



Legislation Details (With Text)

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| File #: | 150937. | Version: | 2 | Name: | |
| Type: | Discussion Item | Status: | | Passed | |
| File created: | 4/26/2016 | In control: | | City Attorney | |
| On agenda: | 6/2/2016 | Final action: | | 6/2/2016 | |
| Title: | Dispute with Alachua County concerning RTS property located at 100 SE 10th Avenue (B) | | | | |
| Sponsors: | City Attorney | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | 1. 150937A_Letter to City Manager 4-18-16_20160428, 2. 150937B_Letter to City Attorney 4-21-16_20160428, 3. 150937C_Letter to Mayor Braddy 4-22-16_20160428, 4. 150937D_Complaint and Motion_20160428, 5. 150937E_Resolution No. 2016-42_20160428, 6. 150937_Waiver and Indemnification Agreement_20160602 | | | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------|--------------------------|--------|
| 6/2/2016 | 2 | City Commission | Approved as Recommended | Pass |
| 4/26/2016 | 1 | City Commission | Approved, as shown above | |

Dispute with Alachua County concerning RTS property located at 100 SE 10th Avenue (B)

At its meeting of April 28, 2016, the City Commission discussed the litigation and dispute resolution process initiated by the County concerning the County's reverter interest in property that formerly housed the RTS Administration and Operations Headquarters. At the meeting, the City Commission directed the Mayor to send a letter communicating the City's request "...that the County Commission direct County staff:

- 1) to not further pursue court proceedings with respect to the Complaint for Recovery of Real Property and a Motion for Emergency Injunction to Prevent Spoliation of Evidence that the County Attorney filed in Circuit Court last Friday;
- 2) to not further pursue the dispute resolution process under the Florida Governmental Conflict Resolution Act as authorized by the County Commission Resolution adopted last Friday; and
- 3) to withdraw the public records request submitted to the City on Tuesday by the County Attorney's Office."

On May 10, 2016, the Chair of the County Commission sent a response letter to the Mayor. In the letter, the County expressed its willingness to "direct the County Attorney to withdraw its pending motion (currently scheduled to be heard by the Court on May 25th), to immediately move the court for a stay for of the pending action, to hold the intergovernmental dispute process in abeyance for 30 days, and to withdraw the current pending public records request, if certain assurances are provided. The County Commission requests the following assurances be provided:

- (1) the City agrees it will not raise a future objection or issue under the Florida Governmental Conflict Resolution Act as a result of delaying the required statutory process or for failure to adhere to any requirement for the extension of time, which assurance would be mutual;
- (2) the City indemnifies the County for the property liability on the site (subject to certain reasonable exclusions as determined by the attorneys);

- (3) the City allow County staff to immediately inspect the premises, including the interior of all buildings, and to take photographs and video;
- (4) the City preserve all past and current video at both the former and current RTS locations, and it continue its recording and preservation at both locations, until an agreement is reached (transfer to dvd or other media is acceptable to preserve); and
- (5) to provide for the exchange of information between the City and County that the commissions believe is necessary for a full understating of the issue so that future discussions are productive."

The City Attorney corresponded with the County Attorney to provide preliminary assurances that while the City Attorney did not have the authority to bind the City with respect to 1 and 2, she was willing to recommend to the City Commission that they formalize the assurances. In addition, the City Attorney provided an initial response to the County Attorney on items (3) - (5).

On May 19th, based on the preliminary assurances provided by the City Attorney, the City and County Attorney's Offices filed a joint motion to abate litigation until the parties have exhausted the dispute resolution procedures of Chapter 164, Florida Statutes. On that same day, the court issued an Order granting the motion.

The City Commission approve the indemnification and waiver agreement and authorize the City Manager to execute same, subject to approval by the City Attorney as to form and legality.