

IN THE CIRCUIT COURT OF THE
EIGHTH JUDICIAL CIRCUIT, IN AND
FOR ALACHUA COUNTY, FLORIDA

CASE NO.: 2012-CA-1346
DIVISION: J

GAINESVILLE CITIZENS CARE, INC.,

Plaintiff,

vs.

CITY OF GAINESVILLE, d/b/a
GAINESVILLE REGIONAL UTILITIES,

Defendant,

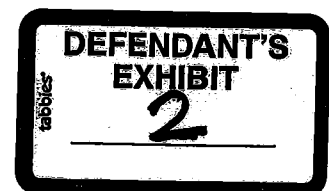
and

GAINESVILLE RENEWABLE ENERGY
CENTER, LLC,

Intervenor.

_____ /

DEPOSITION OF: JO LEE R. BEATY
DATE: Monday, November 5, 2012
TIME: 11:05 a.m. - 1:45 p.m.
PLACE: VanLandingham & Durscher
408 W. University Avenue, #505
Gainesville, Florida
REPORTED BY: Rhonda D. Mashburn
Court Reporter/Notary Public



1 APPEARANCES:

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 3 BY: MARCY I. LAHART, ESQUIRE
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 5 Gainesville, Florida 32608
 6 Attorney for Plaintiff

7 OFFICE OF THE CITY ATTORNEY
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 10 Gainesville, Florida 32627
 11 Attorney for Defendant

12 AKERMAN, SENTERFITT
 13 BY: TIMOTHY J. MCDERMOTT, ESQUIRE
 14 50 North Laura Street, Suite 2500
 15 Jacksonville, Florida 32202
 16 Attorney for Defendant

17 GARDNER, BIST, WIENER, WADSWORTH, et al.
 18 BY: DAVID S. DEE, ESQUIRE
 19 1300 Thomaswood Drive
 20 Tallahassee, Florida 32308
 21 Attorney for Intervenor

22 I N D E X

23 WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
24 JO LEE R. BEATY				
25 By Ms. Waratuke	3		94	
By Mr. Dee		88		95

26 E X H I B I T S

27 Defendant's for ID:	Page
28 Exhibit 1 - First Amended Complaint	42
29 Exhibit 2 - 5/12/08 Meeting Minutes	45
30 Exhibit 3 - Answers to Interrogatories	65
31 Exhibit 4 - 9/26/08 Memorandum	76
32 CERTIFICATE OF OATH	97
33 CERTIFICATE OF REPORTER	98

1 COURT REPORTER: Would you raise your right hand,
2 please? Do you solemnly swear that the testimony you
3 will give in this case will be the truth, the whole
4 truth, and nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THEREUPON,

7 JO LEE R. BEATY

8 was called as a witness and, having been first duly
9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MS. WARATUKE:

12 Q. Ma'am, could you state your full name for the
13 record?

14 A. Jo Lee, two names, R. Beaty, B-e-a-t-y.

15 Q. And what is your address?

16 A. 

17 Q. Have you ever given a deposition before?

18 A. No.

19 Q. Okay.

20 A. I kind of feel like I did vicariously just now.

21 Q. Okay. I'm just going to remind you of a couple
22 of things. I know if you've never done something
23 before, you're generally nervous when you start. But
24 this is just a simple back and forth, give and take.
25 I'm here to ask you questions. If you don't remember

1 Q. Would you still agree with me though that at
2 the end of the negotiations on that, it was still a
3 significant cost to the city?

4 A. No.

5 Q. Okay. Do you recall the last version in there
6 being a development fee of up to 30 million dollars plus
7 all the development expenses?

8 A. Yes.

9 Q. And you don't consider that a significant --

10 A. That was not a cost to the city unless we chose
11 to get out of it.

12 Q. Okay.

13 A. And so that's not a cost. It's only a cost if we
14 chose to get out of it. And if we chose to get out of
15 it using that clause, then the cost benefit, that might
16 have been cheap. So I don't see any reason that that
17 should have been eliminated.

18 And I also don't agree that this -- you know,
19 that your interpretation that all he had to do was
20 negotiate it and negotiating it away was okay too,
21 because he tried to negotiate it to have it in there --
22 I don't agree that that was the intent in the way the
23 motion stood.

24 Q. But you will agree with me, Ms. Beaty, won't you,
25 that that's what the minutes of the commission action

1 reflect, was that he was to include in the negotiations
2 a termination for convenience clause; correct?

3 MS. LAHART: The document speaks for itself, Ms.
4 Waratuke. We're not here to debate whether or not a
5 bio clause thing is a good thing or a bad thing.
6 This is about government and the sunshine lawsuit.

7 BY MS. WARATUKE:

8 Q. Is that a correct statement that I just made
9 though?

10 MS. LAHART: Is it in the minutes?

11 THE WITNESS: Is it in the minutes? Yes.

12 BY MS. WARATUKE:

13 Q. Okay. Did you also review, during the course of
14 getting the public records information, the memorandum
15 that was prepared by GREC outlining the difficulties
16 that such a clause would cause with getting financing
17 for the project?

18 A. Yes.

19 Q. Okay. Now, did you attend the City Commission
20 meeting on May -- did you attend the City Commission
21 meeting on May 7, 2009, when the City Commission
22 approved the Purchase Power Agreement that had been
23 negotiated with GREC?

24 A. No.

25 Q. Did you watch the video of that meeting?