

RESOLUTION NO. 120392

PASSED _____

A Resolution of the City of Gainesville, Florida, requesting Alachua County to amend Alachua County Ordinance 2012-08, which created year-round water conservation measures and water shortage regulations, to include the incorporated area of the City of Gainesville, until such time as the City of Gainesville should determine otherwise or choose to adopt a municipal ordinance for the same purpose; and providing an effective date.

WHEREAS, the City of Gainesville, Florida (City), doing business as Gainesville Regional Utilities (GRU), is the provider of potable water for the citizens of the City and substantial portions of unincorporated Alachua County; and

WHEREAS, the jurisdiction of Alachua County and the water service territory of GRU includes lands located within the Suwannee River (SRWMD) and St. Johns River Water Management Districts (SJRWMD); and

WHEREAS, the SRWMD and the SJRWMD have adopted “Year-Round Water Conservation Measures,” codified as Chapter 40B-2 and 40C-2, Florida Administrative Code, for the purpose of increasing long-term water use efficiency through regulatory means; and

WHEREAS, the SRWMD and SJRWMD have adopted a “Water-Shortage Plan,” codified as Chapter 40B-21 and 40C-21, Florida Administrative Code, for the purpose of allocating and conserving water resources during periods of water shortage and maintaining a uniform approach towards water restrictions; and

WHEREAS, the SRWMD and SJRWMD have requested the assistance of Alachua County in the enforcement of the provisions of both the “Year-Round Water Conservation Measures” and the “Water Shortage Plan”; and

WHEREAS, on August 7, 2012, Alachua County adopted Ordinance 2012-08, creating its “Year-Round Water Conservation Measures and Water Shortage Regulations,” pursuant to authority under Chapter 373, Florida Statutes, which provides that it shall be the duty of county/municipal governmental and law enforcement officials to assist Water Management Districts in the enforcement of Chapter 373, Florida Statutes, and any rules adopted there under upon the request by the Water Management Districts for regulating water use and allocating water supplies during periods of water shortage; and

WHEREAS, year round water conservation measures are an integral component of long-term efforts to preserve and protect water supplies and water resources; and

WHEREAS, a water shortage or water shortage emergency may be declared from time to time by the SRWMD and SJRWMD; and

WHEREAS, upon the existence of such conditions it becomes imperative to the public well-being that certain uses of water be restricted or curtailed and that available water resources be allocated; and

WHEREAS, it is the desire of the City to opt into Alachua County’s “Year-Round Water Conservation Measures” and “Water Shortage Regulations” Ordinances in order to give Alachua County Environmental Protection Department the authority to enforce Water Shortage Orders and Water Shortage Emergencies within the City; and

WHEREAS, the City Commission hereby finds and declares that extension of the applicability of Alachua County Ordinance 2012-08 to include the incorporated area of the City, as may from time to time be enlarged or contracted according to law, is in the public interest of the City and its citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, AS FOLLOWS:

Section 1. Alachua County is hereby requested to amend Alachua County Ordinance 2012-08 to provide for the applicability thereof to the incorporated area of the City of Gainesville on the condition that the City expressly reserves the right to opt out of the County ordinance and/or adopt its own ordinance should a future City Commission deem such action to be appropriate in the interest of the health and welfare of its citizens.

Section 2. The Clerk of the Commission is directed to provide a copy of this Resolution to the Chair of the Alachua County Board of County Commissioners.

Section 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2012.

CRAIG LOWE
MAYOR

ATTEST:

By: _____
Kurt M. Lannon
Clerk of the Commission

APPROVED AS TO FORM AND
LEGALITY:

Nicolle M. Shalley
City Attorney