



City of Gainesville Office of the City Attorney

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February 22, 2010

Susan Seigle, Esquire
Attorney for the School Board of Alachua County
203 NE 1st Street
Gainesville, Florida 32601

VIA EMAIL

RE: Stormwater Utility Fees

Dear Ms. Seigle:

I am in receipt of your letters dated February 17, 2010, and February 22, 2010. In your letter of February 17th, you state that the members of the Alachua County School Board "have determined that another joint meeting between the Board and the City Commission would not be fruitful with respect to the dispute regarding stormwater utility fees".

At the conclusion of the joint meeting between the School Board and the City Commission on February 8, 2010, members of the School Board represented that they would like to meet separately as a Board to discuss issues raised at the meeting and to discuss a potential resolution among themselves before further discussions in a joint meeting. The City Commission also agreed to meet as a body and discuss the issues further. For this reason, the joint meeting was adjourned as opposed to ended, to allow the governing bodies to meet and discuss the matter further.

I, as well as the City Commission, have reviewed the February 16th School Board meeting where the Board, without any discussion of the issues raised at the joint meeting, rejected the Superintendent's recommendation that another joint meeting be scheduled and instead voted to proceed directly to mediation.

The City Commission would ask that the School Board reconsider that decision and agree to meet again to attempt to resolve this issue. The Commission believes that the public resources would best be served by trying to resolve this matter without additional expense to the taxpayers of this county. As you know, mediation costs, in and of themselves, are not insignificant. For

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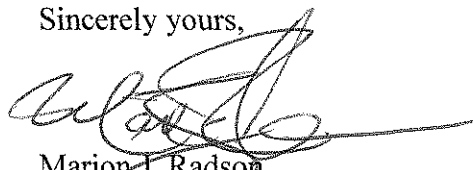
City Hall and the City Attorney's Office are closed on Fridays

example, one of the mediators that you recommended in your letter of February 22, John J. Upchurch, posts rates on his website at \$475.00 per hour.

As you recall, City staff has been working with School Board staff to evaluate School Board sites and update the information that forms the basis of the fee, including credits for onsite retention. While the City has committed to do this regardless of whether we ultimately end up in litigation, please recognize that this is an expense incurred by the City that is normally incurred by the party requesting the service.

The City and the School Board have had long amicable relations. The City contributes money and resources to the school system that it is not legally obligated to do, recognizing that a strong school system is in everyone's best interest. The City would ask the School Board to recognize this, to be good stewards of the taxpayers' resources, and to meet again in a joint session to attempt to resolve this dispute. Please advise me of your client's decision by March 3, 2010, the day after your clients' next public meeting.

Sincerely yours,



Marion J. Radson
City Attorney

MJR/klm

cc: Mayor and City Commission
Russ Blackburn, City Manager
Robert Hunzinger, General Manager for Utilities
Teresa Scott, Public Works Director