

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES RELATING TO THE ADOPTION OF NUMERIC WATER QUALITY STANDARDS BY THE STATE OF FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida, pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to address matters relating to environmental issues affecting the Town; and

WHEREAS, United States Environmental Protection Agency, by letter dated January 14, 2009, has mandated that the State of Florida develop numeric water quality standards for all Florida lakes and flowing waters by January 14, 2010, and for all Florida estuaries by January 14, 2011; and

WHEREAS, if the State of Florida does not establish numeric water quality standards by the mandated deadlines, the United States Environmental Protection Agency will implement numeric standards for the State of Florida; and

WHEREAS, the Florida Department of Environmental Protection is in the process of developing rules establishing numeric water quality standards for all Florida's lakes and flowing waters, which are scheduled to become effective by December 20, 2009; and

WHEREAS, the Town of Loxahatchee Groves ("Town") is a Florida municipal corporation duly organized and validly existing under the constitution and Laws of the State of Florida, and works in cooperation with the Loxahatchee Groves Water Control District ("District") which is an independent special district of the State of Florida, duly organized and existing under the constitution and laws of the State of Florida, and in accordance with the applicable provisions of Chapter 298, F.S., as amended, and Chapter 99-425, Laws of Florida, as subsequently amended by Chapter 2004-410, Laws of Florida, for the express purposes of flood control supply and comprehensive water resource management; and

WHEREAS, the District maintains and operates an extensive system of canals to protect the property, residents and development within the Town; and

WHEREAS, the implementation of numeric water quality standards for Florida waters, including man-made canals and downstream natural water bodies, will significantly impact the residents of the Town, economically, if the District is impacted since the Town and District share common constituents; and

WHEREAS, the Town Council finds that the development of numeric water quality

standards for Florida's waters is an issue of high concern for residents within the Town; and

WHEREAS, the Florida Association of Special Districts has retained counsel to represent the Florida Association of Special Districts' and its members' interests in connection with the development of numeric water quality standards is critical; and

WHEREAS, the District is a member in good standing with the Florida Association of Special Districts and fully supports the Florida Association of Special Districts' efforts associated with the development of numeric water quality standards, including but not limited to the retention of counsel and consultants; and

WHEREAS, the District Board of Supervisors has requested the Town's participation in the funding of the common fund created by the Florida Association of Special Districts' members for the purposes of funding the Florida Association of Special Districts' efforts associated with the development of numeric water quality standards; and

WHEREAS, the Town Council finds that the expenditure of funds in support of the Florida Association of Special Districts' efforts with respect to the development of numeric water quality standards serves a municipal and public purpose, and is in the best interest of the health, safety, and welfare of the citizens and property owners of the Town of Loxahatchee Groves.

NOW THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

1. That the Town supports the District, who is a member of the Florida Association of Special Districts, and the Florida Association of Special Districts' efforts to monitor and actively participate in the development of numeric water quality standards for Florida waters.

2. That the Town Manager is authorized and directed to make a monetary contribution in the amount of Three Thousand and 00/100 Dollars (\$3,000.00) to the Florida Association of Special Districts to support the Florida Association of Special Districts' efforts associated with the development of numeric water quality standards.

3. Because the development of numeric water quality standards for Florida's waters, including man-made canals, will have a significant impact on the Town and the District's operations, and the Town and District's common constituents, the Town Council finds it is in the best interest of the Town, and serves a public and municipal purpose to support the Florida Association of Special Districts' efforts.

4. That the adoption of this Resolution and the expenditure of funds serves a municipal and public purpose.

5. That if any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

6. That all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

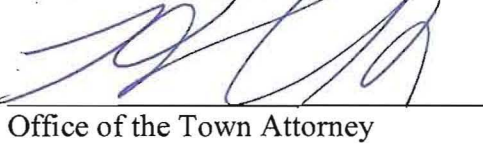
7. That this Resolution shall be effective immediately upon adoption.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 4th day of August, 2009.

ATTEST:

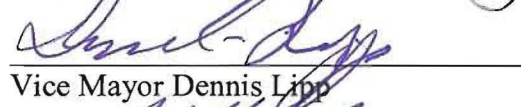

TOWN CLERK

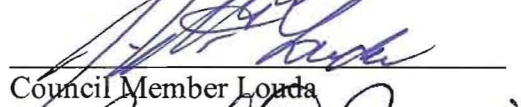
APPROVED AS TO LEGAL FORM:

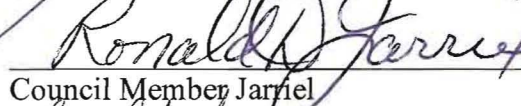

Office of the Town Attorney

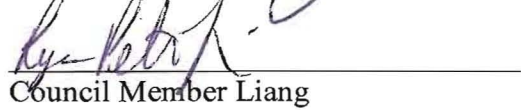
TOWN OF LOXAHATCHEE GROVES,
FLORIDA


Mayor David Browning


Vice Mayor Dennis Lipp


Council Member Louda


Council Member Jarriel


Council Member Liang

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