

**FALR, Inc.**

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**From:** "Shalley, Nicolle M." <shalleynm@cityofgainesville.org>  
**To:** <falr@bellsouth.net>  
**Cc:** "McNeill, Shayla L" <McNeillSL@gru.com>; "Lannon, Kurt M." <lannonkm@cityofgainesville.org>; "Firsching, Herbert F" <FIRSCHINGHF@gru.com>; "Benton, Mark S." <bentonms@cityofgainesville.org>  
**Sent:** Thursday, June 12, 2014 1:37 PM  
**Subject:** Preliminary response to your requests hand delivered to the Clerk of the Commission and the Office of the City Attorney

Hello Mr. Konish –

I understand that yesterday afternoon (June 11<sup>th</sup>) you dropped off, at this Office, a letter dated June 11, 2014 re: Public Records Request of June 5, 2014, which simply states “When might I expect a response?” Two documents were attached to your letter, one document is dated June 5, 2014, titled “\$119 PUBLIC RECORDS REQUEST” and is not addressed to anyone; and the second document is dated June 11, 2014, titled “\$166.235 REFUND REQUEST” and is addressed to me and appears to be a request for a refund of the municipal public service tax that you are filing as attorney representing Lloyd W. Bailey Jr.

I understand that this morning (June 12<sup>th</sup>) you dropped off, at the GRU office of Shayla McNeill (Utilities Attorney with this Office), a letter dated June 12, 2014, with 29 pages of attachments. The letter advises Ms. McNeill of your refund request hand delivered to the Clerk of the Commission on June 5, 2014, your refund request hand delivered to the City Attorney on June 11, 2014 and your public records request hand delivered to the Clerk of the Commission on June 5, 2014. In addition your letter advises that more requests for refunds will be forthcoming from you.

In trying to understand your varied requests and documents, so that responses can be provided to you, I have conferred with Shayla McNeill and Kurt Lannon, the Clerk of the Commission, and the following is our attempt to provide you with one preliminary response to your requests:

Document dated June 5, 2014, titled “\$119 PUBLIC RECORDS REQUEST”

As to the first paragraph of your public records request, it appears to request all ordinances adopting the City’s levy of the Public Service Tax. The Clerk is the custodian of City Ordinances and can provide you with copies of those Ordinances. In speaking with the Clerk, he was uncertain from your request if you wanted a hard copy of each adopted ordinance, or alternatively, the Clerk pointed out that the public service tax ordinances are codified in Chapter 25, Article II of the City of Gainesville Code of Ordinances, available free of charge online at [www.municode.com](http://www.municode.com), or he could provide you with a certified copy of the Code sections. I now understand from your conversation this morning with a staff assistant in this Office that you would like hard copies of the original adopted ordinances. By copy of this email, I will ask the Clerk to follow up directly with you as to this portion of your request and any associated special service charge.

As to the second paragraph of your public records request, in speaking to appropriate GRU and City staff, it appears the information described in the Section 166.233(3), Florida Statutes (e.g., the addresses within the City on which GRU relies in determining whether the municipal public service tax should be charged to a particular utility customer) is retained in electronic media, namely the GIS Mapping system and the SAP utility billing system. By copy of this email, I will ask Herb Firsching, Interim Director of Customer Operations, to follow up directly with you as to the charges, if any, for supplying the information on each available media or in hardcopy, and the address to which your request for such information should be transmitted.

### Requests for Refunds of the Municipal Public Service Tax

This is to acknowledge that the following “§166.235 REFUND REQUESTS” have been received by this Office and have been forwarded to Herb Firsching, Interim Director of Customer Operations, for response in accordance with Section 166.235, Florida Statutes. This acknowledgement is not a determination that your requests are timely, complete or otherwise comply with the statutory requirements.

- “§166.235 REFUND REQUEST” dated June 5, 2014 addressed to Nichole Shalley filed by you on behalf of James Konish, 625 Northeast First Street LLC, 120 Southeast 7<sup>th</sup> St. LLC and Deborah L. Martinez
- “§166.235 REFUND REQUEST” dated June 11, 2014 addressed to Nichole Shalley filed by you on behalf of Lloyd W. Bailey Jr.
- “§166.235 REFUND REQUEST” dated June 12, 2014 addressed to Nichole Shalley filed by you on behalf of 619 Northeast First Street LLC

Please address any future written request(s) for refunds under Section 166.235, Florida Statutes, to Herb Firsching, Interim Director of Customer Operations, Gainesville Regional Utilities. Any future request(s) may be emailed to him at: [firschinghf@gru.com](mailto:firschinghf@gru.com) It is unnecessary for you to copy Shayla McNeill or me on any such written request(s). This Office will assist Mr. Firsching with any legal issues, as and when he requests.

Nicolle M. Shalley  
City Attorney  
City of Gainesville  
352-393-8747 (phone)

Under Florida law, emails and email addresses are public records and subject to disclosure upon request. If you do not want your email or email address released in response to a public records request, do not send email to this office. Instead, contact this office by phone.

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