

Introduced by Council Member Priestly Jackson:

**RESOLUTION 2020-466-A**

A RESOLUTION CONCERNING LITIGATION STYLED CITY OF JACKSONVILLE AND JEA V. MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA CASE NO. 1:19-CV-3234-MHC; APPROVING AND ENCOURAGING THE MAYOR TO SETTLE THE LITIGATION; DIRECTING THE CHIEF OF LEGISLATIVE SERVICES UPON ADOPTION TO FORWARD THE RESOLUTION TO THE MAYOR'S OFFICE; REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Jacksonville and JEA brought a lawsuit against Municipal Electric Authority of Georgia, which is currently pending in the United States District Court for the Northern District of Georgia, Case No. 1:19-cv-3234-MHC ("the Plant Vogtle litigation"); and

**WHEREAS**, while the City is a party to the Plant Vogtle litigation, the relief requested by the City was nonmonetary relief; and

**WHEREAS**, Section 112.303, Ordinance Code, confers authority to settle all nonmonetary claims brought by the City to the Mayor and his department heads; and

**WHEREAS**, all of the parties to the Plant Vogtle litigation have reached a tentative settlement agreement to resolve all claims brought by the parties; and

1       **WHEREAS,** the City Council supports JEA's approval of the  
2 settlement during its July 28, 2020 Board Meeting; and

3       **WHEREAS,** it is in the best interest of the City to resolve its  
4 claim against Municipal Electric Authority of Georgia without  
5 resort to further litigation, costs and expense; now therefore

6       **BE IT RESOLVED** by the Council of the City of Jacksonville:

7       **Section 1.**       The Council does hereby approve and encourage  
8 the Mayor's office to settle the Plant Vogtle litigation styled  
9 City of Jacksonville and JEA v. Municipal Electric Authority of  
10 Georgia.

11       **Section 2.       Direction to Legislative Services.** The Council  
12 further directs the Chief of Legislative Services to forward this  
13 resolution upon adoption to the Mayor's Office.

14       **Section 3.       Requesting Emergency passage upon introduction**  
15 **pursuant to Council Rule 4.901.** Emergency passage of this  
16 legislation upon introduction is requested. The nature of the  
17 emergency is that there are upcoming litigation matters requiring  
18 immediate attention, and it is in the best interest of the City to  
19 have finality in this matter as soon as possible.

20       **Section 4.       Effective Date.** This resolution shall become  
21 effective upon signature by the Mayor or upon becoming effective  
22 without the Mayor's signature.

23  
24  
25 Form Approved:

26  
27 /s/ Tiffiny Douglas Pinkstaff

28 Office of General Counsel

29 Legislation Prepared By: Tiffiny Douglas Pinkstaff

30 GC-#1378576-v3-Council\_Reso\_Encouraging\_Settlement\_of\_Case.docx

1  
2  
3