

11/3/11  
From mJR  
New Item

# City of Gainesville Office of the City Attorney

Marion J. Radson ♦  
City Attorney



Thomas B. Arden  
Ronald D. Combs  
Shayla McNeill\*  
Stephanie M. Marchman  
Daniel M. Nee ♦  
Nicolle M. Shalley  
Elizabeth A. Waratuke ♦

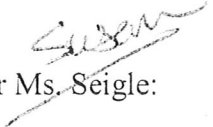
♦ Board Certified City, County  
& Local Government Law

October 27, 2011

Ms. Susan M. Seigle, Esq.  
Dell Graham  
203 NE 1<sup>st</sup> Street  
Gainesville, Florida 32601

Sent via facsimile (352)376-7415

RE: *City of Gainesville v. School Board of Alachua County*  
Case No.: 2010-CA-5432

  
Dear Ms. Seigle:

Thank you for taking the time to talk with me this morning. As we discussed, the City Commission, at last week's joint School Board – City Commission meeting, instructed the City Attorney's Office to work with the School Board's counsel to seek a continuance in the ongoing litigation that is scheduled for trial in February 2012. The City Commission expressed hope that the two local governments are making strides in reaching an amicable resolution to the dispute, and a desire to afford more time and less litigation resources to reach that goal.

I understand that you require the express authorization from the School Board before taking a position on any proposed continuance. I further understand that you are awaiting a letter from the City detailing some of the ideas discussed at the joint meeting, and upon receipt of such, you expect the School Board to conduct a shade session followed by a public meeting to decide whether to join in a motion for continuance. Unfortunately, that sequence of events may take several weeks considering the applicable notice requirements and inevitable scheduling difficulties. Therefore, I think it is incumbent upon this office to seek guidance from the City Commission at its November 3rd meeting as to whether the City wishes to file a motion for continuance without regard to the School Board's position. Of course, we all realize that a continuance in the trial schedule is entirely within the discretion of the Court, but also recognize that an unopposed or joint motion will be much more persuasive, especially if it is accompanied with hope for a negotiated settlement.

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City Hall and the City Attorney's Office  
are closed on Fridays  
Hours: M-Th, 7-6

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Gainesville, Florida 32614  
PHONE: (352) 393-1010  
FAX: (352) 334-2277  
Hours: M-F, 8-5

Again, it was a pleasure speaking with you today. As always, feel free to contact me on this or any other matter.

Regards,  
City of Gainesville – City Attorney’s Office

A handwritten signature in black ink, appearing to read "Dan", written in a cursive style.

Daniel M. Nee



# City of Gainesville

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Craig Lowe, Mayor

November 1, 2011

Honorable Barbara J. Sharpe, Chair  
School Board of Alachua County  
620 East University Avenue  
Gainesville, FL 32601

VIA HAND DELIVERY

RE: City of Gainesville's Stormwater Management Utility

Dear Ms. Sharpe:

This letter is a follow-up to the Joint City of Gainesville/School Board of Alachua County meeting held on Monday, October 24. As I indicated at the meeting the following is a written record of the offer that I provided verbally at the meeting:

The City of Gainesville is prepared to offer the School Board the option of construction of stormwater treatment facilities on School Board property. The City would in turn provide a credit to the School Board based on the quantity of stormwater treated, whether the stormwater was originated off School Board property or not. The City of Gainesville is also offering to work with the School Board to use the balance of past due fees from the stormwater Utility to develop a stormwater management project that would benefit one or more school properties such as the deep open ditches we discussed at our October 24 meeting. In return the School Board would agree to pay the City's stormwater Utility fee going forward.

The City also offers to the School Board the establishment of educational programs to further the academic achievement of Gainesville children. Alternatively, the City is prepared to discuss further the idea of crediting the School Board a percentage of the SMU fee in return for acknowledgement of certain educational programs that the School Board may offer towards educating students about the importance of stormwater management and protection of our natural surface waters.

As you recall the City Commission took action at the Joint meeting directing City staff to work with School Board legal staff to jointly request a continuance of the court date and extend discovery proceedings in order to allow negotiations to continue.

On behalf of the City Commission I trust that the School Board will provide similar direction to their Attorney so that we may have adequate time to have continued negotiations toward resolution of this matter outside of legal proceedings.

I am also attaching a copy of the most updated assessment of school properties based on the 2010 survey with revised ERU calculations for each school property.

Sincerely,

Craig Lowe  
Mayor

cc: SBAC Members  
Daniel Boyd, Superintendent  
Russ Blackburn, City Manager  
Marion J. Radson, City Attorney

School	Schedule	Priority	Ret. Credit %	1996 SMU Calculations			2010 SMU Calculations			Structure
				Imp. Area ft <sup>2</sup>	ERU Bill	Ret. Credit%	Imp. Area(ft <sup>2</sup> )	ERU Bill	Nat. Ret.	
Norton Elem	Completed		52	270,172	56.5	37	273939.0	74.96	0.0	2674.0
SBAC Kirby Smith	Completed		55.4	133,445	55.4	40	128926.0	56.39	0.0	0.0
Littlewood Elem.	Completed		71	232,929	29.6	35	235220.0	65.61	0.0	0.0
Talbot Elem.	Completed		78	213,444	78.0	23	244768.0	84.07	0.0	4241.0
A. Quinn Jones	Completed		0	93,386	42.0	26	101832.0	32.85	0.0	1664.0
GHS	Completed		3	457,624	193.1	10	511876.0	200.89	0.0	0.0
Lincoln Middle	Completed		9	411,135	163.0	10	395741.0	154.42	0.0	3522.0
Metcalfe	Completed		25	229,833	74.9	8	241252.0	96.8	0.0	9090.0
Terwilliger Elem.	Completed		52	222,154	46.2	41	230900.0	58.95	0.0	7650.0
Traff. Safety Center	Completed		0	130,200	56.6	11	142556.0	56.86	129404.0	0.0
Rawlings Elem.	Completed		2	125,113	53.1	55	191172.0	37.83	171795.9	4250.0
Fearnside Family Ser	Completed		43	96,656	23.8	94	109414.0	0	0.0	0.0
Williams Elem.	Completed		0	75,476	34.2	15	163717.0	60.4	0.0	882.0
Loften Center	Completed		0	207,819	110.7	52	270557.0	59.08	0.0	6070.0
New Horizons	Completed		0	0	0.0	>100	99060.0	0	0.0	0.0
Glenn Springs Elem.	Completed		0	120,728	52.5	9	209312.0	83.04	0.0	3730.0
Duval Elem.	Completed		0	99,432	51.1	14	170263.0	64.36	0.0	6794.0
Sidney Lanier	Completed		12	210,840	83.3	46	246273.0	57.23	0.0	0.0
Westwood	Completed		15	223,929	83.3	28	273224.0	83.6	0.0	3516.0
Stephen Foster Elem	Completed		4	149,962	62.8	7	205843.0	84.48	0.0	3943.0
SBAC Admin. Annex	Completed		0	177,732	77.3	4	264794.0	140.2	0.0	0.0
Oscar Servin Center	Completed		0	12,865	7.6	0	11355.0	4.94	0.0	0.0
J.J. Finley Elem	Completed		5	93,932	38.7	4	156154.0	67.07	557961.0	4251.0
H. Bishop Middle	Completed		9	354,849	141.0	7	358215.0	144.91	0.0	0.0
REMOVED										
SBAC Citizens Field										
Alternative Educ. Ctr.										

1614.7

Notes

Rev_Imp	Rev_ERU	Notes
271265	73.9	Site visit completed
N/A	54.5	Site visit completed
N/A	65.61	Site visit completed
240,527	80.1	Site visit completed
101,166.4	32	Original calcs from FISH Map
511,876.0	200.9	Original calcs from 1996 site survey
394,332.2	153.8	Original calcs from 1996 site survey
237,616.0	93.9	Original calcs from 1996 site survey
227,840.0	57.7	Original calcs from 1996 site survey
142,556.0	0	Shared natural retention w/ Rawlings
189,472.0	0	Shared natural retention w/ TSC & retention pond w/ FSC
109,414.0	0	Shared retention w/ Rawlings
163,364.2	60.3	Original calcs from map planimeter
268,129.0	53.4	Original calcs from 1990 Field Measurements
99,060.0	0	N/A
207,820.0	81.7	Original calcs from map planimeter
167,545.4	62.2	Original calcs from map planimeter
246,273.0	57.3	Original calcs from field measurements
271,817.6	83	Original calcs from 1996 site survey
204,265.8	81.8	Original calcs from map planimeter
264,794.0	108.1	Original calcs from field measurement
11,355.0	4.9	Original calcs from site plan
154,453.6	0	Original calcs from site plan
358,215.0	144.9	Original calcs from 1996 site survey
	1550.01	