

**ORDINANCE NO. \_\_\_\_\_**  
**0-09-27**

**AN ORDINANCE OF THE CITY OF  
GAINESVILLE, FLORIDA REPEALING  
OBSOLETE SECTIONS OF ORDINANCE NO.  
980766, RELATING TO THE LEASE IN-LEASE  
OUT TRANSACTION INVOLVING PORTIONS OF  
THE GAINESVILLE REGIONAL UTILITIES'  
DEERHAVEN UNITS 1 AND 2 AND CERTAIN  
COMMON FACILITIES; PROVIDING A  
REPEALING CLAUSE; AND PROVIDING AN  
IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, on February 19<sup>th</sup>, 2009 the City Commission authorized the termination of the Lease In-Lease Out (LILO) transaction previously entered into by the City in connection with Gainesville Regional Utilities' Deerhaven Units 1 and 2 and shared common facilities because the City Commission concluded that it was in the City's best interest to terminate the transaction rather than secure additional credit support for the obligation owed to its equity provider, and

**WHEREAS**, Ordinance No. 980766 was adopted solely to authorize the LILO transaction and is now obsolete.

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

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

**Section 1.** Sections 1 and 2 of Ordinance No. 980766, adopted by City Commission on the 30<sup>th</sup> day of November, 1998, is repealed in its entirety as follows:

~~Section 1. — The City is hereby authorized in connection with the LILCO transaction involving portions of Deerhaven Units 1 & 2 and certain common facilities to make investments of certain surplus public funds in “payment agreements” between the City and one or more insurance companies, banks or other financial institutions, or affiliates or subsidiaries thereof (each, an “agreement provider”), pursuant to which the agreement provider will agree to repay to (or at the direction of) the City, at times and in amounts to be agreed upon by the City and the agreement provider, the amount invested by the City pursuant thereto, together with interest thereon at a rate or rates to be agreed upon by the City and such agreement provider, and without any right of set off.~~

~~Section 2. — The City shall not invest those certain surplus public funds in any particular payment agreement unless the senior unsecured debt, claims paying ability or financial strength rating of the agreement provider party thereto shall, at the time of the initial investment be rated by at least one nationally recognized statistical rating organization in at least the “single A” category, or the obligations of such agreement provider shall be unconditionally guaranteed or insured by an entity that is so rated.~~

**Section 2.** All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

**Section 3.** This ordinance shall become effective immediately upon final adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
PEGEEN HANRAHAN  
MAYOR

ATTEST

APPROVED AS TO  
FORM AND LEGALITY

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2009.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2009.