

BOARD OF COUNTY COMMISSIONERS
OF
DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2023- 97

REGARDING

OPERATION OF NI FLORIDA, INC., A SUBSIDIARY OF SOUTHWEST WATER
COMPANY

IN DESOTO COUNTY

Adopted on July 25, 2023

DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2023-97

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS RECOGNIZING OPERATION OF WASTEWATER UTILITY BY NI FLORIDA; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the DeSoto County Board of County Commissioners presently retains jurisdiction to regulate privately held water and wastewater system utilities pursuant to Resolution No. 97-21 and Section 367.171, Florida Statutes; and

WHEREAS, the DeSoto County Utilities Department (the "Department") maintains and operates municipal water and wastewater utility facilities in DeSoto County; and

WHEREAS, the County is desirous of protecting the Department's utility service territory and continuing to serve the residents of DeSoto County in all instances where appropriate and feasible; and

WHEREAS, Oak Stone, LLC. has proposed the Oak Stone Master Planned Development ("Oak Stone"), consisting of 81 parcels located west/northwest of SW County Line Road 769; and

WHEREAS, the anticipated total wastewater connections for the Oak Stone development proposed by Oak Stone, LLC. is approximately 2,089 new wastewater connections; and

WHEREAS, the Department's wastewater facilities would face significant challenges in the near term, and for the foreseeable future, if required to handle the anticipated new wastewater connections in this particular area of the County; and

WHEREAS, the County is desirous of appropriate development taking place in the identified area of the County and anticipates that such development will be a valuable economic generator for the County; and

WHEREAS, Ni Florida, Inc., a subsidiary of SouthWest Water Company (herein "Ni") desires to provide wastewater service to the specified developments and is capable of doing so; and

WHEREAS, Ni currently holds certificates issued by the Florida Public Service Commission to provide water and wastewater service in Pasco County and Lee County, respectively; and

WHEREAS, Ni desires to provide wastewater service to the referenced area and does not intend to otherwise impinge upon the Department’s service territory, unless otherwise deemed acceptable by the County and reflected in a subsequent resolution; and

WHEREAS, in order to serve the referenced area, Ni anticipates seeking Florida Public Service Commission approval to extend its wastewater service territory to include only the referenced area in DeSoto County;

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

SECTION 1: Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms, corporations or other entities, including governments or governmental bodies. The pronouns used herein shall be construed as masculine, feminine or neuter, as the occasion may require. References to Florida Statutes are to Florida Statutes (2023), as amended.

SECTION 2: In recognition and acceptance of the commitments made by Ni as set forth in Exhibit “A” to this Resolution, and incorporated herein by reference, the DeSoto County Board of County Commissioners hereby determines that it is in the best interests of the citizens and residents of DeSoto County that Ni Florida, Inc., (“Ni”) a private, for profit wastewater utility shall be allowed to provide wastewater service in the “Ni Service Area” as defined and described in Exhibit “A” hereto and that such service may be subject to the regulation and oversight of the Florida Public Service Commission as provided in Chapter 367, Florida Statutes, if the Florida Public Service Commission determines Section 367.171(7), Florida Statutes, applies to Ni’s service in the Ni Service Area; provided that DeSoto County’s determinations herein are conditioned upon Ni entering into an agreement with DeSoto County codifying and confirming the representations and obligations included in Exhibit “A” to this Resolution.

SECTION 3: The DeSoto County Administrator is hereby directed and authorized to notify the Florida Public Service Commission of the adoption of this resolution by mailing a certified copy of this resolution to the Florida Public Service Commission upon execution of the agreement referenced in Section 2 hereof.

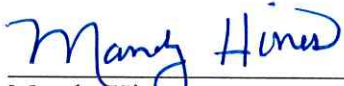
SECTION 4: This Resolution shall take effect immediately upon its adoption.

[Signature Page Follows]

PASSED AND DULY ADOPTED by the Board of County Commissioners of DeSoto County, Florida this 25th day of July, 2023.

BOARD OF COUNTY COMMISSIONERS OF
DESOTO COUNTY, FLORIDA

ATTEST:



Mandy Hines
County Administrator

By: 

Judy Schaefer, Board Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Donald D. Conn, County Attorney

[SEAL]