2016-72 A Resolution amending Resolution 2012-25 to provide a deadline for the use and allocation of ERUs.

Adopted October 25, 2016

DESOTO COUNTY, FLORIDA

RESOLUTION NUMBER 2016 - 72

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AMENDING RESOLUTION 2012-25 TO PROVIDE A DEADLINE FOR THE USE AND ALLOCATION OF EQUIVALENT RESIDENTIAL UNITS ("ERUs") FROM THE ERU POOL THAT WAS ESTABLISHED BY RESOLUTION 2012-25; PROVIDING FOR TERMINATION OF THE ERU POOL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 22, 2012, the Board of County Commissioners adopted Resolution 2012-25 that established an ERU Pool as a result of the termination of Water and Wastewater Agreements that were in default; and

WHEREAS, Resolution 2012-25 expressed the Board's finding that it was in the best interest for DeSoto County's citizens, businesses, economic development, and the DeSoto County Utilities Department to create a Pool of these recovered ERUs and to make them available to those potential customers that want to become paying customers of the County's Utilities Department in accordance with policies, conditions and priorities that have been established by the Board; and

WHEREAS, the use and allocation of ERUs from this Pool has served a proper public purpose and has resulted in the addition of water and wastewater customers for the County's Utilities Department; and

WHEREAS, there was a great deal of interest shown in the ERU Pool immediately after its creation by businesses, non-residential developments and commercial establishments, but that interest has lessened in recent years;

WHEREAS, it was never the intent of the Board that the ERU Pool would last indefinitely; and

WHEREAS, it is now the finding of the Board that the establishment of deadline for the use and allocation of ERUs from the Pool may stimulate renewed interest in the Pool, thereby resulting in additional customers for the County's Utilities Department.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of DeSoto County, Florida, that Resolution 2012-25 is amended as follows:

Section 1. Connections Available - In those areas of unincorporated DeSoto County where County water and/or wastewater service is available for connection on the effective date of this Resolution, the deadline for potential customers to request an allocation of ERUs from the Pool

and agree to payment of any and all applicable charges and fees, except capital charges, shall be one year from the effective date of this Resolution.

Section 2. Connections Underway Along US-17 South - In those areas of unincorporated DeSoto County along US-17 South where installation of water and wastewater utility pipelines is currently underway, the deadline for a potential customer along US-17 South to request an allocation of ERUs from the Pool and agree to payment of any and all applicable charges and fees, except capital charges, shall be one year from the date on which the pipelines serving that customer are cleared for use by the Florida Department of Environmental Protection. If there are separate clearance dates for water and wastewater lines along US-17 South that will serve a particular potential customer, separate one year periods for that customer shall be measured from each clearance date.

Section 3. Agreements for Payment of Reservation Fees – In those areas of unincorporated DeSoto County that are not covered by Sections 1 or 2, above, ERUs may be made available from the Pool if a property owner or potential customer agrees to terms set forth in an agreement approved by the Board of County Commissioners, including payment of reservation fees, within one year of approval of this Resolution.

Section 4. Termination of Pool - The ERU Pool, as established by Resolution 2012-15, and as amended hereby, shall terminate on the expiration of the latest applicable one year period under Sections 1, 2 and 3 of this Resolution.

Section 5. No Legal Right or Entitlement - Neither Resolution 2012-25 nor this Resolution establish any legal right or entitlement to the allocation of ERUs from the Pool. The Board shall continue to review all requests for allocations from the ERU Pool and shall in its discretion only approve those requests which serve the best interest of DeSoto County and the County Utilities Department.

PASSED AND DULY ADOPTED in DeSoto County, Florida, this 25th day of October, 2016.

ATTEST:

Mandy Hines
County Administrator

DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS

Juril O. Mansfield, Chairman

Approved as to form and legal sufficiency:

Donald D. Conn, County Attorney