

NASSAU COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2019- 15

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTIONS 164.1052, FLORIDA STATUTES, DECLARING THE INTENT OF THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE EAST NASSAU STEWARDSHIP DISTRICT, AS IT RELATES TO THE OBLIGATIONS OF THE EAST NASSAU STEWARDSHIP DISTRICT TO PROVIDE AND MAINTAIN PUBLIC RECREATION FACILITIES WITHIN THE DISTRICT; INITIATING THE PROCEDURES OF THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT; DIRECTING THE COUNTY MANAGER AND COUNTY COUNSEL TO ADHERE TO THE PROCEDURAL REQUIREMENTS AND REMEDIES AS OUTLINED IN CHAPTER 164, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 13, 2018, Raydient LLC et al. (the "Raydient Plaintiffs") filed a six count complaint against Nassau County, challenging Nassau County Ordinance No. 2018-32, which created a municipal service taxing unit for funding parks and recreation services and facilities within the area of the East Nassau Community Planning Area (the "ENCPA");

WHEREAS, Count VI of the complaint seeks declaratory relief that Chapter 2017-206, Laws of Florida, creating the East Nassau Stewardship District (the "Stewardship District"), does not obligate either the Stewardship District or the Raydient Plaintiffs to fund the construction and maintenance of public facilities within the ENCPA;

WHEREAS, the Stewardship District has moved to intervene as a party to the lawsuit, claiming that a final judgment "as Count VI will directly affect the rights and

responsibilities of the District. If the Court determines that the Stewardship District Bill requires the District to pay for the construction and maintenance of the recreational facilities within the ENCPA, the District stands to lose immensely;”

WHEREAS, there is a dispute as to which party – the Stewardship District or the County – is responsible for the provision of the necessary infrastructure within the boundaries of the ENCPA, and the County maintains that it is the responsibility of the Stewardship District to fund, construct, and maintain adequate public recreation facilities;

WHEREAS, the Florida Governmental Conflict Resolution Act (the “Act”) provides that the purpose and intent of that 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 for resolution of conflicts between and among local and regional governmental entities;

WHEREAS, it is the intent of the Legislature that conflicts between governmental entities be resolved to the greatest extent possible without litigation;

WHEREAS, Section 164.1052, Florida Statutes, provides that in order for a governing body of a governmental entity to initiate the conflict resolution procedures provided by the Act it shall first adopt a resolution by its members;

WHEREAS, said resolution is required to state that it is the intention of the governing body initiating the conflict resolution procedures to resolve the conflict;

WHEREAS, said resolution is required to specify the issues of conflict, as well as the governmental entity or entities with which the governing body has a conflict; and

WHEREAS, Section 164.1041, Florida Statutes, provides that all governmental entities are encouraged to use the procedures in this act to resolve conflicts that may occur at any time between governmental entities, but shall use these procedures before court proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

1. The above findings are true and correct and are hereby incorporated herein by reference.

2. Through the adoption of this Resolution, the Board of County Commissioners of Nassau County intends to initiate the conflict resolution procedures provided by the Act, prior to prosecuting a court proceeding already filed in which the Stewardship District has intervened as a party aligned with the Raydient Plaintiffs.

3. The conflict is between the Stewardship District and its governing board and Nassau County and its Board of County Commissioners.

4. Nassau County contends that, in addition to that which may be pled or further described in court proceedings, the following are issues of conflict between Nassau County and the Stewardship District:

a. Whether Chapter 2017-206, Laws of Florida, creating the East Nassau Stewardship District (the "Stewardship District"), obligates the Stewardship District to fund the construction and maintenance of public facilities within the ENCPA;

b. The County will suffer material injury by reason of the Stewardship District's failure to fund, construct, and maintain public facilities within the ENCPA

because the County will be required to plan, fund, construct, and maintain these facilities or suffer a severe diminishment in levels of service for its existing and future citizens.

5. Since it is ultimately the current and future residents of the County, at large, and the ENCPA, specifically, who will financially bear the burden of the dispute between the Stewardship District and the County, it is the intent of Nassau County, to the greatest extent possible, to resolve this dispute without litigation.

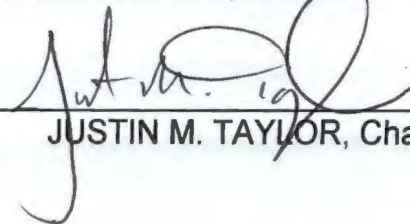
6. Pursuant to Section 164.1052, Florida Statutes, Nassau County hereby initiates the procedures of the Act. Upon the initiation of the procedures of the Act, Nassau County, as the governmental entity initiating these conflict resolution procedures, will move to abate Count VI of the complaint until the procedural options of the Act have been exhausted, at which time the litigation on that Count may proceed if not resolved.

7. The Board of County Commissioners of Nassau County directs the County Manager and its counsel to adhere to the procedural requirements and remedies as outlined in the Act, Chapter 164, Florida Statutes.

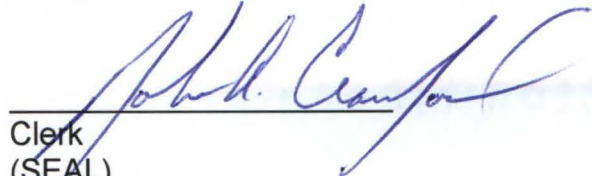
8. Effective Date. This resolution shall take effect immediately upon adoption.

DULY ADOPTED in regular session, this 11th day of February, 2019.

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA

By: 
JUSTIN M. TAYLOR, Chair

ATTEST:


Clerk
(SEAL)

APPROVED AS TO FORM


Nassau County Attorney's Office