

**SCHEDULED EVENING AGENDA ITEMS**

120631.

**GAINESVILLE CITIZENS CARE, INC. VS. CITY OF GAINESVILLE d/b/a GAINESVILLE REGIONAL UTILITIES AND GAINESVILLE RENEWABLE ENERGY CENTER, LLC; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-1346 (B)**

*Explanation: In April 2012, Gainesville Citizens Care, Inc. (GCC) filed a Complaint against the City for alleged Sunshine Law violations arising out of negotiations that resulted in the Purchase Power Agreement (PPA) for the Biomass facility. The City answered and defended the City in the case. Gainesville Renewable Energy Center, LLC (GREC) intervened in the case. Discovery was conducted and trial set for January 7, 2013.*

*On November 15 and December 6, 2012, the Parties attended Court ordered mediation and agreed to enter into an agreement at that mediation, subject to approval by the City Commission. A copy of the Settlement Agreement entered into between GCC and City representatives is included as backup to this item. In short, upon the City Commission's acceptance of the settlement agreement, the City Commission agrees to schedule and hold a televised public workshop for the purpose of allowing public comment and discussion regarding the biomass plant and the PPA. If all interested parties present that day cannot be heard that day, the City Commission agrees to continue the workshop to another day.*

*Upon the City Commission's acceptance of the terms of the settlement agreement, GCC will dismiss its lawsuit with prejudice. It is the recommendation of the General Manager for Utilities and the City Attorney that this Settlement Agreement be accepted by the City Commission.*

**RECOMMENDATION**

*Approve the terms of the proposed Settlement Agreement reached between representatives of the City and Gainesville Citizens Care, Inc. in Case Number 2012-CA-1346, and authorize the Clerk of the Commission to schedule a public workshop in accord with the terms of the Settlement Agreement.*

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

POD ORDINANCE

**CITIZEN COMMENT (If time available)**