

RESOLUTION 2002 - 182

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURES PURSUANT TO SECTION 164.1052, FLORIDA STATUTES, WITH THE MUNICIPALITIES OF GULF BREEZE AND MILTON AND WITH THE FLORIDA WATER SERVICES AUTHORITY, REGARDING THE FORMATION OF SUCH AUTHORITY AND ITS ATTEMPTS TO PURCHASE CERTAIN UTILITY FACILITIES WITHIN NASSAU COUNTY; PROVIDING FOR AREAS OF CONFLICT; PROVIDING FOR OTHER AFFECTED LOCAL GOVERNMENTS TO BE NOTIFIED; PROVIDING FOR NOTICE TO THE MUNICIPALITIES OF GULF BREEZE AND MILTON AND THE FLORIDA WATER SERVICES AUTHORITY; PROVIDING FOR A CONFLICT ASSESSMENT MEETING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Municipalities of Gulf Breeze and Milton (the "Cities") have collaborated in the planning and formulation of the "Florida Water Services Authority" ("FWSA") for the purpose of acquiring all of the water and wastewater utility facilities owned or controlled by Florida Water Services and its parent company Allete, Inc., in the State of Florida; and

WHEREAS, the creation of the FWSA did not include meaningful notice or input by the public or affected local governments and appears to have been formed in violation of Florida law; and

WHEREAS, neither of the Cities have any utility facilities or customers of Florida Water Services within their jurisdictions; and

WHEREAS, the creation of the FWSA is contrary to public policy and serves no public or municipal purpose other than creating an opportunity for two (2) municipalities to make money in a transaction that is detrimental to the citizens of Nassau County, Florida; and

WHEREAS, the Board of County Commissioners of Nassau County is desirous of initiating the conflict resolution procedures pursuant to Section 164.1052, Florida Statutes, prior to initiating other legal procedures; and

WHEREAS, Florida Water Services owns and operates water and wastewater facilities in the utility service area of Nassau County, which the FWSA is proposing to acquire without meaningful notice, an opportunity to be heard and the consent of Nassau County or its citizens.

NOW, THEREFORE, BE IT RESOLVED, this 14th day of October, 2002, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. The foregoing findings are affirmed and hereby incorporated herein by reference.

2. The conflict resolution procedures, as set forth in Chapter 164, Florida Statutes, are hereby invoked by Nassau County.

3. The Board of County Commissioners of Nassau County has a conflict with the Cities and with the FWSA,

which will detrimentally impact both Nassau County and its citizens if not resolved.

4. The issues of conflict include:

a. The ability of the Cities and FWSA to operate within the water and wastewater service area of Nassau County.

b. The usurption of Nassau County's local control and statutory required planning for the allocation of water resources.

c. The inconsistency of the FWSA with the persuasive regulatory scheme of the Florida Public Service Commission.

d. Failure of the Cities and the FWSA to comply with the notice and public purpose requirements of Chapters 163, 180, and 189, Florida Statutes.

e. The legality of the formation of the FWSA by the Cities of Milton and Gulf Breeze.

f. The legality of the meeting(s) held by the Cities and the FWSA.

g. Violation of public policies.

h. Failure to demonstrate and the absence of a basis for finding that the acquisition by the Cities and operations for FWSA serves a public or municipal purpose.

i. The failure by FWSA to adhere to statutory provisions that address the competitive selection of an entity to manage and operate the water and wastewater systems.

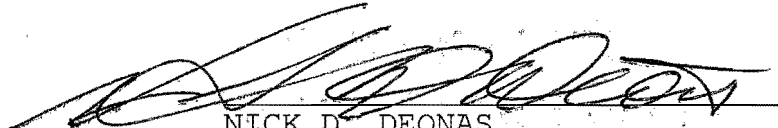
5. The County Coordinator shall provide copies of this Resolution to the Cities and Counties affected by the actions of the Cities and the FWSA.

6. Within five (5) days of the effective date of this Resolution, the County Coordinator is directed to provide a certified copy of this Resolution to the chief administrative officer of the Cities, as well as to the chief administrative officer of the FWSA.

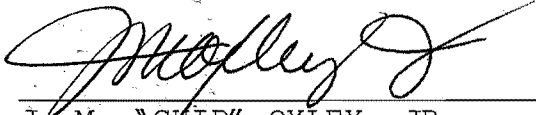
7. Pursuant to Section 164.1053, Florida Statutes, a conflict assessment meeting shall be held between Nassau County, the Cities and the FWSA at 2 PM Central on ~~October~~ November 7, 2002, at City Commission Chambers, 6738 Dixon Street, Milton, FL 32570.
Standard Time

8. This resolution shall take effect immediately upon its adoption.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


NICK D. DEONAS
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

h/anne/res/fla-water-res