

RESOLUTION NO. 2008- 286

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CONFIRMING ITS POSITION TO GO FORWARD WITH LITIGATION PERTAINING TO DOAH CASE NO. 08-1318 (PETITION AGAINST THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND INTERVENOR SEMINOLE COUNTY).

WHEREAS, the Board through Resolution No. 2008-9 demonstrated its desire to protect the ecological, biological and economic wellbeing of the St. Johns River, one of Florida's greatest natural resources; and

WHEREAS, through Resolution No. 2008-9, the County expressed its strong opposition to the additional withdrawal of millions of gallons of water daily without fully understanding the ecological, biological and other potential impacts that such removal could have on the St. Johns River; and

WHEREAS, the Board through Resolution No. 2008-68 recognized a conflict between itself and the St. Johns River Water Management District pertaining to water withdrawals from the St. Johns River in terms of what is considered in the public interest, whether all available water conservation measures are being implemented in CUP Application No. 95581, specifically; and

WHEREAS, the District declined to participate in Chapter 164, dispute resolution pertaining to this matter; and

WHEREAS, the Board on March 4, 2008 authorized the County to take legal action pertaining to the District's notice of intent to approve application No. 95581; and

WHEREAS, St. Johns County has coordinated with the City of Jacksonville and the St. Johns Riverkeeper in litigation opposing the approval of the subject CUP application; and

WHEREAS, Seminole County entered the dispute as an intervenor and has filed or intends to file a Section 57.105 and Section 120.595, Florida Statutes, motion for attorneys fees and costs against each of the City of Jacksonville, the St. Johns Riverkeeper, and St. Johns County; and

WHEREAS, the County believes that its legal opposition to the proposed water withdrawals is in good faith based on assertion of harm to the River and the lack of reasonable assurance that the proposed water withdrawals will not unreasonably harm the River, or its environment, or otherwise meet the criteria for approval.

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

Section 1. That the above-cited whereas clauses are incorporated as findings of fact.

Section 2. The County Attorney's Office is authorized and directed to continue its litigation in coordination with the City of Jacksonville and St. Johns Riverkeeper in opposition to the proposed water withdrawal subject of CUP Application 95581 and DOAH Case No. 08-1318.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 30th day of September, 2008.

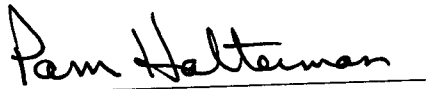
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:


Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

By:


Deputy Clerk

Rendition Date:

10/1/08

