

RESOLUTION NO. 200773

A Resolution of the City of Gainesville, Florida, adopted pursuant to Section 164.1052, Florida Statutes, to initiate the conflict resolution procedures set forth in Chapter 164, Florida Statutes; finding that a conflict exists with Alachua County as it relates to the County Commission decision to withhold Federal CARES Act funding from the City of Gainesville; directing the City Manager to adhere to the procedural requirements and remedies as outlined in Chapter 164, Florida Statutes; providing directions to the City Manager; and providing an immediate effective date.

WHEREAS, Chapter 164, Florida Statutes, also known as the Florida Governmental Conflict Resolution Act (the “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 Act that conflicts between governmental entities be resolved to the greatest extent possible without litigation; and

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

WHEREAS, said resolution is required to state that it is the intention of the governing body initiating the conflict resolution procedures provided by the Act prior to initiating court proceedings or prosecuting action on a previously filed court proceeding to resolve the conflict; and

WHEREAS, said resolution is also required to specify the issue(s) of conflict and the governmental entity or entities with which the governing body has a conflict; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The City of Gainesville intends to initiate the conflict resolution procedures provided by the Act, prior to filing a court proceeding, through the adoption of this Resolution.

Section 2. The conflict is with Alachua County, acting by and through its Board of County Commissioners.

Section 3. The City of Gainesville contends that the following are the issues of conflict with Alachua County:

- At a public meeting on January 26, 2021, the Alachua County Board of County Commissioners took action to withhold \$2,611,581.66 of Federal CARES Act Funding in the category of “Presumptive Public Safety” from the City of Gainesville; while providing “Presumptive Public Safety” Federal CARES Act Funding to other similarly situated municipalities in Alachua County.

Section 4. It is the intent of the City of Gainesville, to the greatest extent possible, to resolve this dispute without resort to litigation and, to that end, the City Manager is directed to adhere to the procedural requirements and remedies as provided in the Act.

Section 5. In accordance with Section 164.1052 of the Act, within 5 days after the passage of this Resolution, the City Manager is directed to send a letter (by certified mail, return receipt requested) with a certified copy of this Resolution to the County Manager of Alachua

County, Florida. The letter shall state, at a minimum, the conflict, the justification for initiating the conflict resolution process, the proposed date and location for the conflict assessment meeting to be held pursuant to Section 164.1053 of the Act, and suggestions regarding the officials who should be present at the conflict assessment meeting.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 4th day of February, 2021.



Lauren Poe, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Omichele D. Gainey
City Clerk



Nicolle M. Shalley
City Attorney