

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, APPROVING THE TRANSFER OF FRANCHISE CERTIFICATES AND FACILITIES IN ST. JOHNS COUNTY FROM ST. JOE UTILITIES COMPANY TO JEA.

WHEREAS, St. Joe Utilities Company has applied to the Board of County Commissioners of St. Johns County, Florida ("Board"), for approval of the transfer of Utility Franchise Certificate Nos. 1 and 2 and utility facilities from St. Joe Utilities Company to JEA; and

WHEREAS, Section 61-207(d), St. Johns County Water and Sewer Utilities Regulatory Ordinance, provides that a transfer to a governmental authority such as JEA is to be approved as a matter of right; and

WHEREAS, St. Johns County and JEA have entered into that certain St. Johns County/JEA Water and Wastewater Interlocal Agreement, as amended ("Interlocal Agreement"), which provides, in part, the consent, approval and authority of St. Johns County to JEA for JEA to acquire privately owned utilities located a certain Revised Service Territory and such Revised Service Territory includes the service area of St. Joe Utilities Company; and

WHEREAS, the proposed transfer is in the public interest and, furthermore, is in the best interest of St. Johns County, its constituents, and the customers of St. Joe Utilities Company and JEA; and

WHEREAS, it is appropriate for the Board to exempt the granting of approval of this transfer from all of the procedures and requirements of the St. Johns County Water and Sewer Utilities Regulatory Ordinance, Ordinance No. 89-63, as amended, except Section 61-207(g), and the Rules and Regulations of the St. Johns County, Florida Utility Authority as depicted by Ordinance 97-8, as amended; and

WHEREAS, it is desirable to promote the efficient resolution of this matter by providing for an administrative cancellation of the certificates following the closing of the transfer of assets between St. Joe Utilities Company and JEA.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County:

1. The transfer of Franchise Certificate Nos. 1 and 2 and utility facilities from St. Joe Utilities Company to JEA is in the public interest and, furthermore, is in the best interests of St. Johns County, its constituents and the customers of St. Joe Utilities Company and JEA.
2. The transfer of Franchise Certificate Nos. 1 and 2 and utility facilities from St. Joe Utilities Company to JEA is exempted from all procedures and requirements of the St. Johns County Water and Sewer Utilities Regulatory Ordinance, as amended, except for Section 61-207(g), and the Rules and Regulations of the St. Johns County, Florida, Utility Authority.


3. The transfer of Franchise Certificate Nos. 1 and 2 and utility facilities from St. Joe Utilities Company to JEA is approved as a matter of right pursuant to Section 61-207(d), St. Johns County Water and Sewer Regulatory Ordinance, upon the closing of the transfer. After the closing, St. Joe Utilities Company shall provide written notice to the staff of the Board of the closing of the transfer from St. Joe Utilities Company to JEA.

4. Upon written notice from St. Joe Utilities Company that the closing of the transfer of Franchise Certificates and facilities from St. Joe Utilities Company to JEA has been completed, the staff of St. Johns County shall administratively cancel Franchise Certificate Nos. 1 and 2.


5. St. Johns County confirms that after the closing of the transfer, JEA is allowed to directly serve the former St. Joe Utilities Company service area in accordance with the Interlocal Agreement, and that JEA may charge JEA's rates and charges, subject to the provisions of the Interlocal Agreement.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 3rd day of November, 2004.

Board Of County Commissioners Of St. Johns County, Florida

By: 
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Patricia DeGrande, Deputy Clerk

Effective Date: 11-3-04

