

## RESOLUTION NUMBER 25-13

### **A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING THE DUKE ENERGY AUDIT CLOSING AGREEMENT, REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on or about June 19, 1997, the City and Duke Energy's predecessor, Florida Power Corporation, entered into a non-exclusive utility franchise agreement for the provision of such utility service to customers within the City limits ("Franchise Area") which was memorialized in Ordinance Number 97-14; and

**WHEREAS** the terms in Ordinance Number 97-14 provide, among other things, for periodic audits of certain fees collected by Duke Energy and payable to the City from customers within the Franchise Area; and

**WHEREAS**, in November 2023, the City requested a formal audit of the amounts Duke Energy collected for municipal utility tax ("MUT") and franchise fees from September 1, 2021 through August 31, 2024 ("Audit Period") from customers within the Franchise Area; and

**WHEREAS**, the parties wish to resolve the amount of MUT and franchise fees Duke Energy owes the City for the Audit Period.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Eustis, Lake County, Florida, that

1. Duke Energy will pay the City the sum of \$74,589.13 ("Audit Resolution Amount") within thirty (30) days from the Effective Date of this Agreement. No portion of this amount consists of a penalty. The City shall accept the amount as full and final satisfaction of all unpaid MUT and franchise fees for the Audit Period and any and all claims related thereto.

2. The City reserves the right to assert that Duke Energy owes unpaid MUT and franchise fees for periods other than the Audit Period. Further, the City reserves the right to assert liability not covered by or in violation of this Agreement.

3. This Agreement shall not affect the terms or conditions of any future non-exclusive utility franchise agreement the parties may enter into following the expiration of the agreement memorialized in Ordinance Number 97-14.

4. The signatories on the Agreement represent to the other that they have authority to execute this Agreement on behalf of their respective parties.

**DONE AND RESOLVED**, this 6th day of February, 2025 in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

\_\_\_\_\_  
Gary Ashcraft  
Vice-Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 6th day of February 2025, by Gary Ashcraft, Vice-Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public - State of Florida  
My Commission Expires:  
Notary Serial No:

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 25-13 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk