

RESOLUTION NO. 99-188

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF S.T. JOHNS COUNTY, FLORIDA, AUTHORIZING THE USE OF THE ST. JOHNS COUNTY WATER AND SEWER REGULATORY FEE FUND FOR RETAINING PUBLIC COUNSEL TO CONCLUDE THE PROCEEDINGS RELATED TO THE AUDIT AND INVESTIGATION OF INTERCOASTAL UTILITIES, INC. IN DOCKET NO. 98-0007-0013-003.

Whereas, Section 10.7 of the Rules and Regulations of the St. Johns County Utility Authority ("Utility Authority" provide a procedure and standards for appointment and payment of public counsel; and

Whereas, the Board of County Commissioners, by Resolution 99-183, previously appointed attorney Michael B. Twomey public counsel for the customers of Intercoastal Utilities, Inc., for the limited purpose of representing those customers at the December 1, 1999 meeting of the Utility Authority, scheduled to consider an audit report of Intercoastal Utilities, Inc. by Larkin and Associates, which audit was ordered by the Board and at the maximum expenditure of funds not to exceed \$2500; and

WHEREAS, Public Counsel Michael B. Twomey appeared at the Utility Authority meeting on December 1, 1999 to represent the utility's customers; and

WHEREAS, Public Counsel Michael B. Twomey's public examination of the audit report's presenter was limited due to the Utility Authority's determination that the proper venue for full discussion and examination of the audit report was the Board; and

WHEREAS, the Utility Authority directed the Public Counsel and utility to prepare written criticisms of the audit report for the benefit of both the Utility Authority and Board; and

WHEREAS, Public Counsel Michael B. Twomey's preparation of a written criticism of the audit report and attendance at the coming meeting of the Board to consider Larkin and Associate's presentation of the audit report will require additional time and funding beyond the specific one day and \$2500 authorized by Resolution 99-183; and

WHEREAS, the Sawgrass Association, Inc. and other customers have made written request for additional funding of public counsel to represent them at the Board meeting to consider the Larkin and Associates audit report and by preparation of a written criticism of that report for presentation of the Board on their behalf; and

WHEREAS, the Sawgrass Association, Inc., and other customers also request that Michael B. Twomey be retained as Public counsel to prepare and present a motion and/or other pleadings to the Board to seek deletion of the pending full rate case in this matter and its substitution by a less expensive procedure; and

WHEREAS, the customers' requests may be granted in accordance with the Board's applicable Rules; and Regulations of the Utility Authority (Section 1.3), and are in the public interest.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

1. The appointment of Michael B. Twomey as public counsel for the customers of Intercoastal Utilities, Inc. in Docket No. 98-0007-0013-003 is expanded to include (1) the preparation of a written criticism of the Larkin and Associates audit report for the benefit of the Board of County Commissioners of St. Johns County, attendance at the meeting at which the audit report will be presented to the Board and appropriate and reasonable client communications necessary to this representation; and (2) the preparation and presentation of a motion and/or other pleadings with the Board to seek deletion of the pending full rate case and its substitution by a less expensive procedure.

2. Funds, not to exceed \$7500, are hereby authorized for expenditure from the St. Johns County Water and Sewer Regulatory Fee Fund to compensate Public Counsel Michael B. Twomey, at \$150 per hour, to represent customers for the expanded scope of representation described in Paragraph 1 above.

3. Said Public Counsel shall comply with sub-section 10.7(4) of the County Rules and Regulations regarding preparation of invoices, which shall be paid subject to the reasonable review and approval of the County Administrator.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 14th day of December, 1999.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

Attest: Cheryl Strickland, Clerk of Court

By: Patricia DeGrande
Deputy Clerk

Effective Date: 12-14-99