RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

WATER, WASTEWATER AND RECLAIMED WATER
SERVICES, AND PROVIDING FOR A DELEGATION
FROM THE BOARD TO THE DIRECTOR OF
ORANGE COUNTY UTILITIES FOR
NEGOTIATION AND EXECUTION OF LETTER AGREEMENTS
PURSUANT TO VARIOUS TERRITORIAL AGREEMENTS
ESTABLISHING WHOLESALE WATER, WASTEWATER, AND
RECLAIMED WATER SERVICE

Resolution No. 2013-M-416

WHEREAS, Orange County is authorized to provide water, wastewater, and reclaimed water service pursuant to its charter and the constitution and laws of the State of Florida, within and throughout Orange County, Florida, and pursuant to this authority, Orange County presently furnishes water, wastewater, and reclaimed water services to customers in incorporated and unincorporated areas of Orange County; and

WHEREAS, Orange County is not the exclusive provider of water, wastewater, and reclaimed water services in Orange County; and

WHEREAS, Orange County and various local governments within Orange County recognize the desirability and the need to provide water, wastewater, and reclaimed water services in Orange County in a manner that is both economical and efficient; and

WHEREAS, Orange County and various local governments within Orange County recognize that the duplication of water, wastewater, and reclaimed water service results in needless and wasteful expenditures and wasted resources; and

WHEREAS, Orange County and various local governments within Orange County have executed water, wastewater, and/or reclaimed water service territorial agreements to define and delineate water, wastewater, and/or reclaimed water service territories of the respective local government utilities in order to avoid and eliminate the circumstances giving rise to duplication of utility services, as well as to avoid the unpredictability and uncertainty of continually changing utility service area boundaries; and
WHEREAS, certain provisions of the various territorial agreements permit the parties to the agreements to enter into letter agreements to authorize interconnections between the utilities for water, wastewater, and/or reclaimed water service on a temporary or permanent basis; and

WHEREAS, it is in the interest of the Board of County Commissioners to allow flexibility for the Director of Orange County Utilities to execute the letter agreements on behalf of Orange County upon the Director’s determination that the letter agreement is consistent with the terms and conditions of the respective territorial agreement, and does not materially change the terms of the respective territorial agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY AS FOLLOWS:

Section 1. Acknowledging that various agreements approved by the Orange County Board of County Commissioners authorize the County to enter into letter agreements for the purpose of establishing interconnections between utilities for water, wastewater, and/or reclaimed water service, and acknowledging that it was the intent of the Orange County Board of County Commissioners to delegate certain powers and authority relating to the negotiation and execution of the aforementioned letter agreements, the Board of County Commissioners directs as follows:

a. The Director of Orange County Utilities is authorized to negotiate and execute letter agreements relating to the construction and operation of interconnection of facilities providing water, wastewater, and/or reclaimed water service, and owned or controlled by Orange County Utilities, to water, wastewater, and/or reclaimed water service facilities owned by another public utility.

b. The criteria for the Director of Utilities to consider in any letter agreement shall include: (1) the letter agreement must be contemplated and authorized in a separate agreement approved by the Board of County Commissioners; and (2) the rate for any water, wastewater, and reclaimed water service provided by Orange County shall be as set forth in the then-existing rate
resolution approved by the Board of County Commissioners.

c. The Director shall not be obligated to enter into similar agreements.

d. The Board of County Commissioners hereby ratifies all such letter agreements heretofore signed by the Director of Orange County Utilities that meet the criteria set forth in paragraphs 1.a. and 1.b. of this Resolution.

Section 2. This Resolution shall become effective immediately upon its adoption.

This Resolution is adopted this ___ day of OCT 2 2 2013, 2013.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Teresa Jacobs
County Mayor

ATTEST: Martha O. Haynie, Orange County Comptroller
As Clerk of the Board of County Commissioners

By: Deputy Clerk