS OUTLINED IN CHAPTER 164, FLORIDA STATUTES; AUTHORIZING THE INITIATION OF CONFLICT RESOLUTION PROCEDURES PURSUANT TO CHAPTER 164, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

J. K. "Jesse" Irby, Circuit and County Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been reduced as required by law. Witness my hand and seal on January 12, 2021.
J. K. "Jesse" Irby, Clerk of the Circuit Court
Deputy Clerk



WHEREAS, Chapter 164, Florida Statutes, also known as the Florida Governmental Conflict Resolution Act, provides that the purpose and intent of the Act is to promote, protect, and improve the public health, safety, and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts between and among local and regional governmental entities; and,

WHEREAS, it is the intent of the Legislature that conflicts between governmental entities be resolved to the greatest extent possible without litigation; and,

WHEREAS, Section 164.1051, Florida Statutes, provides that this act shall apply to

1 governmental conflicts; and,

2 WHEREAS, Section 164.1052, Florida Statutes, provides that in order for a governing
3 body of a governmental entity to initiate the conflict resolution procedures provided by this Act
4 it shall first adopt a resolution by its members; and,

5 WHEREAS, said resolution is required to state that it is the intention of the governing
6 body initiating the conflict resolution procedures to resolve the conflict; and,

7 WHEREAS, said resolution is required to specify the issues of conflict and the
8 governmental entity or entities with which the governing body has a conflict; and,

9 WHEREAS, Section 164.1041, Florida Statutes, provides that if a governmental entity
10 files court proceedings against another governmental entity, the initiating entity shall, by motion,
11 request the court to issue an order staying the case; and,

12 WHEREAS, Section 164.1041, Florida Statutes, provides that the court proceedings on
13 the suit shall be stayed, by order of the court, until the procedural options of this act have been
14 exhausted; and,

15 WHEREAS, Section 164.1041, Florida Statutes, provides that all governmental entities
16 are encouraged to use the procedures in this act to resolve conflicts that may occur at any time
17 between governmental entities, but shall use these procedures before court proceedings,
18 consistent with the provisions of this section.

19 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
20 COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

21 1. The Board of County Commissioners of Alachua County intends to initiate the conflict
22 resolution procedures provided by the Florida Governmental Conflict Resolution Act, prior to
23 prosecuting a court proceeding, through the adoption of this Resolution.

1 2. The conflict is between the government and Board of County Commissioners of
2 Alachua County and the government and City Commission of the City of Gainesville.

3 3. Alachua County contends that, in addition to that which may be pled or further
4 described in court proceedings, the following are issues of conflict between Alachua County and
5 the City of Gainesville:

6 a. The City, through GRUCom, provides certain communications services to the
7 County for purposes of emergency communications. An interlocal regarding the method by
8 which the City would charge the County for these services ended on September 30, 2020 and
9 since that time the City and County have been negotiating changes to the agreement for services.

10 b. Since the end of the previous interlocal agreement, the City has been billing the
11 County and the County has been paying for services based upon the previous agreement.

12 c. In November of 2020, the City for the first time proposed a change in the
13 methodology of calculation for the services rendered which would be memorialized in a new
14 interlocal agreement. Since then the County and City have continued to negotiate regarding the
15 issues.

16 d. On January 4, 2021, the City sent to the County the correspondence attached as
17 "Exhibit I" to this resolution, indicating an intent to unilaterally impose the rates upon the
18 County or cut off public safety communication services to the County.

19 e. In order to make any changes to the methodology, the County must obtain
20 approval from the City if the increased cost to the City under the Combined Communications
21 Center (CCC) agreement is more than 3%. The City's proposal would require such an agreement
22 based upon the allocation of costs set forth in the CCC agreement. The City has not agreed to
23 this increase in allocation.

4. It is the intent of Alachua County, to the greatest extent possible, to resolve this dispute without litigation.

5. Should the City attempt to impose these fees unilaterally against the County and attempt to terminate emergency radio services to the CCC, Alachua County will initiate court proceedings against the City of Gainesville, seeking a preliminary injunction stopping any action of the City and keeping the status quo until the procedural options of the Florida Governmental Conflict Resolution Act have been exhausted.

6. The Board of County Commissioners of Alachua County directs the County Manager and County Attorney to adhere to the procedural requirements and remedies as outlined in the Florida Governmental Conflict Resolution Act.


7. Effective Date. This resolution shall take effect immediately upon adoption.

DULY ADOPTED in regular session, this 5th day of January 2021.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: Ken Cornell
Ken Cornell, Chair

ATTEST:


J.K. "Jess" Irby, Esq.
Clerk of Court

(SEAL)

APPROVED AS TO FORM

Sylvia E. Torres
Sylvia E. Torres (Jan 8, 2021 10:36 EST)
Alachua County Attorney's Office












2021-01

Final Audit Report

2021-01-08

Created:	2021-01-06
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-  Document created by Steve Donahey (asd@alachuaclerk.org)
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