

RESOLUTION NO. 2008-81

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, JOINING ST. JOHNS COUNTY IN CONFLICT RESOLUTION PROCEDURES PURSUANT TO CHAPTER 164, FLORIDA STATUTES, THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT, PERTAINING TO A CONFLICT BETWEEN NASSAU COUNTY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the purpose of the Florida Governmental Conflict Resolution Act (The Act) is to promote, protect, and improve the public health, safety and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method of resolution for conflicts between and among local and regional governmental entities; and

WHEREAS, the scope of the Act specifically pertains to any issue relating to allocation of resources, including water, land, and other natural resources and governmental entity permitting processes; and

WHEREAS, on or about February 15, 2008, the St. Johns River Water Management District published a Notice of Intent to approve Application No. 95581 pertaining to withdrawal of 5.5 million gallons per day of water from the St. Johns River; and

WHEREAS, Nassau County and its residents are, or reasonably may be, negatively affected by the proposed 5.5 million gallon per day withdrawal as proposed; and

WHEREAS, the St. Johns County Board of County Commissioners adopted Resolution No. 2008-68 on March 4, 2008, and said resolution initiated the conflict resolution procedures provided by the Act by recognizing a conflict between itself and

the St. Johns River Water Management District pertaining generally to water withdrawals from the St. Johns and Ocklawaha Rivers and specifically to Application No. 95581; and

WHEREAS, the Act permits a governmental entity which receives notice of a conflict, by passage of its own resolution and otherwise following the procedures of the Act, to join the conflict resolution process as a primary conflicting governmental entity within ten (10) days of receiving said notice; and

WHEREAS, Nassau County received notification of the initiation of conflict resolution procedures by St. Johns County via U.S. Mail on March 12, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, this 19th day of March, 2008, that the Board joins the conflict resolution procedure initiated by St. Johns County pursuant to St. Johns County Resolution No. 2008-68 as a primary conflicting governmental entity and in support of such joinder provides:

1. The above recitals are incorporated by reference into the body of this Resolution, and such recitals are adopted as findings of fact.
2. Nassau County recognizes a conflict between itself and the St. Johns River Water Management District pertaining to water withdrawals from the St. Johns and Ocklawaha Rivers generally in terms of what is considered in the public interest, whether all available water conservation measures are being implemented, and Application No. 95581 specifically.
3. It is the intent of Nassau County to join the conflict resolution procedures initiated by St. Johns County pursuant to St. Johns County Resolution No. 2008-68 as a primary conflicting governmental entity.

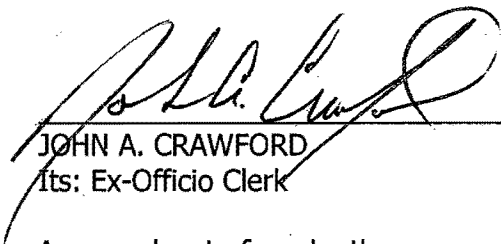
4. The conflict resolution procedure is justified because Nassau County, in good faith, believes the County and its residents will be harmed by the St. Johns River Water Management District's approval of the water withdrawal proposed by Application No. 95581 and its environmental effects, in terms of negative effects on the St. Johns River.
5. The County Coordinator and the County Attorney are further authorized to engage in dispute resolution as may be provided under Sections 120.573 and 70.51, Florida Statutes, pertaining to this matter.
6. The proposed date and location for the conflict assessment meeting to be held pursuant to Section 164.1053, Florida Statutes, shall be reasonably determined by the parties.
7. This resolution shall become effective upon adoption.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



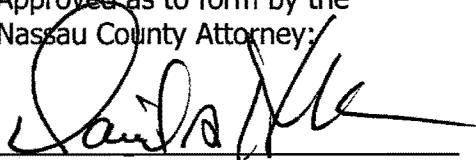
MARIANNE MARSHALL
Its: Chair

Attest as to Chair's signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



DAVID A. HALLMAN