

1                   **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**  
2                   **APPLICATION OF FARMTON WATER RESOURCES, LLC**  
3                   **FOR AN ORIGINAL WATER CERTIFICATE**  
4                   **DOCKET NO. 021256-WU**  
5                   **ON BEHALF OF BREVARD COUNTY, FLORIDA**  
6                   **DIRECT TESTIMONY OF RICHARD H. MARTENS**

7           Q.     Please state your name and occupation.

8           A.     Richard Martens. I am the Director of the Water Resources Department for  
9                 Brevard County, Florida.

10          Q.     How long have you held that position?

11          A.     I have been employed in that position since 1991.

12          Q.     What are your job responsibilities?

13          A.     I oversee and supervise the construction, operation and maintenance of all  
14                 water and wastewater facilities owned by Brevard County, Florida, as well as  
15                 the employees that work for the Water Resources Department. As part of that  
16                 responsibility, I am in charge of overseeing and presenting an annual budget  
17                 for capital improvements, operations and maintenance of water and sewer  
18                 facilities.

19          Q.     What is the total projected Water Resources Department budget for fiscal year  
20                 2003-2004?

21          A.     The Water Resources Department overall budget is approximately \$58.6  
22                 Million, \$4.8 Million of which is represented by the Barefoot Bay Water and  
23                 Sewer system.

24          Q.     What is the Barefoot Bay system?

25          A.     The Board of County Commissioners Water Resources Department operates a

1 water and sewer system owned by the Barefoot Bay Water and Sewer District  
2 under a management agreement between the County and the District.

3 Q. What is the Barefoot Bay Water and Sewer District?

4 A: The District was created as a special water and sewer district by the Brevard  
5 County Board of County Commissioners in accordance with Part II of Chapter  
6 153, as well as Chapter 189, Florida Statutes and the Board of County  
7 Commissioners sits as the governing body of that District.

8 Q. Do your responsibilities involve planning for future expansion of the Brevard  
9 County water and sewer system?

10 A. Yes.

11 Q. Do your responsibilities also involve the implementation of the Potable Water  
12 Element of the Brevard County Comprehensive Plan?

13 A. Yes.

14 Q. I would like to draw your attention to Exhibit RHM-1 and ask you to identify  
15 that document if you would please.

16 A. Exhibit RHM-1 is a copy of the current Potable Water Element of the Brevard  
17 County Comprehensive Plan.

18 Q. Was that element, as it appears in Exhibit RHM-1, in effect on the date of  
19 Farmton application, December 20, 2002?

20 A. Yes.

21 Q. I would draw your attention to Policy 3.4 of the Potable Water Element.  
22 Would you please read that policy into the record?

23 A. **“Policy 3.4,** Newly proposed service areas, expanding restricted service  
24 areas, or Public Service Commission (PSC) regulated service areas shall be  
25 reviewed and approved by Brevard County and applicable agencies.”

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Q. Has the Farmton application at issue in these proceedings been reviewed or approved by Brevard County?

A. No.

Q. Is there a procedure or process that has been set up by Brevard County to implement Policy 3.4 of the Potable Water Element by requiring review and approval of applications for newly proposed service areas such as Farmton's?

A. Yes. The County Commission has enacted an ordinance that requires any water provider or supplier to obtain the consent of the County Commission, acting in its capacity as the governing board of the Brevard County Water and Sewer District.

Q. I would like to show you a copy of Exhibit RHM-2 and ask you if that is a copy of the ordinance you just mentioned?

A. Yes, it is.

Q. Do you know the legal authority under which that ordinance was adopted?

A. I believe that authority is specifically set forth in the ordinance recitals. I would quote those sections as follows:  
"WHEREAS, Chapter 153, Part II, Florida Statutes, authorizes the County Commission to create special districts to provide water and sewer facilities; and  
WHEREAS, Chapter 153, Part II, Florida Statutes, provides that the County Commission may serve as the governing body of any water district created under the act; and  
WHEREAS, Section 153.86, Florida Statutes, provides that no water treatment plant or other facilities for the supply and distribution of water, or sewer facilities shall be constructed within any district unless the district board

1 shall give its consent. . .”.

2 Q. Would you please read the provision in that ordinance that requires the  
3 consent of the County Commission acting as the District governing body?

4 A. That would be section 4.10 of the ordinance. The relevant part of that section  
5 reads:

6 “10. Pursuant to the District’s authority under Section 153.86, Florida  
7 Statutes, upon application for the extension or construction of a water or sewer system  
8 into an area for which consent has not been given, the District may grant consent to  
9 the construction or expansion of any water or sewer system which is to provide  
10 domestic or industrial service to customers. The District's consent shall not be  
11 unreasonably withheld upon demonstration of all of the following. . .”. After that, a  
12 list of criteria and standards is set forth in the ordinance.

13 Q. Has Farmton sought consent under that provision?

14 A. No.

15 Q. Has the County Commission, in its capacity as District governing board,  
16 granted consents to any other public or private water suppliers?

17 A. Yes. Those consents are set forth in the ordinance sections 4.1 through 4.9.

18 Q. What was the process, if any, that was used to establish the consents set forth  
19 in the ordinance?

20 A. A key component of the enactment process utilized prior to adoption of the  
21 water and sewer district ordinance involved the solicitation of input from  
22 every supplier of water or sewer service in Brevard County, both public and  
23 private. Information we sought included proposed service areas for each  
24 supplier as well as input on the wording of the ordinance.

25 Q. Which water suppliers provided input into the ordinance?

1 A. The water suppliers included the City of Cocoa, the City of Melbourne, the  
2 City of West Melbourne, the City of Palm Bay, the City of Titusville and  
3 Brevard County. Some consumer cities, such as Cape Canaveral and the City  
4 of Satellite Beach, also provided input. The private entities providing input  
5 included East Central Florida Services Inc. Sewer providers providing input  
6 included the City of Rockledge and the City of Cocoa Beach as well as the city  
7 water providers that also provide sewer service.

8 Q. Over what period of time was input sought from those providers?

9 A. The first draft of the ordinance was produced on January 29, 2003 and was  
10 continuous through the adoption of the ordinance in July 22, 2003. The  
11 County Commission submitted the draft ordinance to the Brevard County  
12 Water Supply Board for consideration. The Water Supply Board is an advisory  
13 board comprised of appointed representatives from the cities providing water  
14 service in the county, as well as cities who are customers of the supplier cities.  
15 The Board was created to discuss water supply issues affecting the county.  
16 The Water Supply Board met on numerous occasions to discuss the provisions  
17 in the ordinance and reviewed numerous drafts of the ordinance before voting,  
18 ten to one, in support of adoption.

19 Q. How did that input affect the final version of the ordinance?

20 A. Essentially, the ordinance sets forth the consent of the County Commission,  
21 acting as the District governing board, to specific service areas for each of the  
22 provider municipalities. Based upon the comments received from municipal  
23 providers, the areas were redefined and ordinance language was changed. In  
24 addition, the Commission consented to private utilities providing service to  
25 existing customers and new customers within their certificated service areas to

1 the extent that the existing infrastructure of that utility was sufficient to serve  
2 those new customers. In essence, the process evolved into, as the City  
3 Attorney for Melbourne put it, a potable water supply plan for the entire  
4 county.

5 Q. Who made that remark?

6 A. Melbourne City Attorney Paul Gougelman.

7 Q. I would like to show you a copy of Exhibit RHM-3 and ask you if you can  
8 identify that document?

9 A. It is a copy of minutes from the July 22, 2003 meeting of the Brevard County  
10 Board of County Commissioners concerning the agenda item at which the  
11 Water and Sewer District Ordinance was considered for adoption.

12 Q. Were you at that meeting?

13 A. Yes.

14 Q. Did Mr. Gougelman appear at that meeting?

15 A. Yes.

16 Q. Does Exhibit RHM-3 fairly summarize the comments made by Mr.  
17 Gougelman?

18 A. Yes.

19 Q. Please read the portion of Mr. Gougelman's remarks within the brackets.

20 A. "Thank you very much. Paul Gougelman, representing the City of Melbourne  
21 as City Attorney, and I'm here on behalf of the City today just to give you a  
22 few comments regarding the proposed water and sewer ordinance. The first  
23 thing I want to do, on behalf of the City, is to thank the Commission. If you'll  
24 think back many, many months, you had an ordinance that was before you; it  
25 looked like it was going at full speed through this room; and the Cities did ask  
26 you to slam on the brakes, engage in some intergovernmental cooperation, run

1 it through the Water Supply Board, and seek some input from the  
2 municipalities, which you did; and I want to thank you all for that. I think it  
3 was a true exercise in intergovernmental coordination, and I think as a result,  
4 all of us can now say we've come a thousand miles and that the product that  
5 you have before you is going to be much more meaningful. If you stand back  
6 from the forest and don't look at the individual trees, I think what you will see  
7 is that what you're creating is actually a water and sewer plan for Brevard  
8 County; and it's rather amazing. Commissions all over the State of Florida  
9 over the last 20 years have tried to do this without much success, and you're  
10 going to do it."

11 Q. Now Mr. Martens, I would like to show you a copy of Exhibit RHM-4 and ask  
12 if you can identify that document?

13 A. Exhibit RHM-4 is a graphic depicting existing county water distribution and  
14 supply lines connected to the North Brevard Water System, which we call the  
15 Mims plant, which is located about one mile south of the intersection of I-95  
16 and S.R. 46 in Brevard County. The graphic shows existing lines in blue,  
17 Farmton's proposed certificated territory in chartreuse, the Walkabout project  
18 in green and McIntosh Highlands DRI in red outlined in red and colored, in  
19 part, in brown.

20 Q. Mr. Martens, does Exhibit RHM-4 show any areas that receive potable water  
21 from Brevard County?

22 A. Yes. All of the areas where the blue lines are shown which include several  
23 subdivisions including the Fawn Lake subdivision located about a mile to the  
24 south of the southernmost boundary of Farmton's proposed certificated  
25 territory.

1 Q. What is the Walkabout project shown on Exhibit RHM-4?  
2 A. Walkabout is a residential project that has been approved for 1500 single  
3 family homes in a golf course community. The golf course is complete and  
4 the developer is currently seeking subdivision plat approval for the first phases  
5 of development.  
6 Q. Will Brevard County be providing potable water service to Walkabout  
7 project?  
8 A. Yes, Brevard County has a written agreement to provide that service, as well  
9 as an agreement that allows the county to drill new wells in that area, subject  
10 to modification of the existing consumptive use permit for the North Brevard  
11 Water Supply system, the Mims system.  
12 Q. What is the McIntosh Highlands area shown on Exhibit RHM-4?  
13 A. McIntosh Highlands is an approved Development of Regional Impact. The  
14 owners of the area in brown have recently contacted me about the possibility  
15 of the County providing potable water service to that area. The discussions  
16 are in the preliminary phases at this time.  
17 Q. I would now like to you a copy of Composite Exhibit RHM-5 and ask if you  
18 can identify that document?  
19 A. Yes, I can. The first page of Composite Exhibit RHM-5 is a graphic depiction  
20 of data that I have compiled from the county's North Brevard Water System,  
21 copies of which are also attached to this exhibit. The top graphic depicts the  
22 water treatment capacity of the plant, plant flows, average annual daily flows  
23 from the plant and projected average annual daily flows based upon existing  
24 infrastructure, including wells and treatment facilities. The graphic shows that  
25 the Mims water treatment plant is currently running at less than one-third of  
26 its



1 2.4 million gallon per day capacity and that, based upon projected flows, the  
2 Mims plant will continue to operate well below its maximum capacity into the  
3 foreseeable future.

4 Q. What does the second graphic show?

5 A. The second graphic is a depiction of total residential customers, projected  
6 residential customers, total equivalent residential connections, ERC's,  
7 Projected ERC's, both of which are based upon 250 gallons per day of  
8 consumption per residential unit, as well as the concurrency capacity of the  
9 Mims Water Treatment Plant. The graphic shows that the Mims plant is  
10 currently serving only about thirty percent of its current 9,600 ERC  
11 concurrency capacity.

12 Q. What does the term "concurrency capacity" mean?

13 A. Concurrency capacity is the capacity of the plant based upon the level of  
14 service established in the Potable Water Element of the Comprehensive Plan  
15 at 250 gallons per day per customer. Using that number and our current 2.4  
16 million gallons per day capacity at the treatment plant, the number of  
17 customers that we can serve is 9,600.

18 Q. Drawing your attention again to Composite Exhibit RHM-5, would you please  
19 tell us what the blue line represents?

20 A. The blue line represents the projected total ERC's, including those that will be  
21 generated by Walkabout which are estimated at about 300 per year, through  
22 the year 2029.

23 Q. What is the plum colored line at the top of the Residential Customers graphic?

24 A. That line represents the total plant concurrency capacity.

25 Q. Can you tell us what the area between the blue line and the plum line

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represents?

A. That area represents the excess capacity in the North Brevard Water System plant at Mims. Our projections show that the plant will have excess capacity for the supply of potable water through the year 2029 and beyond.

Q. I would now like to return your attention to the Potable Water Element of the Comprehensive Plan. Specifically Policy 3.5. Would you please read the first sentence of that provision?

A. "Policy 3.5. Potable water facilities and services intended to serve future development needs that are not located in the 0-20 year future potable water service area (see Map 1) shall not be permitted or provided unless the potable water service area is amended in the Potable Water Element of the Comprehensive Plan or a non-governmental entity is the provider of the potable water facilities, so long as the private potable water service is consistent with the Brevard County Comprehensive Plan."

Actually the reference to Map 1 is a scrivener's error. The future potable water service area map is actually Map 2 of the Potable Water Element. Map 1 is the map showing Potable Water Treatment Plants.

Q. I would now show you Composite Exhibit RHM-6 and ask you to identify that document if you can.

A. Composite Exhibit RHM-6 is comprised of Map 1, Potable Water Treatment Plants, and Map 2, the Existing Potable Water Customers and Future Service Area map both of which are contained in the Potable Water Element of the Brevard County Comprehensive Plan.

Q. Does the area encompassed by the Farnton application fall inside or outside of the 0-20 year future potable water service area shown on Map 2, Composite

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Exhibit RHM-6?

A. The Farmton area is located outside of the 20-year future potable water service area shown on Map 2.

Q. Has Farmton's proposed Public Service Commission certificated area been approved under Policy 3.4 of the Potable Water Element?

A. No.

Q. Is Objective 5 of the Potable Water Element a provision with which a private potable water service must be consistent?

A. Yes

Q. Would you please read that objective?.

A. **Objective 5.** Brevard County shall maximize the use of existing facilities to discourage urban sprawl.

Q. Do you know whether or not there is existing residential or commercial development in the over fourteen sections of land encompassed by the proposed certificated area identified in the Farmton application which is the subject of this proceeding?

A. There is very little, if any, residential or commercial development in that area.

Q. Does Brevard County have a policy specifying when or if the Mims water system may be expanded to meet demand for potable water outside of the current county service territory in the areas proposed by Farmton for its certificated territory?

A. I believe that scenario would be covered by Policy 1.2 F of Residential Land Use policies and Policy 4.1 B of the Agricultural Land Use Policies of the Future Land Use Element of the Brevard County Comprehensive Plan. Both of those policies provide for expansion of the system upon a showing of an

1 overriding public benefit or as part of an MSBU or MSTU program paid for  
2 by the customers receiving the service.

3 Q. What is an MSBU?

4 A. An MSBU is a municipal service benefit unit.

5 Q. How would the MSBU be applied to expand water service from the Mims  
6 plant?

7 A. In the context of expanding the supply of potable water from the Mims plant,  
8 an MSBU would involve the imposition of a special assessment on the  
9 properties benefitted by the water system. The special assessment would be  
10 an amount sufficient to offset the cost of providing the special benefit  
11 conferred by the expansion of distribution lines and other costs of extending  
12 service to the area where that service has been requested.

13 Q. What is an MSTU?

14 A. An MSTU is a municipal service taxing unit.

15 Q. How would an MSTU be used to expand water service from the Mims plant?

16 A. We have never done an MSTU for that purpose.

17 Q. Do Polices 1.2 F and 4.1 B provide any other mechanism for providing water  
18 service to Farnton's proposed certificated area?

19 A. Yes, the developers or owners of property in that area could pay for, install  
20 and donate or dedicate to the county the infrastructure necessary to connect  
21 into lines already extended from the Mims water treatment plant. The county  
22 would then supply water through those dedicated or donated lines and, of  
23 course, maintain those lines after they were donated or dedicated.

24 Q. Would any other action be required by the County to provide water service in  
25 Farnton's proposed service area?

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A. Under Policy 3.5 of the Potable Water Element, the County Commission would have to amend the service areas identified in the comprehensive plan. The County would also have to seek a modification of its North Brevard County Water System consumptive use permit. I am also studying the possible transfer or lease of the North Brevard County Water System assets by the County to the Brevard County Water and Sewer District.

Q. Is there any county policy that determines when the Mims water treatment plant will be expanded?

A. Yes. That policy is set forth as Policy 3.3 of the Potable Water Element of the Comprehensive Plan.

Q. Referring you to Exhibit RHM-1, is Policy 3.3 set forth in that exhibit?

A. Yes.

Q. I will now show you Exhibit RHM-7 and ask if you can identify that document?

A. Exhibit RHM-7 is a graphic that I have created based upon the same data that is attached to Exhibit RHM-5. Exhibit RHM-7 shows my calculations of the number of years before the Mims plant will require expansion as determined under policy 3.3 of the Potable Water Element. In making that calculation I used two assumed growth rates. The first growth rate I assumed was 369 ERC's per year, which is the estimated number of units that will connect once the Walkabout project is fully under construction. The second growth rate assumption I used was made about the growth rate 132.72 ERC's per year, which is what we currently experience without the Walkabout project. As you can see, even at the higher growth rate, the Mims plant will not need to be expanded for another 17.6 years, which means that such an expansion would have to be placed in the Capital Improvements Element of the Comprehensive

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Plan in about 12.6 years.

Q. What do your calculations reveal when the 132.72 ERC's per year growth rate is assumed?

A. Under that assumption, the Mims plant would not have to be expanded for forty-nine years, meaning that the expansion would not have to be placed in the Capital Improvements Element for forty-four years.

Q. If Farmton were to build a water treatment facility within its proposed certificated area, would that facility be a duplication of the County system at the Mims Plant?

A. Yes, to the extent that the Mims Plant has excess capacity.

Q. No further questions.

Exhibit RHM-1

BREVARD COUNTY COMPREHENSIVE PLAN

CHAPTER 6

POTABLE WATER ELEMENT

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# POTABLE WATER ELEMENT

## GOALS, OBJECTIVES AND POLICIES

### GOAL 1

BREVARD COUNTY SHALL PURSUE A POTABLE WATER SUPPLY WHICH DOES NOT DEplete THE FRESHWATER RESOURCE AND IS SAFE, ENVIRONMENTALLY SOUND, AND EFFICIENT.

#### Objective 1

Brevard County shall strive to utilize potable water more efficiently on a per capita basis in 2002 as compared to 1998.

#### Policy 1.1

Brevard County shall maintain efforts to increase public awareness and acceptance of water conservation techniques including wastewater reclamation.

#### Policy 1.2

The County shall strive to strengthen and enforce the provisions found in the Brevard County Water Conservation Ordinance in an effort to reduce per capita consumption.

#### Policy 1.3

The County shall strengthen and enforce the provisions found in the Brevard County Water Source Heat Pump Ordinance in an effort to protect water resources.

#### Policy 1.4

The County shall identify additional reclamation zones and implement the provisions found in the Brevard County Wastewater Reuse Ordinance.

#### Policy 1.5

Brevard County shall investigate and enact such other ordinances as may be required to reduce per capita consumption of potable water.

#### Policy 1.6

Brevard County's Utility Services Department shall maintain a rate schedule of connection and service fees at an adequate level to provide necessary annual operation and maintenance funds, capital improvements, and renewal and replacement funds, for all County operated potable water systems.



**Policy 1.7**

Brevard County encourages water conservation practices to be utilized throughout the County in domestic, commercial, agricultural, and industrial activities.

**Objective 2**

All public water supply systems serving Brevard County residents shall be maintained at accepted water quality standards to protect the health of the users of potable water.

**Policy 2.1**

Brevard County shall meet or exceed the water quality standards found in Chapter 17-22, F.A.C.

**Policy 2.2**

Brevard County shall cooperate with the Florida Department of Environmental Protection (FDEP) to ensure that the appropriate purveyor of potable water shall notify the users of the public water supply systems when violations of water quality standards occur by following, at a minimum, the procedure found in Chapter 17-22, F.A.C.

**Policy 2.3**

Brevard County, municipalities, the School Board, and all primary and support agencies designated within the Brevard County Comprehensive Emergency Management Plan (CEMP), being governed by the authority of Public Law 93-288, Chapter 62-22, F.A.C, Chapter 252, F.S. and the St. Johns River Water Management District Water Shortage Plan (40C-21, F.A.C.), shall ensure the provision of potable water supplies to users of potable water within Brevard County during or after natural or man-made catastrophes.

**Policy 2.4**

Anyone proposing a new public water supply well shall comply with the policies contained in the Conservation Element.

**Objective 3**

Ensure that the present and future population has access to potable water that is consistent with the service sectors defined in the Future Land Use Element of this Comprehensive Plan.

**Policy 3.1**

The following acceptable level of service standards based on the average daily flow are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development within the respective service areas.

POTABLE WATER  
SERVICE AREA

LEVEL OF SERVICE STANDARD

MIMS	Residential - 250 gal/residential unit/day Non-Residential - 200 gal/equivalent unit/day
TITUSVILLE	125 gal/capita/day
COCOA	265 gal/ERC/day
SOUTH BREVARD	120 gal/capita/day

**Policy 3.2**

Brevard County's Water and Wastewater Division shall develop and implement a procedure to monitor the water system's level of service (LOS) status, and to determine the impact of a requested development order on available potable water capacity. Consistency with the established LOS determines approval of the development order as it pertains to the Potable Water Element as it pertains to the Potable Water Element. The gallons per day criteria for residential and non-residential consumption as established by the individual water suppliers shall be used as the criteria to measure the available capacity of the applicable water treatment plant.

**Policy 3.3**

Recognizing that acceptable level of service standards may not be achieved in practice and to avoid the possibility of curtailment of potable water service, the Brevard County water service agency shall initiate action (including introduction into the Capital Improvement Element), utilizing a lead time based on a calculated number of years before the design capacity has been reached using the following formulas to ensure additional capacity is on-line within five years:

$$\frac{\text{design capacity} - \text{actual capacity}}{\text{growth rate}} = \text{\# of years to design capacity}$$

$$\text{\# years to design capacity} - 5 \text{ years} = \text{\# of years before necessary inclusion within the CIE}$$

$$\text{growth rate} = \text{percentage capacity increase per year.}$$

Brevard County shall pursue agreements with the other water suppliers in Brevard to adopt and utilize this or a similar procedure.

**Policy 3.4**

Newly proposed service areas, expanding restricted service areas, or Public Service Commission (PSC) regulated service areas shall be reviewed and approved by Brevard County and applicable agencies.

**Policy 3.5**

Potable water facilities and services intended to serve future development needs that are not located in the 0-20 year future potable water service area (see Map 1) shall not be permitted or provided unless the potable water service area is amended in the Potable Water Element of the Comprehensive Plan or a non-governmental entity is the provider of the potable water facilities, so long as the private potable water service is consistent with the Brevard County Comprehensive Plan. Nothing in this element will prevent a private property owner from utilizing on-site water sources, such as a well, for individual and personal potable water use.

**Objective 4**

Provide the facilities necessary to meet the projected needs of the County-operated public water supply system for the next twenty years by developing and implementing a Potable Water Capital Improvements Program.

**Policy 4.1**

Brevard County shall continue to implement an wellfield expansion program to increase the safe yield of the surficial aquifer in the north county area, in order to provide an adequate and dependable water supply source to meet the current and future needs of the County-operated water system.

**Policy 4.2**

Brevard County supports the effort of the Brevard Water Supply Board to develop a water supply plan to meet the future needs of Brevard County which is consistent with and supportive of the provisions found in the Brevard County Comprehensive Plan.

**Policy 4.3**

Brevard County promotes cooperative efforts with other governmental entities, both within the County and outside of the County, for the planning, implementation, and management of water resources and supplies.

**Policy 4.4**

A potable water interconnect should be established and maintained between all of the publicly owned water systems in order to provide potable water during emergencies.

**Policy 4.5**

For potable water uses, Brevard County should utilize the highest quality water source, whenever economically and environmentally feasible.

**Objective 5**

Brevard County shall maximize the use of existing facilities to discourage urban sprawl.

**Policy 5.1**

The development and use of County-owned potable water facilities and systems shall be undertaken to maximize the overall public benefit while minimizing construction, operation, and maintenance costs.

**APPENDIX**  
**LIST OF MAPS**

<b>Map</b>	<b>Title</b>
<b>1</b>	<b>Potable Water Treatment Plants</b>
<b>2</b>	<b>Existing Potable Water Customers and Future Service Areas</b>

Exhibit RHM-2

Brevard County Ordinance No. 03

**ORDINANCE NO. 03-032**

**AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS CREATING A SPECIAL WATER AND SEWER DISTRICT WITHIN THE UNINCORPORATED AREA OF BREVARD COUNTY; SETTING FORTH THE PURPOSE OF THE DISTRICT; ESTABLISHING THE ORGANIZATION AND DUTIES OF THE DISTRICT GOVERNING BODY; SETTING FORTH POWERS OF THE DISTRICT; GRANTING CERTAIN CONSENTS FOR THE EXPANSION AND OPERATION OF WATER AND SEWER FACILITIES; SETTING FORTH BUDGETING AND REPORTING REQUIREMENTS; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 153, Part II, Florida Statutes, authorizes the County Commission to create special districts to provide water and sewer facilities; and

WHEREAS, Chapter 153, Part II, Florida Statutes, provides that the County Commission may serve as the governing body of any water district created under the act; and

WHEREAS, Section 153.86, Florida Statutes, provides that no water treatment plant or other facilities for the supply and distribution of water, or sewer facilities shall be constructed within any district unless the district board shall give its consent; and

WHEREAS, several municipalities and the County currently provide water and sewer service within incorporated and unincorporated areas of the county; and

WHEREAS, several provider municipalities and the County have entered into interlocal, settlement or franchise agreements which set forth service areas and conditions under which the various providers will supply water and sewer services or expand such services; and

WHEREAS, the current agreements between the cities and the County provide an efficient method for providing and expanding water and sewer systems; and

**WHEREAS**, the County Commission is concerned about possible disruption of the current system of providing water and sewer service by new private and public providers located within or outside of the County; and

**WHEREAS**, the County Commission desires to facilitate cooperation in development of water supplies in the County which best meet the needs of residents of Brevard County and the Central Florida region; and

**WHEREAS**, any district created will not have any jurisdiction over the permitting of groundwater or surface water use and withdrawal; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that the water and sewer system service areas designated in Section 4.3(a) of this Ordinance are generally designated and subject to the provisions of the May 22, 2001 Joint Planning Agreement with Brevard County, the April 4, 2002 Water and Sewer Franchise Agreement with Brevard County as approved by the Board of County Commissioners on April 4, 2000 and by the City of Melbourne pursuant to City Ordinance No. 2000-26, and the August 29, 2001 Settlement Agreement with Respect to Utility Service Areas between Brevard County and the Cities of Melbourne, Palm Bay, and West Melbourne; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, further finds that some additional areas on the South, South Beaches have been included within the area described in Section 4, paragraph 3(a)(1) of this Ordinance, which additional water system service areas are hereby found to be a logical extension of the foregoing Melbourne water system service area; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, further finds that the additional areas on the South, South Beaches should be



added to the City of Melbourne water system service area, because the City of Melbourne is a potential provider of central, regional water system services to the South, South Beaches within the foreseeable future; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that the water system service areas designated in Section 4.3(a) of this Ordinance have their historical genesis in, and were developed at significant expense to the City of Melbourne; and

**WHEREAS**, it is the intent of the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, that the adoption and grant of consents in Section 4 of this Ordinance are intended to run with the land and shall not be revocable or amendable without the consent and joinder of the grantee municipality of the consent granted; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that the provision of service and development of the City's water system and sewer system has been in reliance upon the provisions of the May 22, 2001 Joint Planning Agreement with Brevard County, the April 4, 2002 Water and Sewer Franchise Agreement with Brevard County as approved by the Board of County Commissioners on April 4, 2000 and by the City pursuant to City Ordinance No. 2000-26, the August 29, 2001 Settlement Agreement with Respect to Utility Service Areas between Brevard County and the Cities of Melbourne, Palm Bay, and West Melbourne, and the Master Plan for Water Distribution System adopted in 1987 by the City of Melbourne and the South Brevard Water Authority, together with the 1990 Plan updates, which plan was approved pursuant to the South Brevard Water Authority operating legislation in Chapter 83-375, Laws of Florida, as amended, as well as other agreements, ordinances, and plans; and

**WHEREAS**, the City of Melbourne's reliance on the foregoing has been substantial, and the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that the City of Melbourne within the water system and sewer system service areas has a vested right to continue provision and to expand provision of water system services and sewer system service, all within the unincorporated portion of the service areas described in Section 4.3(a) of this Ordinance, without additional consent, permit, or regulation by the Board of County Commissioners and the Brevard County Water and Sewer District; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that nothing in this Ordinance shall be deemed to alter, modify, or reduce the rights granted under provisions of the May 22, 2001 Joint Planning Agreement with Brevard County, the April 4, 2002 Water and Sewer Franchise Agreement with Brevard County as approved by the Board of County Commissioners on April 4, 2000 and by the City pursuant to City Ordinance No. 2000-26, the August 29, 2001 Settlement Agreement and Interlocal Agreement with Respect to Utility Service Areas between Brevard County and the Cities of Melbourne, Palm Bay, and West Melbourne, as well as other agreements, ordinances, and plans;

**WHEREAS**, the County recognizes that the City of Cocoa Beach has an established and vested sewer franchise service area under which the City of Cocoa Beach will supply sewer services or expand such services; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that the water and sewer service area designated to the City of Cocoa Beach in Section 4.6 of this Ordinance has its historical genesis in, and was developed at significant expense to the City of Cocoa Beach pursuant to Chapter 180, Florida Statutes, City of Cocoa Beach

ordinances, resolutions and other existing laws and case law applicable to the City of Cocoa Beach's rights to continue to provide exclusive sewer services to that area; and

**WHEREAS**, the County recognizes that the City of Cocoa has an established and vested water and sewer franchise service area under Chapter 57-1232, Laws of Florida, by which the City of Cocoa will supply water and sewer services or expand such services; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that the water and sewer service area designated to the City of Cocoa in Section 4.2 of this Ordinance has its historical genesis in, and was developed at significant expense to the City of Cocoa pursuant to Chapter 57-1232, Laws of Florida, Chapter 180, Florida Statutes, City of Cocoa ordinances, and other existing laws and case law applicable to the City of Cocoa's rights to continue to provide exclusive water and sewer services to that area to the extent authorized by Chapter 57-1232, Laws of Florida; and

**WHEREAS**, the City of Cocoa's reliance on the foregoing has been substantial, and the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that the City of Cocoa within the water system and sewer system service area has a vested and exclusive right, to the extent authorized by Chapter 57-1232, Laws of Florida, to continue provision and to expand provision of water and sewer services, all within the service area described in Section 4.2 of this Ordinance, without additional consent, permit, or regulation by the Board of County Commissioners and the Brevard County Water and Sewer District; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that nothing in this Ordinance shall be deemed to alter, modify, or reduce the rights granted to, and exercised by, the City of Cocoa under Chapter 57-1232, Laws of Florida, Chapter 180, Florida Statutes, City of Cocoa ordinances, and other existing laws and case law

applicable to the City of Cocoa's right to continue to provide water and sewer services to that area;  
and

**WHEREAS**, the County recognizes that the City of Cape Canaveral has entered into an interlocal agreement, dated April 6, 1994, as amended, with the City of Cocoa Beach and an interlocal agreement with the Canaveral Port Authority, dated March 17, 1999, to provide reclaimed water service; and

**WHEREAS**, the City of Cape Canaveral provides sewer service within municipal boundaries; and

**WHEREAS**, the City of Cape Canaveral's reliance on the foregoing has been substantial, and the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that the City of Cape Canaveral has a vested right to continue provisions and to expand provision of reclaimed water service to Cocoa Beach and the Canaveral Port Authority without additional consent, permit, or regulation by the Board of County Commissioners and the Brevard County Water and Sewer District; and

**WHEREAS**, the County and the City of Titusville recognize that the City of Titusville has a service area for water and sewer service generally described as the Indian River on the east, Kings Highway, Range Road on the south, Parrish Road on the north and extended westerly towards the St. Johns River with certain areas excluded that are serviced by the County; and

**WHEREAS**, the County and the City of Titusville will proceed with formalizing and finalizing the interlocal agreement describing said service areas; and

**WHEREAS**, municipalities are authorized to annex certain territories within their jurisdiction and to enter into agreements providing for the future annexation of said areas when said areas become contiguous; and

**WHEREAS**, it is contemplated that any areas annexed or executed agreements to annex providing for future annexation, may be added to the existing or future water and sewer service areas of said respective municipalities to the extent not inconsistent with any interlocal service area agreement; and

**WHEREAS**, the Board of County Commissioners recognizes that the City of Rockledge has an established and vested sewer service and reclaimed water area within which the City of Rockledge will supply sewer services; and

**WHEREAS**, the Board of County Commissioners recognizes that the City of Rockledge has invested significant funds to create its sewer and reclaimed water systems and has continuing existing public debt therefore; and

**WHEREAS**, the Board of County Commissioners recognizes that the City of Rockledge has a continuing right to provide sewer and reclaimed water services, to the extent authorized by law, to contiguous areas, incorporated or unincorporated; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that nothing in this ordinance shall be deemed to alter, modify or reduce the rights granted to, and exercised by, the City of Rockledge under Chapter 180, Florida Statutes, City of Rockledge ordinances, and other existing laws and case law applicable to the City of Rockledge's right to continue to provide and expand its sewer and reclaimed water system; and

**WHEREAS**, the Board of County Commissioners recognizes that the City of Palm Bay has an established and vested water, sewer and reclaimed water service area under Chapter 180, Florida Statutes, and in accordance with the August 29, 2001 Settlement Agreement with Respect to Utility Service Areas between Brevard County and the Cities of Melbourne, Palm Bay and West Melbourne by which the City of Palm Bay will supply water, sewer and reclaimed water services; and

**WHEREAS**, the Board of County Commissioners recognizes that the City of Palm Bay has invested significant funds to create its water, sewer and reclaimed water systems and has continuing existing public debt therefore; and

**WHEREAS**, to the extent set forth in the August 29, 2001 settlement agreement, the Board of County Commissioners recognizes that the City of Palm Bay has a continuing right to provide water, sewer and reclaimed water services to areas, incorporated or unincorporated, without additional consent, permit or regulation, including rate regulation, by the Board of County Commissioners and/or the Brevard County Water and Sewer District; and

**WHEREAS**, the Board of County Commissioners, for itself and the Brevard County Water and Sewer District, finds that nothing in this ordinance shall be deemed to alter, modify or reduce the rights granted to, and exercised by, the City of Palm Bay under Chapter 180, Florida Statutes, the August 29, 2001 Settlement Agreement with Respect to Utility Service Areas between Brevard County and the Cities of Melbourne, Palm Bay and West Melbourne, City of Palm Bay ordinances, and other existing laws and case law applicable to the City of Palm Bay's right to continue to provide and expand its water, sewer and reclaimed water systems within its service area as described in the August 29, 2001 Settlement Agreement; and

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Brevard County, Florida:

**Section 1. CREATION AND PURPOSE OF SPECIAL DISTRICT.** Pursuant to Chapter 153, Part II, Florida Statutes, and Section 189.4041, Florida Statutes, the Board of County Commissioners determines it to be necessary in the public interest to create and there is hereby created a dependent special district to be known as the "Brevard County Water and Sewer District" ("District"). The boundaries of the district shall be the unincorporated area of Brevard County, less

and except the area lying within the boundaries of the Barefoot Bay Water and Sewer District. The purpose of the special district is to acquire, own, operate, lease and maintain water and sewer systems in the unincorporated area of Brevard County, Florida. The Board of County Commissioners hereby declares that a dependent special district is the best means of establishing the District and for acquiring, leasing, operating and managing assets of water and sewer systems within the District because creating the special district with the authority set forth in Chapter 153, Part II, Florida Statutes, preserves the option of adjusting the membership of the governing body and best addresses the issues described in the recital clauses set forth above.

**Section 2. ORGANIZATION AND DUTIES OF DISTRICT GOVERNING BODY.** The governing body of the Brevard County Water and Sewer District shall be the Brevard County Board of County Commissioners, the members of which shall receive no additional compensation for their service as District board members. The duties of the county commissioners, sitting as the district governing body, shall be those specified in Chapter 153, Part II, Florida Statutes, and all duties necessary or incidental to the District's authority as set forth in that chapter.

**Section 3. POWERS AND AUTHORITY OF THE DISTRICT AND ITS GOVERNING BODY.** The special district, through its governing body, shall have all powers and authority specified in Chapter 153, Part II, Florida Statutes, and as otherwise may be specified by law. Such powers shall include, but shall not be limited to those powers to construct and expand water and sewer systems to serve domestic and industrial customers as well as all other powers specified in Section 153.62, Florida Statutes, and all other provisions of Chapter 153, Part II, Florida Statutes.

**Section 4. GRANTS OF CONSENT.** Pursuant to the authority vested in the District under Section 153.86, Florida Statutes:

1. The District, through the Board of County Commissioners as its governing body, hereby consents to Brevard County municipalities the right to continue to provide any water and sewer service currently provided by those municipalities in the unincorporated areas of the County as of the date of this ordinance.

2. The District, through the Board of County Commissioners as its governing body, hereby consents to the City of Cocoa's operation, maintenance, construction, reconstruction, repair, removal, contraction, and expansion of its water system, as that term is defined by Section 153.52(5), Florida Statutes (2002), and its sewer system, as that term is defined by Section 153.52(4), Florida Statutes (2002), and providing water and sewer services within all areas of Brevard County which are described in Chapter 57-1232, Laws of Florida, and further consents to the same for the additional water service area which extends past Mathers Bridge down to the southernmost dwelling on South Tropical Trail. The additional water service area is hereby found to be a logical extension of the foregoing City of Cocoa water system service area.

3. City of Melbourne Service Area.

(a)(1) The District, through the Board of County Commissioners as its governing body, hereby consents to the City of Melbourne's operation, maintenance, construction, reconstruction, repair, removal, contraction, and expansion of its water system, as that term is defined by Section 153.52(5), Florida Statutes (2002), and providing of water service in all areas of Brevard County which are described in Exhibit A attached hereto including the unincorporated areas described within Exhibit A.

(2) The District, through the Board of County Commissioners as its governing body, hereby consents to the City of Melbourne's operation, maintenance, construction, reconstruction, repair, removal, contraction, and expansion of its sewer system, as that term is



defined by Section 153.52(4), Florida Statutes (2002), and providing of sewer system services in all areas of Brevard County which are described in Exhibit B attached hereto including the unincorporated areas described within Exhibit B.

(b) The Board of County Commissioners finds, for itself and the District, that the provision of service and development of the City's water system and sewer system in reliance upon the May 22, 2001 Joint Planning Agreement with Brevard County, the April 4, 2002 Water and Sewer Franchise Agreement with Brevard County as approved by the Board of County Commissioners on April 4, 2000 and by the City of Melbourne pursuant to City Ordinance No. 2000-26, and the August 29, 2001 Settlement Agreement with Respect to Utility Service Areas between Brevard County and the Cities of Melbourne, Palm Bay, and West Melbourne, ordinances, and plans forms a vested right to continue and expand provision of water and sewer service within the unincorporated portion of the service areas described in Section 4, paragraph 3(a) of this Ordinance, without additional regulation by the District. Consequently, nothing in this ordinance shall be deemed to alter, modify, or reduce the rights granted under those agreements.

(c) The grant of consent provided in this Section 4, paragraph 3 of this Ordinance shall run with the land and shall not be revocable or amendable without the consent and joinder of the City of Melbourne. By granting this consent, the Board of County Commissioners, for itself and the District, grants and or affirms to the City of Melbourne the authority to operate, maintain, construct, reconstruct, repair, remove, contract, renew existing contracts, and expand or contract its water system or service and its sewer system or service, to set rates for, to approve plans and specifications for, and to acquire land for, the water system and the sewer system of the City of Melbourne, all within the service areas described in Section 4, paragraph 3(a) of this Ordinance.

These rights are delegated, and irrevocably granted, to the City of Melbourne pursuant to the provisions of Chapter 153, Florida Statutes.

(d) By grant of this consent, the Board of County Commissioners, for itself and the District affirms to the City of Melbourne that it does not intend to exercise its powers pursuant to Sections 153.53, 153.62, 153.64, Florida Statutes, within the service areas described in Section 4, paragraph 3(a) of this Ordinance.

(e) The service areas described in Section 4, paragraph 3 are non-exclusive service areas for the City of Melbourne. The portion of the service areas described in Section 4, paragraph 3(a)(1) of this Ordinance which are co-extensive with the area described in paragraph 2 of the August 29, 2001 Settlement Agreement with Respect to Utility Service Areas between Brevard County and the Cities of Melbourne, Palm Bay, and West Melbourne, shall be non-exclusive water system service areas for the City of Melbourne.

4. (a) The District, through the Board of County Commissioners as its governing body, hereby consents to the City of West Melbourne's operation, maintenance, construction, reconstruction, repair, removal, contraction and expansion of its reclaimed water facilities and water and sewer facilities and providing water and sewer service in the areas and subject to the provisions of the August 29, 2001 Settlement Agreement With Respect to Utility Service Areas, and Interlocal Agreement with the provision that nothing in this ordinance alters, modifies, increases or reduces the rights granted under that agreement. The grant of consent provided in this Section 4, paragraph 4 of this ordinance shall run with the land and shall not be revocable or amendable without the consent and joinder of the City of West Melbourne. These rights are delegated and irrevocably granted to the City of West Melbourne pursuant to the provisions of Chapter 153, Florida Statutes.

(b) Inasmuch as the City of West Melbourne is supplied water by the City of Melbourne, the City of West Melbourne shall also be afforded the protections under paragraph 3(d) of this ordinance.

5. The District, through the Board of County Commissioners as its governing body, hereby consents to the City of Palm Bay's operation, maintenance, construction, reconstruction, application for consumptive use permits, repair, removal, contraction and expansion of its water and sewer facilities and providing of water, sewer and reclaimed water service in the areas specified and subject to the provisions of the August 29, 2001 Settlement Agreement With Respect to Utility Service Areas, and nothing in this ordinance shall be deemed to alter, modify, increase or reduce the rights granted under that agreement. Nothing set forth in this paragraph shall be construed to prohibit, limit or restrict the right of either the County or the District, at their discretion, to intervene in opposition to a consumptive use permit application filed by the City of Palm Bay. The grant of rights and consent provided in this Section 4, paragraph 5 of this Ordinance shall run with the land and shall not be revocable or amendable without the consent and joinder of the City of Palm Bay. These rights are delegated and irrevocably granted to the City of Palm Bay pursuant to the provisions of Chapter 153, Florida Statutes.

6. The District, through the Board of County Commissioners as its governing body, hereby consents to the City of Cocoa Beach's operation, maintenance, construction, reconstruction, repair, removal, contraction and expansion of its sewer facilities and the City's providing sewer service in the areas and subject to the provisions of resolution (90-103) and the Cocoa Beach Suburban Sewer System acquisition agreement between the county and the city dated January 18, 1990, and nothing in this ordinance shall be deemed to alter, modify, increase or reduce the rights

granted under that resolution or agreement. The District further consents to the City of Cocoa Beach's providing of sewer service to the Capehart Housing area at Patrick Air Force Base.

7. The District, through the Board of County Commissioners as its governing body, hereby consents to the City of Titusville's operation, maintenance, construction, reconstruction, repair, removal, contraction and expansion of its existing water and sewer facilities and providing water and sewer service in the areas generally described as the Indian River on the east, from Kings Highway, Range Road on the south to, on the north, Parrish Road and a line extending from the end of Parrish Road and westerly to the St. Johns River except those areas presently where served by Brevard County or of which are encompassed within a future interlocal agreement between Brevard County and the City of Titusville.

(a) To the extent the SJRWMD approves the City of Titusville's application for Consumptive Use Permit for Area IV Wellfield, the District through the Board of County Commissioners as its governing body consents to the necessary transmission mains and facilities from Area IV Wellfield to the City of Titusville Water Treatment facilities to the extent that the transmission lines would not substantially, adversely and materially impact a substantial number of existing residents or owners in the unincorporated area of the County.

(b) The District through the Board of County Commissioners as its governing body hereby consents and recognizes the City of Cocoa and the City of Titusville's Interlocal Agreement dated April 12, 1994 recorded in OR Book 3987, page 1163 as establishing the southern boundary of Titusville's water and sewer service.

8. The District, through the Board of County Commissioners as its governing body, hereby consents to the City of Rockledge's operation, maintenance, construction, reconstruction, repair, removal, contraction and expansion of its sewer and reclaimed water facilities and providing

sewer and reclaimed water service in the areas and subject to the provisions of that agreement between the City of Rockledge and Brevard County bearing a date of September 6, 2000.

9. The District, through the Board of County Commissioners as its governing body, hereby consents to the City of Cape Canaveral's operation, maintenance, construction, reconstruction, repair, removal, contraction and expansion of its reclaimed water facilities and the City's providing reclaimed water service to Cocoa Beach subject to the interlocal agreement, dated April 6, 1994, as amended, and to Canaveral Port Authority subject to the interlocal agreement, dated March 17, 1999, as well as other agreements, ordinances, and plans.

10. Pursuant to the District's authority under Section 153.86, Florida Statutes, upon application for the extension or construction of a water or sewer system into an area for which consent has not been given, the District may grant consent to the construction or expansion of any water or sewer system which is to provide domestic or industrial service to customers. The District's consent shall not be unreasonably withheld upon demonstration of all of the following:

(a) That the proposed area does not lie within an area in which facilities are owned by the District, or to which another local government entity or private company has rights as set out in this Ordinance; and

(b) That the proposed area does not lie within the service area of the District or of another local governmental entity whose service area has been established by this ordinance, an interlocal agreement or special act; and

(c) That if facilities are available from a provider or the area lies within a service area of a provider established by interlocal agreement, the provider is unable or unwilling to provide service; and

(d) That construction or expansion of the water or sewer treatment is financially feasible and will occur within five years of the date of application; and

(e) That the proposed expansion or construction is in the public interest and will provide the most efficient and cost effective service to customers in the area proposed to be served, provided that if two or more providers are equally capable of supplying cost effective service the customer requesting service shall have the ability to choose which provider supplies service to the property to which service is being extended; and

(f) The proposed expansion is consistent with the county comprehensive plan; and

(g) The proposed expansion is consistent with demand for potable water by reasonably foreseeable residential, commercial and industrial users within the next seven years in the areas of Brevard County proposed to be served.

(h) In the event a dispute arises with the District in which a city or cities contend that the District is unreasonably withholding consent under this ordinance, the dispute shall be submitted to binding mediation before a panel consisting of three members, one appointed by the District, one appointed by the city or cities involved, and one jointly agreed upon by the appointees of the District and the city or cities. At the conclusion of the mediation the District shall adopt and implement the panel's action.

11. Upon annexation into a municipality of any portion of a service area described in Section 4 of this Ordinance, and after the time for contest of said annexation shall have run, or if contested, completion of any litigation arising from said contest, said portion of the service area shall no longer be subject to this Ordinance or the regulation of the Brevard County Water and

Sewer District but shall become a part of the service area of the annexing municipality, if the area is not already part of the service area of another municipality.

12. The Board of County Commissioners hereby recognizes that the District created by this ordinance does not have jurisdiction over the consumptive use permitting of ground water or surface water use and withdrawals and as such, hereby consents and agrees to the installation, permitting, operating, and maintenance of any ground water or surface water use, withdrawals and transmission presently operated by any municipality. Nothing in this ordinance or section shall be deemed to waive the right of any local government to intervene in or object to any application for a consumptive use permit to withdraw or use groundwater or surface water, except as provided herein.

13. The Board of County Commissioners of Brevard County and/or the District governing body shall take no action which may affect any municipal provider of water, sewer or reclaimed water service without providing ninety (90) days' written notice to the affected municipalities and otherwise complying with Florida Law. A municipality may waive the notice requirement contained within this subsection.

14. The intention of the consents granted by this section, though worded somewhat differently for each City, is to provide all similarly situated cities with the same rights, duties and responsibilities.

15. The District hereby consents to a private utility providing water or sewer service to existing customers in their certificated territories and to new customers within that certificated territory who are able to be served by existing water or sewer infrastructure owned by the private utility as of the date of adoption of this ordinance.

**Section 5. NO IMPAIRMENT OF CONTRACT.** Nothing in this ordinance shall impair the existing obligations set forth in any contract, settlement or interlocal agreement for which consent has been granted under this ordinance pertaining to water service, sewer service, reclaimed water service; the expansion of water treatment, water distribution or supply facilities; or the expansion of sewer treatment or transport facilities. No future amendment to this ordinance shall in any way impair the obligations set forth in any contract, settlement or interlocal agreement for which consent has been granted under this ordinance pertaining to water service, sewer service, reclaimed water service; the expansion of water treatment, water distribution or supply facilities; or the expansion of sewer treatment or transport facilities.

**Section 6. BUDGETING AND FINANCIAL REPORTING REQUIREMENTS.** The District shall comply with all applicable budgeting laws and financial reporting laws including Chapter 200, Florida Statutes, and Sections 218.32, 218.321, 218.33, 218.34 and 218.345, Florida Statutes.

**Section 7. CONSISTENCY WITH COMPREHENSIVE PLAN.** The Board of County Commissioners of Brevard County hereby declares that the creation of the District and the consents granted in Section 4 of this Ordinance are consistent with the County's approved comprehensive plan and all elements thereof. The Board of County Commissioners of Brevard County shall not adopt any policy, goal or objective in its comprehensive plan or other rule which would allow the County's comprehensive plan to impair the consents granted in Section 4 of this Ordinance.

**Section 8. RATE-MAKING PROCEDURE AND FINANCING OF THE DISTRICT.** District ownership and operation of a water and sewer system and any future assets of that system, shall be financed through revenues generated by the water and sewer system, provided the District may use any of the methods of financing capital improvements or operations as may be authorized



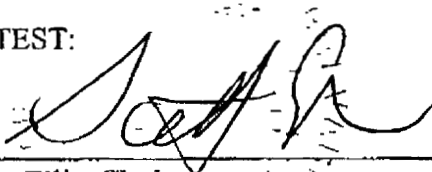
by law, including Chapter 153, Part II, Florida Statutes. The District governing body shall not establish or raise rates or charges for services provided by the District except after a public hearing held after a minimum of ten days' notice published in a newspaper of general circulation within the boundaries of the District. Such a public hearing shall be scheduled after 5:00 p.m. The Board of County Commissioners of Brevard County and/or the District governing body shall not establish or otherwise regulate rates or the manner in which rates are established or adopted by a municipality for any service area in which a right or consent to provide service has been granted.

**Section 9. SEVERABILITY.** If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this ordinance; provided, however, that the consents granted by this Ordinance in Section 4 and rights related thereto found to exist or granted therein are a material and non-severable part of this Ordinance.

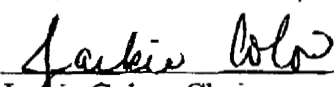
**Section 10. EFFECTIVE DATE.** This ordinance shall become effective upon filing as provided by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

**DONE AND ADOPTED** in Regular Session this 22 day of July, 2003.

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Jackie Colon, Chairperson

As approved by the Board on July 22, 2003

Reviewed as to form and content:

  
\_\_\_\_\_  
(Asst.) County Attorney

## EXHIBIT A: MELBOURNE WATER SERVICE

Commencing at the Atlantic Ocean and the Brevard County/Indian River County boundary line as the POINT OF BEGINNING; thence meander Northerly along the mean high water line of the shore of Brevard County on the Atlantic Ocean to a point, said point being 440 feet +/- East of the Western boundary of SR-A-1-A and being the intersection with an imaginary line running Eastward from the Southern line of the Pineda Causeway, SR-404 right-of-way; thence run Westward along said line to the Southern right-of-way line of SR-404, the Pineda Causeway to Wickham Road; thence run Southward on the Eastern right-of-way line of Wickham Road to a point where the Pineda Causeway is proposed to run West of Wickham Road as shown on the 1 page Proposed Pineda Road Extension Plan prepared by B.S.E. Consultants, Inc., of Melbourne, Florida, under Project No. 10407.09/Drawing No. 10407906, dated January 13, 1999, as revised on September 11, 1999 (the "Pineda Causeway Extension"); thence follow the Northern right-of-way line of said Pineda Causeway Extension through the Northern portion of Township 28 South, Range 36 East, Section 25 and Westward through the central portion of Township 28 South, Range 36 East, Section 26, all as shown on said drawing to the Western right-of-way line of I-95; thence continue generally Westward along an imaginary line which represents the extension of the Northern right-of-way of the Pineda Causeway Extension to the Brevard County/Osceola County boundary; thence run Southward along the Brevard County/Osceola County boundary to North line of Township 28 South, Range 35 East, Section 19; thence run Eastward along the North line of Sections 19 through 24, inclusive, Township 28 South, Range East 35, and Sections 19 through 24, inclusive, Township 28 South, Range 36 East to Minton Road; thence run Southward along the Western right-of-way line of Minton Road to the intersection of Minton Road with Palm Bay Road; thence run Eastward along the South right-of-line of Palm Bay Road to a point 650 feet West of the Eastline line of Township 28 South, Range 37 East, Section 21 (Babcock Street), said point being the Melbourne City limits; thence run 2,750 feet Northward along said Melbourne City limits to the South line of Township 28 South, Range 37 East, Section 16; thence run Eastward along the Melbourne City limits and the South line of Township 28 South, Range 37 East, Sections 15 and 16 to the Southeast corner of said Section 15; thence run North along the East line of Section 15 and the Melbourne City limits to the Northwest corner of Township 28 South, Range 37 East, Section 15, which is also the Southwest corner of Township 28 South, Range 37 East, Section 11; thence run Eastward along the South line of said Section 11 and the Melbourne City limits to West right-of-way of the Florida East Coast Railroad tracks; thence run Northwestward 2,250 feet +/- along the West right-of-line of the Florida East Coast Railroad tracks from the South line of said Section 11 to a point; thence run Eastward 400 feet along the Palm Bay/Melbourne City limits to a point, said point being 660 feet +/- South of the Southeast corner of the Northwest  $\frac{1}{4}$  of Township 28 South, Range 37 East, Section 11; thence from said point run North 660 feet along the Palm Bay/Melbourne City limits to South right-of-way line of University Boulevard, also known as Shull Street; thence run East along the South right-of-way line of University Boulevard and the Palm Bay/Melbourne City limits and on to the centerline of the Indian River Lagoon; thence run Southeastward along the centerline of the Indian River Lagoon to the Indian River County line; thence run Eastward along the Brevard County/Indian River County line to the mean high water line of the Atlantic Ocean and the POINT OF BEGINNING of this description, including all of Grand Haven — Phase I, according to the plat thereof, as recorded in Plat Book 46, Page 55, Public Records of Brevard County, Florida (specifically including that portion of property located North of the proposed Pineda Causeway),

and less and except the following described area known as the Capehart Subdivision which includes the South  $\frac{1}{2}\frac{1}{2}$  of the Northwest  $\frac{1}{4}\frac{1}{4}$ , the Southwest  $\frac{1}{4}\frac{1}{4}$ , the South  $\frac{1}{2}\frac{1}{2}$  of Government Lot 1 West of Highway A-1-A but excluding South Patrick Park, 1<sup>st</sup> Addition, according to the plat thereof, as recorded in Plat Book 17, Page 116, Public Records of Brevard County, Florida and the West 270 feet of the South 1,000 feet of the Southwest  $\frac{1}{4}\frac{1}{4}$  of the Southwest  $\frac{1}{4}\frac{1}{4}$ , all in Township 26 south, Range 37 East, Section 26.

## EXHIBIT B: MELBOURNE SEWER SERVICE

Area 1 — Westside of Melbourne: Commence at the Northeast corner of Township 27 South, Range 36 East, Section 1; thence run 1,680 feet West (Post Road) to a point; thence follow the Melbourne City limits South 1,300 feet to a point which point is the Southwest corner of East Bay Plantation Phase II, according to the plat thereof, as recorded in Plat Book 40, Page 36, Public Records of Brevard County, Florida; thence continue following the Melbourne City limits Southwestward 1,450 feet +/- to the POINT OF BEGINNING; thence run generally Southwestward along the South boundary of Greystone Phase 2, according to the plat thereof, as recorded in Plat Book 38, Page 22, Public Records of Brevard County, Florida, to the Southernmost point of Greystone Phase 2, Tract F; thence run North 1050 feet along the West line of Greystone Phase 2, Tracts D and F; thence run West 230 feet +/-; thence run North 2590 feet +/-, along the East line of Jade Tree Subdivision, according to the plat thereof, as recorded in Plat Book 37, Page 47, and The Woodlands of Lake Washington, according to the plat thereof, as recorded in Plat Book 33, Page 5, all in the Public Records of Brevard County, Florida, to the North section line of Township 27 South, Range 36 East, Section 1 (Post Road); thence run West 6,850 feet +/- along the North section line of Township 27 South, Range 36 East, Sections 1, 2, and 3 to the East line of Interstate Highway 95 right-of-way; thence South along the East right-of-way line of Interstate Highway I-95 3,660 feet +/- to the Northeast corner of Chestnut Run, 1<sup>st</sup> Addition, according to the plat thereof, as recorded in Plat Book 36, Page 49, Public Records of Brevard County, Florida; thence from said Northeast corner run West 9,000 feet +/- along the North line of Chestnut Run, according to the plat thereof, as recorded in Plat Book 26, Page 98, Chestnut Run 1st Addition, according to the plat thereof, as recorded in Plat Book 36, Page 49, The Willows Phase 2, according to the plat thereof, as recorded in Plat Book 42, Page 57, and The Willows, according to the plat thereof, as recorded in Plat Book 40, Page 6, all in the Public Records of Brevard County, Florida to ordinary high water line of Lake Washington; thence meander Southward along the Ordinary High Water Mark approximately 10,600 feet +/- to the South line of Township 27 South, Range 36 East, Section 16; thence East along said South line of Township 27 South, Range 36 East, Section 16 to the Southeast corner of said Township 27 South, Range 36 East, Section 16; thence run South along the West line of Township 27 South, Range 36 East, Section 22 to the Southwest corner of Township 27 South, Range 36 East, Section 22; thence East along the South line of Township 27 South, Range 36 East, Section 22 to the intersection of said South line with Interstate Highway 95; thence run South along the West line of Interstate Highway 95 5,610 feet +/- to the South line of Township 27 South, Range 36 East, Section 27; thence run East along the South line of Township 27 South, Range 36 East, Sections 25, 26 and 27 to the Melbourne City limits, some 66 feet +/- East of the Southwest corner of Township 27 South, Range 36 East, Section 25; thence follow the Melbourne City limits Northward and Westward to the POINT OF BEGINNING.

Area 2 — Northwest Melbourne Enclaves: All enclaves located Township 27 South, Range 36 East, Sections 1 and 12, including Tax Parcels 27-36-01-00-00001.0-0000.00, 27-36-01-00-00760.0-0000.00, 27-36-01-00-00785.0-0000.00, 27-36-12-00-00004.0-0000.00, 27-36-12-00-00004.1-0000.00, 27-36-12-00-00005.0-0000.00, 27-36-12-00-00015.0-0000.00, and 27-36-12-00-00023.0-0000.00.

Area 3 — Aurora Road Enclave: All unincorporated property located within Township 27 South, Range 37 East, Sections 8, 17, and 18.

Area 4 — Northeast Melbourne/Palm Shores: In Township 26 South, Range 37 East, Section 32, on the Western line of said Section 32 commence at a point 1,250 feet +/- North of the Post Road right-of-way at the Melbourne City limits; thence run North 1,300 feet +/- along the West line of said Section 32 to a point on the Palm Shores City limits; thence run East 1,560 feet +/- to the U.S. Highway 1 right-of-way; thence run Northwestward 1,410 feet +/- along the U.S. Highway 1 right-of-way to a point; thence run 580 feet +/- East to the ordinary high water mark of the Indian River Lagoon; thence meander Southeasterly along the Lagoon shore for 4,050 feet to a point on the Melbourne City limits 210 feet North of the South line of Township 26 South, Range 37 East, Section 32; thence follow the Melbourne City limits 1800 feet +/- Westward to a point on the Easterly right-of-way line of the Florida East Coast Railroad tracks roughly 230 feet North of the South line; thence run 1250 feet +/- Northwesterly along the East side of the FEC tracks to a point 1,270 feet Northwest of the Post Road right-of-way; thence run West 870 feet to the POINT OF BEGINNING.

Area 5 — Dairy Road Enclave: Commence at the Northeast corner of Township 28 South, Range 37 East, Section 20; thence run South 2550 feet +/- along the East section line of Section 20 to the North right-of-way line of Palm Bay Road; thence run West along said North right-of-way line to a point 1020 feet West of the section line of said Section 20 and the POINT OF BEGINNING; thence continue West 1,690 feet +/- along the North right-of-way line of Palm Bay Road to the Southwest corner of the Northeast  $\frac{1}{4}$  of Township 28 South, Range 37 East, Section 20; thence run North 3,800 feet; thence run West 640 feet +/- in Township 28 South, Range 37 East, Section 17; thence run North 1,280 feet +/- to the Southwest corner of Coventry Subdivision Phase 3, according to the plat thereof, as recorded in Plat Book 31, Page 4, Public Records of Brevard County, Florida; thence run West 650 feet; thence run North 1,370 feet +/-; thence run East 1,270 feet +/- generally along the North line of Coventry Subdivision, Phase 3 to the Northeast corner of Lot 18, Block 1, Coventry Subdivision Phase II, according to the plat thereof, Plat Book 30, Page 49, Public Records of Brevard County, Florida; thence from said Northeast corner run North 1,290 feet in Township 28 South, Range 37 East, Section 17 to the South line of Township 28 South, Range 37 East, Section 8; thence run East 1,280 feet along said South line of Section 8 to a point 660 feet East of the East section line of Section 8; thence run 2600 feet +/- North in Township 28 South, Range 37 East, Section 8; thence run East 350 feet to the East line of Township 28 South, Range 37 East, Section 8; thence run 7,860 feet +/- South along said West line to the Northeast corner of Township 28 South, Range 37 East, Section 20; thence run West 1,020 feet +/- along the North line of Township 28 South, Range 37 East, Section 20; thence run South 2,550 feet to Palm Bay Road and the POINT OF BEGINNING, less and except Tax Parcels 28-37-17-00-00750.0-0000.00 and 28-37-17-00-00771.0-0000.00 in Township 28 South, Range 37 East, Section 17.

It is intended that Areas 1 through 4 shall include all unincorporated property within:

Township 27, Range 36 East, Sections 1, 2, 10, 12, 13, 15, 22, and 26; Approximately the Southern one-third of Township 27, Range 36 East, Sections 3 and 4; and the portion of Township 27, Range 36 East, Sections 9 and 16 above the ordinary high water mark; Township 27, Range 37 East, Sections 8, 12, 17, 18; and Township 28, Range 37 East, Section 21, together with such other unincorporated properties as may be described above in this Section 4, paragraph 3(a)(2).

## **Legislative Intent**

### **Ordinance:** Water and Sewer District For the Unincorporated Area

#### **Purpose**

1. The purpose of the ordinance is to create a special water and sewer district encompassing the entire unincorporated area of Brevard County with the exception of the unincorporated area already included within the boundaries of the Barefoot Bay Water and Sewer District.
2. It is the Board's intent that the special water and sewer district be created under the authority of Chapter 153, Part II, Florida Statutes, and Section 189.4041, Florida Statutes.
3. It is the Board's further intent that the governing body of the new special water and sewer district will be comprised of the County Commissioners and that the governing body of the District shall have all authority and powers specified in Chapter 153, Part II, Florida Statutes.
4. The Board intends to utilize this ordinance to provide a mechanism to provide, acquire, lease, and operate water and/or sewer systems for the benefit of the public. The creation of the ordinance will also allow the Commission, as governing body of the District, to require their consent to the construction of water or sewer facilities for the purpose of providing efficient and cost effective domestic or industrial service to customers within the boundaries of the District in accordance with the provisions of Chapter 153, Part II, Florida Statutes.
5. By the terms of the ordinance, the Board, in its capacity of the governing body of the District, also intends to recognize and grant its express consent to continued municipal water and sewer service in the unincorporated area. To that end the ordinance expressly grants provider municipalities with consent to continue service and to expand water and sewer services and facilities within the unincorporated areas consistent with applicable special acts and interlocal agreement

Exhibit RHM-3

Copy of Minutes from the July 22, 2003 Meeting of the  
Brevard County Board of County Commissioners

VERBATIM TRANSCRIPT OF ITEM IV.I. PUBLIC HEARING, RE: ORDINANCE CREATING SPECIAL WATER AND SEWER DISTRICT WITHIN UNINCORPORATED AREA OF BREVARD COUNTY, JULY 22, 2003 BOARD OF COUNTY COMMISSIONERS MEETING

Colon: Okay, our first. . .let's see here, um, we'll go ahead and go with our first speaker, Mr. Gou. . .

Gougelman: Thank you very much. Paul Gougelman, representing the City of Melbourne as City Attorney, and I'm here on behalf of the City today just to give you a few comments regarding the proposed water and sewer ordinance. The first thing I want to do, on behalf of the City, is to thank the Commission. If you'll think back many, many months, you had an ordinance that was before you; it looked like it was going at full speed through this room; and the Cities did ask you to slam on the brakes, engage in some intergovernmental cooperation, run it through the Water Supply Board, and seek some input from the municipalities, which you did; and I want to thank you all for that. I think it was a true exercise in intergovernmental coordination, and I think as a result, all of us can now say we've come a thousand miles and that the product that you have before you is going to be much more meaningful. If you stand back from the forest and don't look at the individual trees, I think what you will see is that what you're creating is actually a water and sewer plan for Brevard County; and it's rather amazing. Commissions all over the State of Florida over the last 20 years have tried to do this without much success, and you're going to do it. The other thing I want to do is to tell you that we have a lot of thanks and praise for your County Attorney Scott Knox. He has done yeoman's duty, and I don't mean to embarrass you Scott, but he's done yeoman's duty in trying to work with the various municipalities in taking input, working with the city attorneys to try to fine tune the language. I can't say we always agreed with everything, but on the other hand it's been professional and he's done nothing but credit for Brevard County in putting this package together. The last thing I want to tell you is, on behalf of the City of Melbourne, now that we've come the distance that we've come, even though there's probably a little fine tuning that you may end up choosing to do today to the ordinance, and there are a couple of rough edges I suspect a couple of the other cities may want to comment to you about, on the whole the City has no objection to what you're doing. We're supportive of your efforts, and just thank you for the opportunity to be a part of the production.

Colon: Thank you sir. Next speaker is James Payne.

Payne: Good afternoon Commissioners. My name is James Payne with East Central Florida Services. The last time I was before the Commission, I mentioned a couple of concerns. I did go to the next meeting and expressed those concerns there as well. It's my understanding that there may be some additional language that Mr. Knox has prepared that may be inserted into the ordinance. At least I got a copy of something this morning that seems to address the majority of those concerns that I expressed. Obviously this Statute is designed to eliminate confusion, or at least that's the stated objective. I guess I only have one additional comment or thought, and that's with respect to paragraph 10 on page. . .at least it's on my page 17 of the ordinance. To me it appears that there's still



some confusion in that paragraph as to exactly how it's to be applied and what circumstances. It seems that there's two types of areas that it would address, one is an area where consent has been granted, and the other is an area where no consent has been granted. And at least the way it's written, paragraph 10 seems to apply only to an area for which consent has not been granted; and I'm not sure if that's exactly the intent of the Commission in this regard. I guess I think of two types of areas. If consent has been granted, then perhaps this ordinance would not apply at all to that area, or at least paragraph 10 would not apply to that area, so that if any utility wanted to come in and do something in that area, if consent had been granted to that area, then any utility could do anything within that area and I'm not sure if that's exactly what the Commission intended to do in that regard. Now, if consent has not been granted, then additional confusion is created by subparagraph (a) and subparagraph (b). For example, you're talking about an area where consent has not been granted; and it says that if somebody comes in and files an application in that area, then consent would be granted if all of the following provisions were met. And the first provision, of course, talks about that no other local government entity or private company has rights in that area; and subparagraph (b) talks about that the area does not lie within the service area of the district or another local government entity whose service area has been established by this ordinance, interlocal agreement, special act. If you look at that, this would preclude anybody from doing anything except in a very small portion of the County, and if the proposed area lies within the service area of the district, which it would, another local government entity or private utility, then it would seem like nobody could do anything in that area at all. I'm not sure if you're following me on my logic there, but this would preclude a private utility from doing anything in that area because it wouldn't meet either of (a) or (b). In other words, there's no way for anybody to meet (a) or (b) the way it's presently written, at least as I read it; and perhaps Mr. Knox can clarify that, but it seems like paragraph 10 really needs to be rewritten to give a little bit of clarity to exactly what the County's intention is. For example where consent has been given; there's areas where consent has not been given. If it's an area where consent was not granted, then consent would be granted if those conditions were met. I actually came up with an idea of some language for that where subparagraph (a) perhaps should read, "If the proposed area lies within an area in which facilities are owned by the district, or to which another local government entity or private company might provide service, then the district could approve an application if the owners of those other facilities are unable or unwilling to provide service." Then subparagraph (b) perhaps could be rewritten to say that, "an application would be granted if the proposed areas lie within the service areas of the district, another local government entity, or private utility, and such government or private utility is unwilling or unable to provide service." And then I think subparagraph (c) perhaps could be eliminated ~~all together~~ <sup>altogether</sup>. I guess the idea is if a spot lies within one of these consent areas, and the person who is granted consent does not wish to provide services, then no one can provide services the way this is written. I'll be happy to try answer any other questions.

*Area has  
areas in  
?*

Colon: You may have a seat. Thank you. Scott, you can help us out in regards to paragraph 10.

- Knox: In regard to the first question, which is what it applies to, paragraph 10 only applies to areas where there is no consent given already, so if you have. . .the whole purpose of paragraph 10 is to provide a mechanism for either private or public entities who provide water or sewer service to obtain consent through the district. That's the whole purpose of that paragraph. So if he's got consent already, this paragraph doesn't even apply. Now in terms of the issue that Mr. Payne raises about whether you can comply with these terms and conditions, I can see his point if there is a situation where a city has consent under this agreement and doesn't want to provide service. I mean maybe some tweaking needs to be done with that, but the way to handle that is change the "and" in paragraph (a) to an "or". I think that will take care of it because that would eliminate that as a cumulative requirement.
- Carlson: So Scott, under (a), which starts that, "the proposed area does not lie within an area in which facilities are owned by the district, and to which another local government entity or private entity company has rights as set out in this ordinance," you're saying "and" would fix that?
- Knox: I'll just take a look at it real quick.
- Higgs: Scott, I'm wondering if. . .envisioning a situation like that is hard for me, because if we've given consent, the cities have outlined it, I would hate to wordsmith that right here today when there's couple of things we could do; but since all of the attorneys and people are here, this doesn't seem to be an issue that I can see of coming up next week. Why don't we work that through the various process, because I think we've come to a balance on most of the issues; most of the cities seem to feel fairly comfortable. Let's not interject that, that's not going to come up next. I don't know if it would ever come up, that somebody's going to say, well you've consented to me serving this area and I'm not going to do it, but let's go ahead and put that through the process and we can always come back. If the Board adopts this today, we can always come back and add that, because I'm. . .that particular change may be harder than we think.
- Knox: Uhum.
- Higgs: I mean, maybe it is an easy thing, but. . .
- Carlson: I would agree. I think it's a complex issue and I want to. . .I would want to make sure before I voted on it that I would understand the ramifications in 10. I'm comfortable with the way it is right now and I think we can work through it if we can pass this and get through this hump. We can always bring it back with the tweaking that might be necessary in the near future.
- Knox: I think you're right, Commissioners. I think that's something we probably ought to think about. There's probably a way to handle that by just adding a catchall at the end saying that if for some reason the city doesn't want to provide service and were granted the consent, then some other. . .
- Higgs: It may be an interlocal agreement between the consented city and the proposer. That may be the way we do it, but I think that can be worked out. I think the question of the private utilities, the language that you've given us, that you've just

passed out, recognizes that we have some private utilities out there that need to be recognized, and this language would do it.

Knox: And I would propose to add that as number 15 on page 20.

Colon: Commissioner Pritchard, you have a question in regards to what he just brought up?

Pritchard: I have a question in regard to that as well as a couple of other inputs that I wanted to. . .

Colon: We have three more cards of speakers. Did you want to do that now?

Pritchard: I'll wait until you're done with the speakers.

Colon: Okay. Thank you. Mr. David Henderson, and then Mr. Lee Feldman. Good afternoon, sir. Five minutes.

Henderson: Good afternoon Madam Commissioner and other Commissioners. I'll just take a moment to thank Mr. Knox in particular. He was very patient with me at one of the meetings at the Water Supply Board. We had several emails together. I'm not sure we are totally . . . completely comfortable with this ordinance the way it's worded, but there are some provisions and safeguards we have seen be put in place and we appreciate that, and want to let you know we are concerned but at this point quiet about the ordinance. Thank you.

Higgs: Mr. Henderson, before you sit down, the City of Rockledge that you represent today, was concerned that the interlocal agreement that we have could be amended and that we would recognize those areas in here. Scott, have we taken care of that?

Knox: Dick was working on that. I don't know.

Henderson: That's one thing I would like to ask, like the modifications you were just talking about today, Mr. Feldman I believe has an ordinance that is not as current as the one I have. It would be very important to us, I think, if all the cities could get the most recent revisions as quickly as possible. I understand that's a voluminous task but that would help, I think, from our point for confusion purposes.

Carlson: We got <sup>ve a</sup> couple of them, if you want ours.

Higgs: The issue of amendment of the Rockledge interlocal is specific with me. I want to know have we done anything in terms of suggesting language?

Knox: I think the last I heard of that, (unclear) addressed some of Rockledge's concerns. We had asked them to consider what territory they would want to serve in the future, and that would be done as part of an interlocal agreement, which would be incorporated as part of the consent format once this ordinance is adopted; and that can be done after the ordinance is finished as well.

Higgs: So we're basically in this ordinance agreeing that we would amend in the future the Rockledge interlocal at their request.

Knox: That can be done independent of the ordinance.

Carlson: Right, but using that as a vehicle versus changing this.

Henderson: And that would have something to do regarding the September 2000 Agreement. We would do some amendments to that provision.

Knox: Right.

Henderson: Thank you.

Colon: Next speaker is Mr. Lee Feldman. Good afternoon, Mr. Feldman.

Feldman: Good afternoon and thank you very much for giving me an opportunity to address you today. My name is Lee Feldman. I'm the City Manager of the City of Palm Bay. I just want to echo what Mr. Gougelman said. We are very appreciative of the efforts of the County to work with the cities on this issue. A lot of our concerns have been addressed. Your staff has been excellent in trying to pursue resolutions on this. There are a couple of issues though that I still think are outstanding that I would like to address, but before I get to those, I think it's important to recognize that the City of Palm Bay does not believe that this ordinance is necessary to accomplish your goals in South Brevard County. You have the discretion of setting the boundaries for the district and we don't believe the City of Palm Bay or our service area should be included within the district; and the Mayor and City Council for the City of Palm Bay, because of that, object to the ordinance. But recognizing that we need to get a document that ultimately you all can vote on that will work for all the cities, we have three issues to address. First is in your dispute resolution process. In the draft that I'm working off of is the draft dated July 7th; and what I'm referring to is section 4.10 where you presented two options.

Carlson: Page number?

Feldman: Page 18 I believe. Page 18 at the bottom and 19 at the top. You have two options in there. We're not sure which option you selected, but assuming you do move forward with one of them, the option we would prefer is Option 2.

Colon: Can you repeat that Mr. Feldman?

Feldman: We would prefer you moving forward with Option 2, but we need to clarify two aspects of that. First, I believe we mean binding arbitration and not binding mediation. We're not quite sure exactly what binding mediation is. And second, as to the scope of what dispute resolution would apply to, as is drafted in your ordinance now, it's limited to withhold unreasonably withheld consent provided under this ordinance; we'd like the dispute resolution process to include all aspects of this ordinance and all aspects of the district's operations, which may affect any city in Brevard County. The second issue deals with section 4.11, subsection 11, which is also on page 19. It deals with the issue of annexation.

The way this ordinance is drafted today, if a municipality annexes an area, it will become part of the service area for that municipality. This ordinance does not make any provision if that service area already belongs to another municipality. For example, in our particular case, there's an area of unincorporated Brevard that lies between Melbourne and the City of Palm Bay, and under our settlement agreement it is not specified whose service area it is until service is actually commenced at that location. If the area remains part of unincorporated Brevard County and is served by the City of Palm Bay, and the City of Palm Bay makes an investment, and Melbourne annexes the area, you're taking away that service area from Palm Bay after we've made an investment; and I think that needs to be addressed.

Higgs: (Unclear)

Feldman: I think if you add at the very end of that sentence, "if it is not part of a service area of another municipality," would help clarify that issue. The third issue I have deals with again Section 4, paragraph 12, second line in there where it limits the scope of the paragraph to consumptive use permits. When it was originally drafted, it pertained to all permits permitting relative to ground water or surface water withdrawals. We think it should be for all permits. Consumptive use permits are not the only type of permits that municipalities will be seeking under a water and sewer utility. There are other things such as MPDS and other types of permits that will be affecting ground water withdrawals and surface water withdrawals, and we think that your scope should not be limited. Finally, our last issue, and this is an issue we raised at the very beginning of the process, the ordinance is one mechanism, but I think also interlocal agreements that preserve the rights of municipalities should be looked at as well. You have an ordinance, you can amend your ordinances in the future, the consents you grant today may not be the consents you maintain five or six years down the road. Thank you.

Colon: Okay. Commissioner Pritchard. Last card.

Pritchard: Scott.

Knox: Yes, sir.

Pritchard: Regarding the three concerns that City Manager Feldman has regarding dispute resolution process, arbitration, mediation, is there a problem with changing that?

Knox: Well, I guess my concern there is that the only thing that the district is going to do other than grant consents, which is already granted in this ordinance, is to grant a consent some time in the future, so I'm not sure what other kind of dispute he would ever see erupting between the district and a utility company or a public utility. So I think we may be trying to interject something that would create an ambiguity that we don't need to create, because the only thing this thing deals with is consents.

Pritchard: All right. No. 2. Section 4.11.

Knox: I don't have a problem with what Mr. Feldman proposed on that at all.

Pritchard: All right. And No. 3, Section 4.12.

Knox: I think perhaps there's a misunderstanding there in terms of how the City's reading that. All that is saying is that the County Commission does not have jurisdiction over consumptive use permitting and that nothing in this ordinance prevents any local government from challenging or objecting to anybody's application for consumptive use permit. That was put in, in recognition of the original criticism of the ordinance that the County was trying to usurp consumptive use permitting, which is not the case, because the County doesn't have jurisdiction over that issue.

Pritchard: All right, thank you. Just a couple of comments I wanted to make. With much thanks to our County Attorney Scott Knox and Dick Martens the Director of our Water Utilities, we have, I don't recall what speaker, I think it was Mr. Gougelman who said that we have attempted to eliminate confusion. We did that by way of ten revisions and expanding this to 28 pages, so as I said before, OSHA couldn't have done a better job of putting something together. These pages are color-coded with input; and they are in the typical underline or strike-through method, and as far as I can recall, everything that was removed was discussed prior to the final draft coming out. It was a major undertaking; the Board met over several months; the Water Supply Board met over several months to put this together; and I'd like to thank all of the participants, I'm the chair of the board, I'd like to thank all of the participants. We ended up with as I recall a 9/1 vote to approve the ordinance that was provided that day; and the board did decide to select Option B, which was the specific conflict resolution that was mentioned earlier and also recommended by Mr. Feldman. So thanks to all of you for all of the work that you've put in to provide a water/sewer district ordinance.

Colon: Commissioner Higgs.

Higgs: And I do compliment the Water Supply Board on sticking to it as well as the various municipalities, and our County Attorney for working at this item. I'm aware of the conflict resolution proposal, and while I appreciate that the . . . some folks would want the option to be that we would go through some sort of binding mediation or binding arbitration, I think that the agreement to go through the dispute resolution process, I think that the commitment this Board has shown to try to deal with the objections of the municipalities indicates our willingness and our commitment to work with people. I would suggest that we do Option 2, which says we will go through the mediation; we will have a panel, one appointed by the district, one by city, one person who can be jointly agreed to, but the final conclusion implementation would be the district's governing board's responsibility. So I would suggest we would adopt the resolution with non-binding arbitration, which would be Option No. 2.

Pritchard: That's 1.

Higgs: I'm sorry, it's 1. You're right, you're right, thank you. I have it circled.

Colon: Okay, I have a motion on the floor. Is there a second? Okay. . .

Higgs: Everybody's for Option 2.

- Pritchard: I'd like to make a motion that we accept the ordinance as drafted with Option No. 2 for binding mediation/arbitration; and accepted as written.
- Colon: Is that the opposite of Commissioner Higgs?
- Pritchard: Yes.
- Higgs: Well, on that one point, yes.
- Carlson: <sup>7</sup> But can we <sup>include</sup> conclude in that Ron, the proposal for No. 15, page 20 regarding the utilities, and any of the agreed upon language that Mr. Feldman had suggested that the Board can agree on? Can we put that in or do we need. . .do you need to look at that further, Scott?
- Pritchard: I would agree with that, and I also agree with the caveat at the end of this that this would be subject to revision as needed.
- Higgs: Ron, the phrase you're looking for is. . .when there's um. . .on page 19, no. 11, it's not a part of a service area of another municipality. Is that the language that was agreed to? I don't remember any other language being agreed to.
- Carlson: I believe that was it.
- Knox: That was it.
- Higgs:  So is that language with the language that um, is in Scott's memorandum, and the motion for the binding arbitration. That's the motion?
- Pritchard: Yeah, and I would also expect that if there's going to be disputes about annexation, that the two parties that would be moving into this discussion would <sup>7</sup> be able to resolve that problem. If, for example, Melbourne were to providing and Palm Bay wanted to annex, that they would be able to resolve this at their level prior to bringing it to the water board level.
- Colon: Been there, done that. We have a motion and a second. All in favor please say aye.
- Scarborough, Pritchard, Higgs, Carlson: Aye.
- Colon: In opposition, Colon. Motion by Commissioner Pritchard, and seconded by Commissioner Carlson.

\*\*\*\*\*

**SPEAKERS:**

- Colon: Commissioner Jackie Colon, Chairperson of the Board of County Commissioners  
 Gougelman: Paul Gougelman, City of Melbourne Attorney  
 Payne: James Payne, East Central Florida Services  
 Knox: Scott Knox, County Attorney

Carlson: Susan Carlson, District 4 Commissioner  
 Higgs: Nancy Higgs, District 3 Commissioner  
 Pritchard: Ron Pritchard, District 2 Commissioner  
 Henderson: David Henderson, City of Rockledge  
 Feldman: Lee Feldman, City Manager of Palm Bay

STATE OF FLORIDA)  
 COUNTY OF BREVARD)

THIS IS TO CERTIFY THAT the above is a true and correct verbatim transcript of Item IV.I. of the July 22, 2003 Board of County Commissioners of Brevard County, Florida's meeting.

WITNESS my hand and the seal of said Board of County Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

BOARD OF COUNTY COMMISSIONERS  
 SCOTT ELLIS, CLERK

(S E A L)

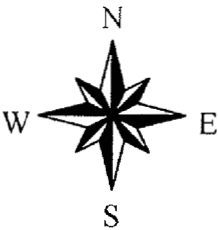
By \_\_\_\_\_  
 Bernadette S. Talbert, Deputy Clerk



Exhibit RHM-4

Graphic of Existing County Water Distribution and Supply  
Lines Connected to the North Brevard Water System

Expression  
of  
Interest

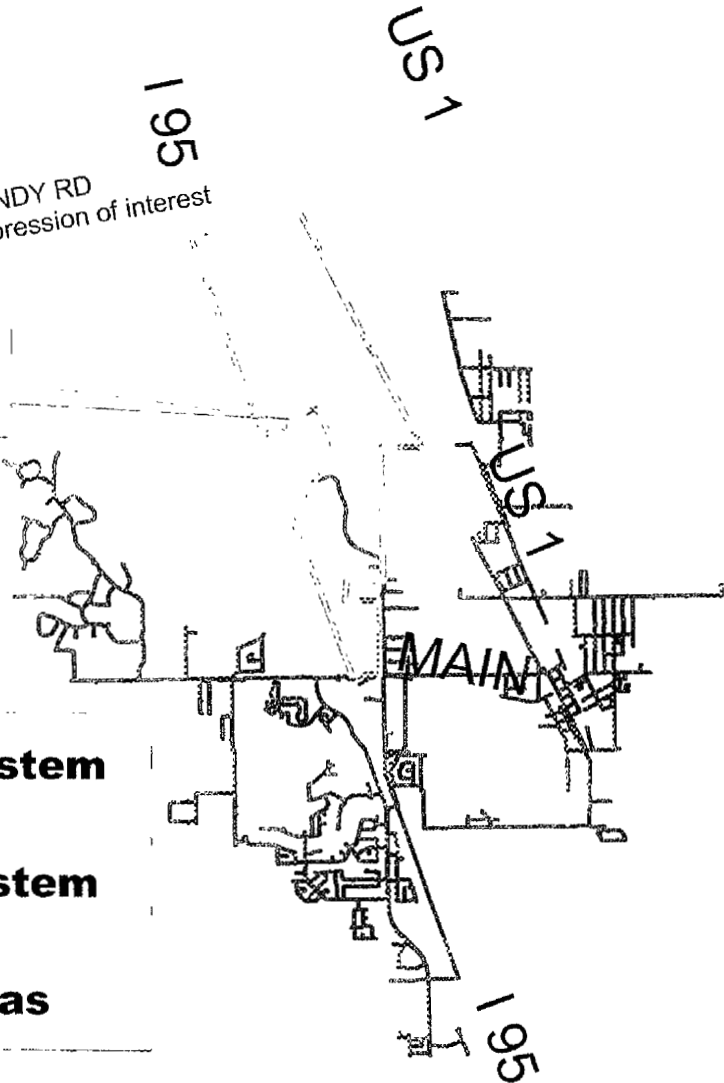


GANDY RD  
Expression of interest

Walkabout  
P.U.D.

SR46

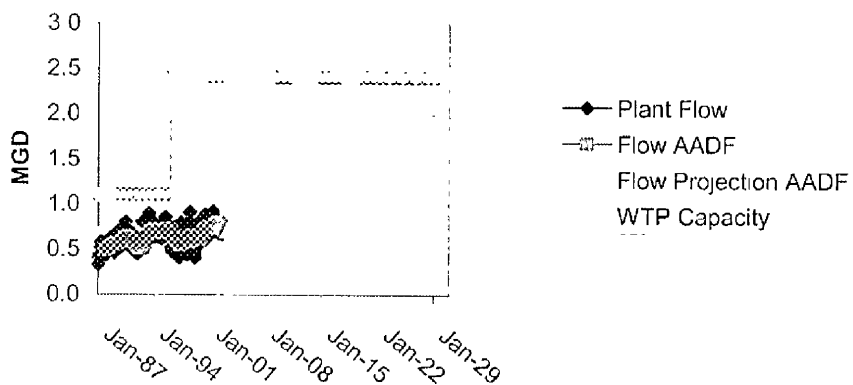
**North Brevard Water System  
Existing Distribution System  
And  
Potential Service Areas**



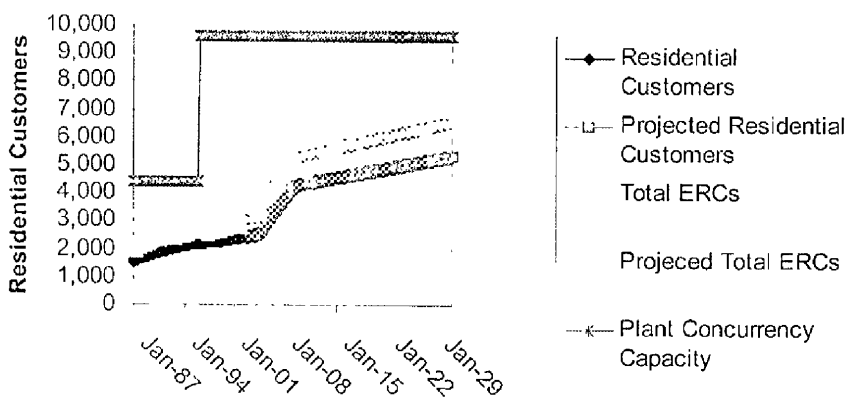
## Composite Exhibit RHM-5

Graphics of Water Treatment Capacity of the Plant, Plant Flows, Average Annual Daily Flows from the Plant and Projected Average Annual Daily Flows; Graphic of Total Residential Customers, Projected Residential Customers, Total Equivalent Residential Connections, ERC's, Projected ERC's, Both of Which Are Based upon 250 Gallons per Day of Consumption per Residential Unit, as Well as the Concurrency Capacity of the Mims Water Treatment Plant' and North Brevard Water System Data

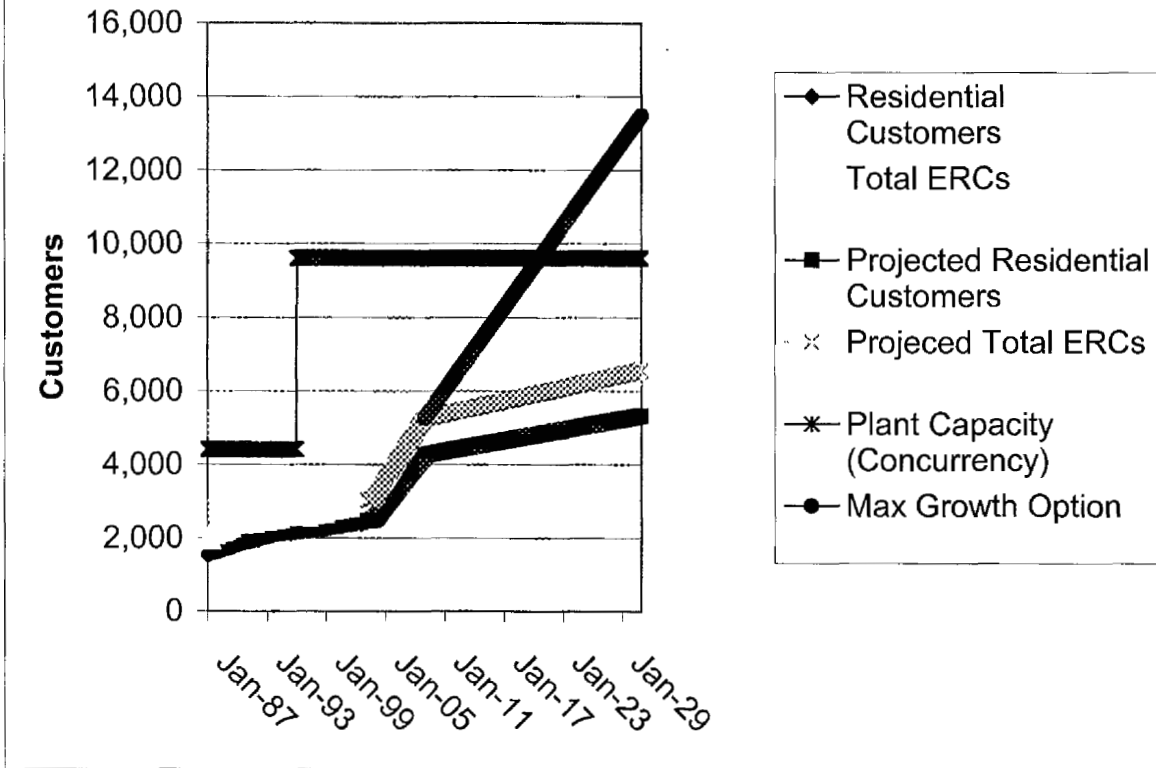
### North Brevard Water System



### North Brevard Water System



## North Brevard Water System



### Maximum Growth Rate Calculation

Plant Capacity (Total ERC)	9600
Present Plant Commitment (Total ERC)	3100
Available Capacity (ERC)	6500
Maximum Growth Rate (ERC per Year)	369
Potable Water Element Policy 3.3	
# of years to design capacity	17.6
# of years before necessary inclusion within the CIE	12.6

### Projected Growth Rate Calculation

Plant Capacity (Total ERC)	9600
Present Plant Commitment (Total ERC)	3100
Available Capacity (ERC)	6500
Projected Growth Rate (ERC per Year)	133
Potable Water Element Policy 3.3	
# of years to design capacity	49.0
# of years before necessary inclusion within the CIE	44.0

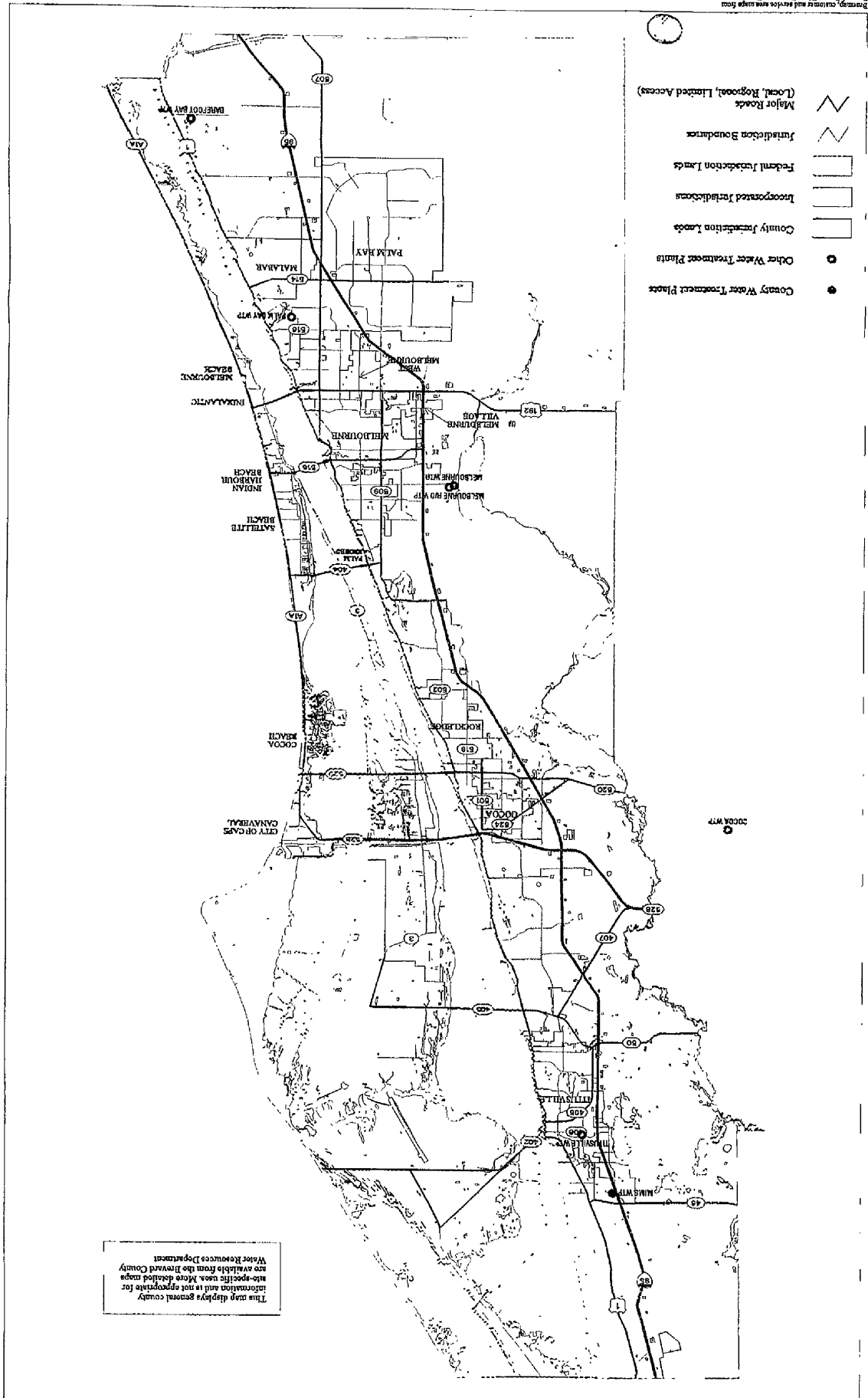
**Composite Exhibit RHM-6**

**Map 1, Potable Water Treatment Plants, and Map 2, the  
Existing Potable Water Customers and Future Service Area**

**Brevard County - Comprehensive Plan**

**Portable Water Treatment Plants**

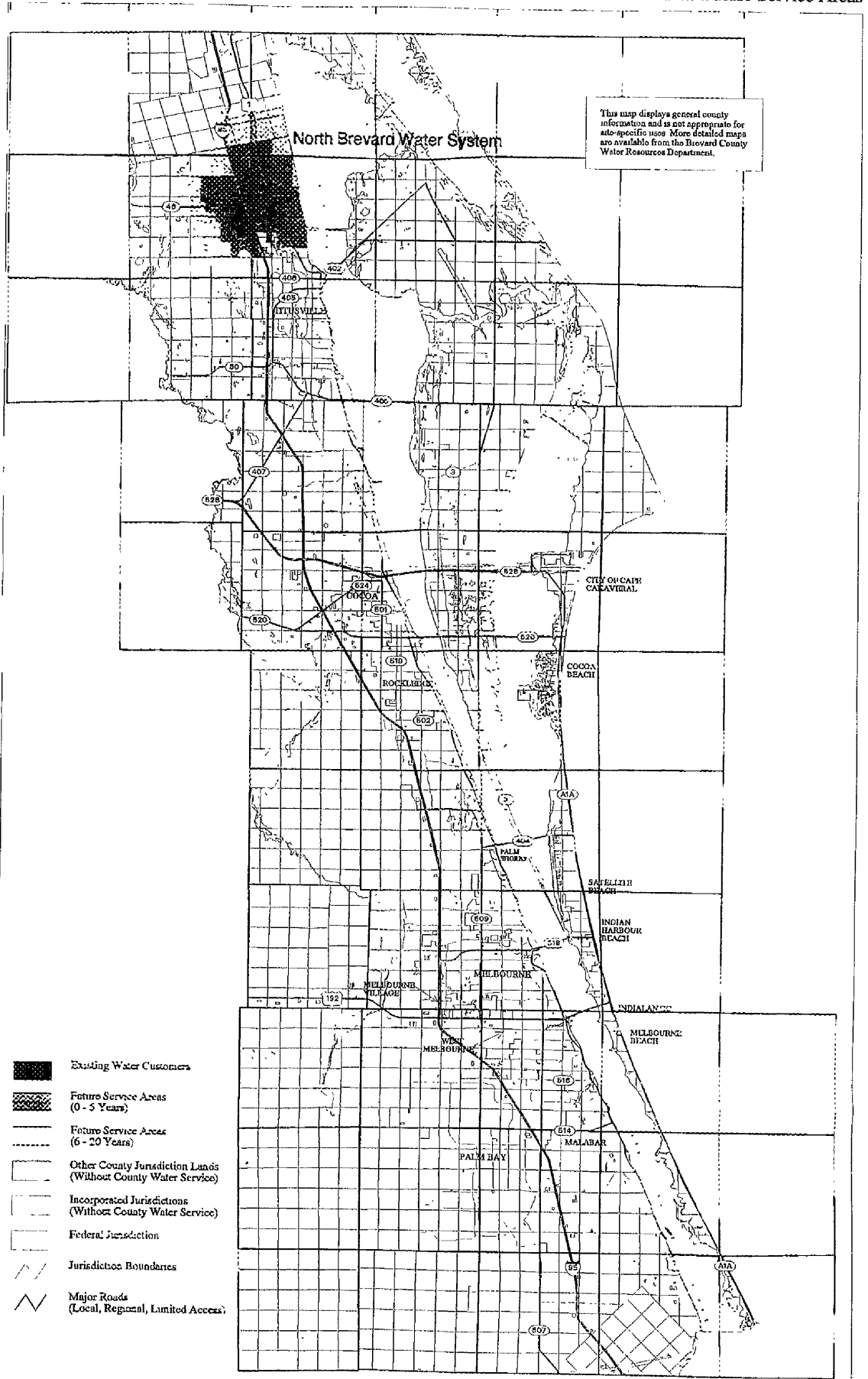
This map displays general county information and is not appropriate for site-specific uses. More detailed maps are available from the Brevard County Water Resources Department.



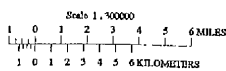
Brevard County Water Resources Department  
 Produced on December 03, 1997 by  
 David J. ...  
 Map data is the property of the Brevard County Water Resources Department.  
 All other data is the property of the respective agencies.

Scale: 1:30000  
 0 1 2 3 4 5 6 MILES  
 0 1 2 3 4 5 6 KILOMETERS





Distances, customer and service area maps from  
Brevard County Water Resources Department  
State plane projection, Florida east zone.  
Map displays the existing water water customers  
and projected future water service areas  
as of September, 1997  
Produced on November 21, 1997 by  
Brevard County Water Resources Department





**Exhibit RHM-7**

**Graphic and Calculations of the Number of Years Before  
the Mims Plant Will Require Expansion**

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers	Max Growth Option	GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Max Growth Option	Plant Capacity (Concurrency)	TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AADF	Sales AADF	AADF											
Jan-87	10,166	0.328					1 100	1,516			193	1,882			4,400	194	174
Feb-87	11,340	0.405					1 100	1,568			230	2,097			4,400	223	193
Mar-87	13,768	0.444					1.100	1,567			190	2,032			4,400	192	219
Apr-87	15,790	0.526					1.100	1,578			240	2,171			4,400	229	242
May-87	16,820	0.543					1 100	1,591			266	2,066			4,400	251	263
Jun-87	17,521	0.584					1.100	1,607			272	2,048			4,400	256	285
Jul-87	17,158	0.553					1.100	1,606			222	1,878			4,400	219	295
Aug-87	16,741	0.540					1.100	1,630			218	1,896			4,400	216	285
Sep-87	14,040	0.468					1 100	1,623			239	2,118			4,400	230	221
Oct-87	15,128	0.488					1 100	1,623			201	2,052			4,400	201	238
Nov-87	12,840	0.428					1.100	1,629			209	2,077			4,400	207	206
Dec-87	14,600	0.471	0.482		0.440		1 100	1,637			176	2,033			4,400	180	232
Jan-88	14,120	0.455	0.492		0.445		1.100	1,646			211	2,044			4,400	209	223
Feb-88	13,842	0.477	0.498		0.444		1 100	1,638			223	2,106			4,400	218	227
Mar-88	15,998	0.516	0.504		0.446		1.100	1,656			194	2,090			4,400	195	247
Apr-88	17,775	0.593	0.510		0.452		1 100	1,657			275	2,241			4,400	255	264
May-88	18,690	0.603	0.515		0.449		1 100	1,660			234	2,126			4,400	227	284
Jun-88	17,600	0.587	0.515		0.447		1.100	1,679			239	2,161			4,400	230	271
Jul-88	17,687	0.571	0.516		0.448		1 100	1,685			206	2,108			4,400	205	271
Aug-88	19,468	0.628	0.524		0.452		1.100	1,690			216	2,141			4,400	212	293
Sep-88	17,443	0.581	0.533		0.450		1 100	1,697			226	2,112			4,400	221	275
Oct-88	17,170	0.554	0.539		0.453		1 100	1,712			207	2,135			4,400	206	259
Nov-88	14,391	0.480	0.543		0.455		1.100	1,726			212	2,163			4,400	210	222
Dec-88	16,650	0.537	0.548		0.460		1.100	1,720			203	2,146			4,400	202	250
Jan-89	14,230	0.459	0.549		0.462		1 100	1,725			207	2,174			4,400	206	211
Feb-89	13,380	0.478	0.549		0.466		1 100	1,737			232	2,246			4,400	225	213
Mar-89	18,990	0.613	0.557		0.469		1.100	1,758			203	2,198			4,400	202	279
Apr-89	16,700	0.557	0.554		0.468		1.100	1,747			267	2,219			4,400	253	251
May-89	18,760	0.605	0.554		0.474		1 100	1,753			253	2,271			4,400	241	266
Jun-89	18,600	0.620	0.557		0.473		1.100	1,761			227	2,240			4,400	221	277
Jul-89	21,660	0.699	0.568		0.482		1.100	1,768			244	2,285			4,400	234	306
Aug-89	21,270	0.686	0.572		0.482		1.100	1,780			205	2,213			4,400	204	310
Sep-89	18,120	0.604	0.574		0.484		1.100	1,782			222	2,308			4,400	217	262
Oct-89	16,213	0.523	0.572		0.485		1.100	1,798			190	2,334			4,400	192	224
Nov-89	16,220	0.541	0.577		0.485		1 100	1,801			197	2,309			4,400	198	234
Dec-89	18,685	0.603	0.582		0.492		1 100	1,818			219	2,386			4,400	214	253
Jan-90	19,570	0.631	0.597		0.498		1 100	1,835			224	2,400			4,400	219	263
Feb-90	17,779	0.635	0.610		0.504		1.100	1,832			230	2,574			4,400	221	247
Mar-90	21,885	0.706	0.617		0.510		1.100	1,848			206	2,518			4,400	204	280
Apr-90	19,110	0.637	0.624		0.517		1.100	1,852			272	2,603			4,400	251	245
May-90	24,801	0.800	0.640		0.524		1 100	1,886			259	2,613			4,400	242	306
Jun-90	19,069	0.636	0.642		0.530		1.100	1,868			244	2,388			4,400	235	266
Jul-90	18,768	0.605	0.634		0.531		1 100	1,874			233	2,403			4,400	226	252
Aug-90	18,972	0.612	0.628		0.535		1 100	1,883			206	2,433			4,400	205	252

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers	Max Growth Option	GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Max Growth Option	Plant Capacity (Concurrence)	TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AAAF	Sales AADF	AAAF											
Sep-90	21,763	0.725	0.638	0.549	1.100	1,888	285	2,540	1,888	4,400	263	286					
Oct-90	16,622	0.536	0.639	0.548	1.100	1,891	188	2,323	1,891	4,400	190	231					
Nov-90	16,010	0.534	0.638	0.554	1.100	1,899	221	2,439	1,899	4,400	217	219					
Dec-90	20,150	0.650	0.642	0.559	1.100	1,898	241	2,495	1,898	4,400	231	261					
Jan-91	18,667	0.602	0.640	0.555	1.100	1,902	201	2,362	1,902	4,400	201	255					
Feb-91	15,912	0.568	0.634	0.558	1.100	1,906	259	2,477	1,906	4,400	245	229					
Mar-91	16,176	0.522	0.619	0.556	1.100	1,911	203	2,401	1,911	4,400	202	217					
Apr-91	16,260	0.542	0.611	0.546	1.100	1,920	226	2,465	1,920	4,400	220	220					
May-91	17,822	0.575	0.592	0.537	1.100	1,929	218	2,401	1,929	4,400	214	239					
Jun-91	16,355	0.545	0.585	0.541	1.100	1,936	259	2,487	1,936	4,400	246	219					
Jul-91	16,280	0.525	0.578	0.532	1.100	1,941	177	2,393	1,941	4,400	182	219					
Aug-91	15,810	0.510	0.570	0.534	1.100	1,941	213	2,497	1,941	4,400	210	204					
Sep-91	16,178	0.539	0.554	0.522	1.100	1,952	223	2,401	1,952	4,400	219	225					
Oct-91	14,043	0.453	0.547	0.523	1.100	1,959	189	2,359	1,959	4,400	191	192					
Nov-91	13,900	0.463	0.541	0.518	1.100	1,987	192	2,400	1,987	4,400	194	193					
Dec-91	13,900	0.448	0.524	0.508	1.100	1,963	196	2,347	1,963	4,400	196	191					
Jan-92	16,500	0.532	0.519	0.509	1.100	1,975	203	2,404	1,975	4,400	203	221					
Feb-92	14,692	0.507	0.513	0.503	1.100	1,953	222	2,449	1,953	4,400	218	207					
Mar-92	14,763	0.476	0.510	0.505	1.100	1,996	207	2,469	1,996	4,400	206	193					
Apr-92	15,750	0.525	0.508	0.504	1.100	1,999	214	2,513	1,999	4,400	211	209					
May-92	18,790	0.606	0.511	0.514	1.100	2,009	254	2,629	2,009	4,400	241	231					
Jun-92	19,114	0.637	0.519	0.503	1.100	2,019	203	2,396	2,019	4,400	203	266					
Jul-92	24,777	0.799	0.541	0.517	1.100	2,024	250	2,479	2,024	4,400	241	322					
Aug-92	20,010	0.645	0.553	0.517	1.100	2,028	215	2,487	2,028	4,400	212	260					
Sep-92	19,392	0.646	0.562	0.512	1.100	2,037	190	2,450	2,037	4,400	192	264					
Oct-92	19,623	0.633	0.577	0.514	1.100	2,039	192	2,417	2,039	4,400	193	262					
Nov-92	19,733	0.658	0.593	0.518	1.100	2,035	216	2,417	2,035	4,400	214	272					
Dec-92	20,271	0.654	0.610	0.518	1.100	2,039	193	2,398	2,039	4,400	194	273					
Jan-93	19,563	0.631	0.618	0.520	1.100	2,049	211	2,437	2,049	4,400	209	259					
Feb-93	17,667	0.631	0.629	0.517	1.100	2,055	201	2,435	2,055	4,400	201	259					
Mar-93	20,013	0.646	0.643	0.516	1.100	2,058	207	2,405	2,058	4,400	206	268					
Apr-93	21,130	0.704	0.658	0.520	1.100	2,071	239	2,505	2,071	4,400	232	281					
May-93	27,739	0.895	0.682	0.533	1.100	2,075	334	2,549	2,075	4,400	309	351					
Jun-93	24,986	0.833	0.698	0.537	1.100	2,081	224	2,468	2,081	4,400	220	337					
Jul-93	21,458	0.692	0.689	0.532	1.100	2,081	217	2,456	2,081	4,400	214	282					
Aug-93	25,563	0.825	0.704	0.536	1.100	2,097	239	2,522	2,097	4,400	232	327					
Sep-93	19,316	0.644	0.704	0.538	1.100	2,111	191	2,546	2,111	4,400	192	253					
Oct-93	20,377	0.657	0.706	0.541	1.100	2,116	197	2,515	2,116	4,400	198	261					
Nov-93	20,770	0.692	0.709	0.546	1.100	2,119	233	2,525	2,119	4,400	228	274					
Dec-93	21,128	0.682	0.711	0.544	1.100	2,123	179	2,445	2,123	4,400	182	279					
Jan-94	19,700	0.635	0.711	0.545	1.100	2,131	210	2,529	2,131	4,400	208	251					
Feb-94	18,320	0.654	0.713	0.550	1.100	2,136	212	2,586	2,136	4,400	210	253					
Mar-94	22,423	0.723	0.720	0.555	1.100	2,138	220	2,584	2,138	4,400	217	280					
Apr-94	22,684	0.756	0.724	0.553	1.100	2,144	220	2,557	2,144	4,400	217	296					

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers	Max Growth Option	GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Max Growth Option	Plant Capacity (Concurrence)	TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AADF	Sales AADF	AADF											
May-94	23,200	0.748	0.712	0.541	1.100	2,144	243	2,773	4,400	233	270						
Jun-94	19,350	0.645	0.696	0.534	1.100	2,141	182	2,472	4,400	185	261						
Jul-94	21,320	0.688	0.696	0.541	1.100	2,144	238	2,629	4,400	231	262						
Aug-94	20,580	0.664	0.682	0.533	1.100	2,137	192	2,571	4,400	194	258						
Sep-94	19,961	0.665	0.684	0.537	1.100	2,147	208	2,556	4,400	207	260						
Oct-94	19,165	0.618	0.681	0.539	1.100	2,147	202	2,585	4,400	202	239						
Nov-94	20,931	0.698	0.681	0.532	1.100	2,153	192	2,555	4,400	193	273						
Dec-94	19,202	0.619	0.676	0.534	1.100	2,152	179	2,576	4,400	182	240						
Jan-95	22,624	0.730	0.684	0.533	1.100	2,152	201	2,596	4,400	201	281						
Feb-95	21,116	0.754	0.692	0.534	1.100	2,155	211	2,627	4,400	209	287						
Mar-95	23,583	0.761	0.696	0.527	1.100	2,153	182	2,573	4,400	185	296						
Apr-95	24,339	0.811	0.700	0.537	1.100	2,149	258	2,730	4,400	246	297						
May-95	26,549	0.856	0.709	0.532	1.100	2,148	230	2,627	4,400	225	326						
Jun-95	20,690	0.690	0.713	0.534	1.100	2,149	188	2,565	4,400	190	269						
Jul-95	20,900	0.674	0.712	0.538	1.100	2,160	254	2,671	4,400	243	252						
Aug-95	22,131	0.714	0.716	0.535	1.100	2,159	176	2,559	4,400	180	279						
Sep-95	20,164	0.672	0.716	0.536	1.100	2,167	208	2,615	4,400	207	257						
Oct-95	22,158	0.715	0.725	0.531	1.100	2,165	176	2,539	4,400	180	281						
Nov-95	22,825	0.761	0.730	0.530	1.100	2,171	190	2,564	4,400	192	297						
Dec-95	21,730	0.701	0.737	0.534	1.100	2,171	196	2,584	4,400	197	271						
Jan-96	20,685	0.667	0.731	0.530	1.100	2,179	185	2,568	9,600	187	260						
Feb-96	15,069	0.520	0.712	0.526	2.400	2,177	192	2,612	9,600	193	199						
Mar-96	14,658	0.473	0.688	0.530	2.400	2,187	199	2,601	9,600	200	182						
Apr-96	17,478	0.583	0.669	0.527	2.400	2,184	249	2,637	9,600	241	221						
May-96	20,222	0.652	0.652	0.530	2.400	2,184	233	2,749	9,600	226	237						
Jun-96	15,982	0.533	0.639	0.537	2.400	2,189	218	2,693	9,600	215	198						
Jul-96	20,900	0.674	0.639	0.522	2.400	2,190	181	2,540	9,600	183	265						
Aug-96	19,546	0.631	0.632	0.524	2.400	2,195	184	2,627	9,600	187	240						
Sep-96	15,390	0.513	0.618	0.528	2.400	2,192	230	2,612	9,600	225	196						
Oct-96	17,995	0.580	0.607	0.531	2.400	2,198	186	2,588	9,600	188	224						
Nov-96	19,534	0.651	0.598	0.531	2.400	2,203	192	2,562	9,600	193	254						
Dec-96	15,767	0.509	0.582	0.537	2.400	2,203	225	2,628	9,600	221	194						
Jan-97	14,205	0.458	0.565	0.538	2.400	2,208	187	2,570	9,600	189	178						
Feb-97	11,433	0.408	0.555	0.533	2.400	2,215	175	2,527	9,600	178	162						
Mar-97	16,331	0.527	0.560	0.533	2.400	2,219	201	2,601	9,600	200	203						
Apr-97	15,208	0.507	0.554	0.531	2.400	2,221	235	2,662	9,600	229	190						
May-97	24,675	0.796	0.566	0.530	2.400	2,221	237	2,642	9,600	231	301						
Jun-97	19,833	0.661	0.576	0.525	2.400	2,224	204	2,505	9,600	203	264						
Jul-97	21,851	0.705	0.579	0.528	2.400	2,231	181	2,727	9,600	184	259						
Aug-97	17,314	0.559	0.573	0.530	2.400	2,228	193	2,669	9,600	195	209						
Sep-97	20,335	0.678	0.587	0.539	2.400	2,236	263	2,764	9,600	251	245						
Oct-97	20,523	0.662	0.593	0.536	2.400	2,238	170	2,622	9,600	175	253						
Nov-97	17,761	0.592	0.588	0.533	2.400	2,237	174	2,576	9,600	177	230						
Dec-97	13,605	0.439	0.583	0.525	2.400	2,238	182	2,587	9,600	185	170						

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers	Max Growth Option	GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Plant Capacity (Concurrence)		TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AADF	Sales AADF	AADF								Max Growth Option	Plant Capacity (Concurrence)		
Jan-98	13,651	0.440	0.581	0.528	2.400	2,236	199	2,626	9,600	199	168						
Feb-98	13,535	0.483	0.587	0.532	2.400	2,247	184	2,675	9,600	187	181						
Mar-98	17,584	0.567	0.591	0.536	2.400	2,247	213	2,712	9,600	211	209						
Apr-98	24,348	0.812	0.616	0.530	2.400	2,259	202	2,648	9,600	202	307						
May-98	28,091	0.906	0.625	0.559	2.400	2,246	370	2,896	9,600	332	313						
Jun-98	27,231	0.908	0.646	0.584	2.400	2,242	280	3,140	9,600	257	289						
Jul-98	23,481	0.757	0.650	0.601	2.400	2,248	267	2,778	9,600	254	273						
Aug-98	19,914	0.642	0.657	0.602	2.400	2,247	200	2,663	9,600	200	241						
Sep-98	19,259	0.642	0.654	0.585	2.400	2,246	183	2,637	9,600	186	243						
Oct-98	19,423	0.627	0.651	0.601	2.400	2,256	241	2,804	9,600	233	223						
Nov-98	17,128	0.571	0.650	0.613	2.400	2,257	223	2,720	9,600	219	210						
Dec-98	14,256	0.460	0.651	0.615	2.400	2,259	190	2,607	9,600	192	176						
Jan-99	12,596	0.406	0.648	0.616	2.400	2,269	203	2,658	9,600	203	153						
Feb-99	14,256	0.509	0.651	0.623	2.400	2,276	204	2,905	9,600	204	175						
Mar-99	19,820	0.639	0.657	0.630	2.400	2,285	238	2,799	9,600	231	228						
Apr-99	23,390	0.780	0.654	0.650	2.400	2,295	279	2,991	9,600	260	261						
May-99	21,666	0.699	0.637	0.622	2.400	2,287	228	2,798	9,600	223	250						
Jun-99	19,539	0.651	0.615	0.601	2.400	2,293	209	2,702	9,600	207	241						
Jul-99	18,781	0.606	0.603	0.595	2.400	2,306	227	2,814	9,600	222	215						
Aug-99	19,000	0.613	0.600	0.599	2.400	2,310	211	2,787	9,600	209	220						
Sep-99	20,446	0.682	0.604	0.605	2.400	2,309	210	2,724	9,600	209	250						
Oct-99	18,723	0.604	0.602	0.594	2.400	2,311	186	2,773	9,600	188	218						
Nov-99	20,250	0.675	0.610	0.587	2.400	2,318	183	2,750	9,600	186	245						
Dec-99			0.624	0.587	2.400	2,319	181	2,703	9,600	184	0						
Jan-00	23,755	0.766	0.657	0.594	2.400	2,324	221	2,852	9,600	217	269						
Feb-00	24,492	0.845	0.687	0.592	2.400	2,333	207	2,772	9,600	206	305						
Mar-00	23,656	0.763	0.698	0.590	2.400	2,338	223	2,824	9,600	219	270						
Apr-00	23,750	0.792	0.700	0.572	2.400	2,329	205	2,778	9,600	204	285						
May-00	27,417	0.884	0.716	0.584	2.400	2,329	282	2,871	9,600	267	308						
Jun-00			0.723	0.586	2.400				9,600								
Jul-00	19,446	0.627	0.725	0.578	2.400	2,340	193	2,733	9,600	194	230						
Aug-00	19,446	0.627	0.727	0.577	2.400	2,340	205	2,806	9,600	204	224						
Sep-00	22,334	0.744	0.733	0.578	2.400	2,344	212	2,761	9,600	210	270						
Oct-00	21,473	0.693	0.742	0.582	2.400	2,356	205	2,779	9,600	204	249						
Nov-00	20,910	0.697	0.744	0.587	2.400	2,360	200	2,852	9,600	200	244						
Dec-00	22,692	0.732	0.743	0.603	2.400	2,369	236	2,932	9,600	229	250						
Jan-01			0.740	0.594	2.400	2,361	185	2,768	9,600	187	0						
Feb-01	24,898	0.889	0.745	0.596	2.400	2,371	208	2,880	9,600	207	309						
Mar-01	24,354	0.786	0.747	0.600	2.400	2,387	233	2,914	9,600	227	270						
Apr-01	25,394	0.846	0.753	0.600	2.400	2,379	197	2,858	9,600	197	296						
May-01	28,511	0.920	0.756	0.597	2.400	2,380	261	2,931	9,600	249	314						
Jun-01	25,571	0.852	0.765	0.597	2.400	2,376	217	2,798	9,600	215	305						
Jul-01	21,926	0.707	0.772	0.601	2.400	2,381	201	2,879	9,600	201	246						
Aug-01	21,609	0.697	0.779	0.597	2.400	2,378	183	2,853	9,600	186	244						

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers	Max Growth Option	GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Max Growth Option	Plant Capacity (Concurrent)	TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AADF	Sales AADF	AADF											
Sep-01	23,335	0.753	0.779	0.595	2.400	2,381					192	2,866		9,600	193	263	
Oct-01	22,810	0.760	0.785	0.591	2.400	2,395					183	2,805		9,600	185	271	
Nov-01	22,429	0.748	0.790	0.588	2.400	2,413					189	2,776		9,600	190	269	
Dec-01	25,793	0.832	0.799	0.578	2.400	2,409					182	2,963		9,600	185	281	
Jan-02	22,909	0.739	0.794	0.584	2.400	2,412					202	2,926		9,600	202	253	
Feb-02	18,884	0.674	0.776	0.580	2.400	2,419					184	2,928		9,600	187	230	
Mar-02			0.775	0.572	2.400									9,600			
Apr-02			0.768	0.573	2.400									9,600			
May-02			0.751	0.556	2.400									9,600			
Jun-02			0.739	0.550	2.400									9,600			
Jul-02	20,676	0.667	0.734	0.559	2.400	2,402					220	3,007		9,600	216	222	
Aug-02	20,961	0.676	0.731	0.577	2.400	2,393					238	2,938		9,600	231	230	
Sep-02	20,409	0.680	0.722	0.588	2.400	2,418					219	2,982		9,600	216	228	
Oct-02	21,355	0.689	0.713	0.589	2.400	2,421					171	2,964		9,600	176	232	
Nov-02	22,000	0.733	0.711	0.598	2.400	2,447					199	3,039		9,600	199	241	
Dec-02	22,000	0.710	0.696	0.598	2.400	2,433					176	3,036		9,600	181	234	
Jan-03			0.690	0.619	2.400	2,440					255	3,118		9,600	243	0	
Feb-03	21,000	0.750	0.701	0.625	2.400	2,444					189	3,105		9,600	192	242	
Mar-03				0.708	0.615	2.400	2,452				167	3,058		9,600	174	0	
Apr-03				0.716	0.620	2.400		2,456			0		3,021	9,600	#DIV/0!	#DIV/0!	
May-03				0.723		0.626	2.400	2,460			0		3,026	9,600	#DIV/0!	#DIV/0!	
Jun-03				0.731		0.632	2.400	2,464			0		3,031	9,600	#DIV/0!	#DIV/0!	
Jul-03				0.738		0.638	2.400	2,468			0		3,036	9,600	#DIV/0!	#DIV/0!	
Aug-03				0.746		0.644	2.400	2,472			0		3,041	9,600	#DIV/0!	#DIV/0!	
Sep-03				0.753		0.650	2.400	2,476			0		3,045	9,600	#DIV/0!	#DIV/0!	
Oct-03				0.761		0.656	2.400	2,480			0		3,050	9,600	#DIV/0!	#DIV/0!	
Nov-03				0.768		0.662	2.400	2,484			0		3,055	9,600	#DIV/0!	#DIV/0!	
Dec-03				0.776		0.667	2.400	2,513			0		3,091	9,600	#DIV/0!	#DIV/0!	
Jan-04				0.783		0.673	2.400	2,542					3,127	9,600			
Feb-04				0.791		0.679	2.400	2,571					3,162	9,600			
Mar-04				0.798		0.685	2.400	2,600					3,198	9,600			
Apr-04				0.806		0.691	2.400	2,629					3,234	9,600			
May-04				0.813		0.697	2.400	2,658					3,269	9,600			
Jun-04				0.821		0.703	2.400	2,687					3,305	9,600			
Jul-04				0.828		0.709	2.400	2,716					3,341	9,600			
Aug-04				0.836		0.715	2.400	2,745					3,376	9,600			
Sep-04				0.843		0.720	2.400	2,774					3,412	9,600			
Oct-04				0.850		0.726	2.400	2,803					3,448	9,600			
Nov-04				0.858		0.732	2.400	2,832					3,483	9,600			
Dec-04				0.865		0.738	2.400	2,861					3,519	9,600			
Jan-05				0.873		0.744	2.400	2,890					3,555	9,600			
Feb-05				0.880		0.750	2.400	2,919					3,590	9,600			
Mar-05				0.888		0.756	2.400	2,948					3,626	9,600			
Apr-05				0.895		0.762	2.400	2,977					3,662	9,600			

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection			Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers			TOTAL UNITS	T/R ratio	Max Growth Option	Plant Capacity (Concurrence)	TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	Projection A AADF	Sales AADF	Projection A AADF	Residential Customers			Max Growth Option	GPD RESIDENT UNITS							
May-05		Plant Flow	0.903	0.767	2.400	3,006						3,697			9,600			
Jun-05			0.910	0.773	2.400	3,035						3,733			9,600			
Jul-05			0.918	0.779	2.400	3,064						3,769			9,600			
Aug-05			0.925	0.785	2.400	3,093						3,804			9,600			
Sep-05			0.933	0.791	2.400	3,122						3,840			9,600			
Oct-05			0.940	0.797	2.400	3,151						3,876			9,600			
Nov-05			0.948	0.803	2.400	3,180						3,911			9,600			
Dec-05			0.955	0.809	2.400	3,209						3,947			9,600			
Jan-06			0.963	0.814	2.400	3,238						3,983			9,600			
Feb-06			0.970	0.820	2.400	3,267						4,018			9,600			
Mar-06			0.978	0.826	2.400	3,296						4,054			9,600			
Apr-06			0.985	0.832	2.400	3,325						4,090			9,600			
May-06			0.993	0.838	2.400	3,354						4,125			9,600			
Jun-06			1.000	0.844	2.400	3,383						4,161			9,600			
Jul-06			1.008	0.850	2.400	3,412						4,197			9,600			
Aug-06			1.015	0.856	2.400	3,441						4,232			9,600			
Sep-06			1.023	0.861	2.400	3,470						4,268			9,600			
Oct-06			1.030	0.867	2.400	3,499						4,304			9,600			
Nov-06			1.038	0.873	2.400	3,528						4,339			9,600			
Dec-06			1.045	0.879	2.400	3,557						4,375			9,600			
Jan-07			1.053	0.885	2.400	3,586						4,411			9,600			
Feb-07			1.060	0.891	2.400	3,615						4,446			9,600			
Mar-07			1.068	0.897	2.400	3,644						4,482			9,600			
Apr-07			1.075	0.903	2.400	3,673						4,518			9,600			
May-07			1.083	0.908	2.400	3,702						4,553			9,600			
Jun-07			1.090	0.914	2.400	3,731						4,589			9,600			
Jul-07			1.098	0.920	2.400	3,760						4,625			9,600			
Aug-07			1.105	0.926	2.400	3,789						4,660			9,600			
Sep-07			1.113	0.932	2.400	3,818						4,696			9,600			
Oct-07			1.120	0.938	2.400	3,847						4,732			9,600			
Nov-07			1.128	0.944	2.400	3,876						4,767			9,600			
Dec-07			1.135	0.950	2.400	3,905						4,803			9,600			
Jan-08			1.142	0.955	2.400	3,934						4,839			9,600			
Feb-08			1.144	0.961	2.400	3,963						4,874			9,600			
Mar-08			1.145	0.967	2.400	3,992						4,910			9,600			
Apr-08			1.146	0.968	2.400	4,021						4,946			9,600			
May-08			1.146	0.969	2.400	4,050						4,982			9,600			
Jun-08			1.147	0.970	2.400	4,079						5,017			9,600			
Jul-08			1.148	0.971	2.400	4,108						5,053			9,600			
Aug-08			1.149	0.972	2.400	4,137						5,089			9,600			
Sep-08			1.150	0.972	2.400	4,166						5,124			9,600			
Oct-08			1.151	0.973	2.400	4,195						5,160			9,600			
Nov-08			1.152	0.974	2.400	4,224						5,196			9,600			
Dec-08			1.153	0.975	2.400	4,253						5,231			9,600			

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow AADF	Flow Projection AADF	Sales AADF	Sales Projection AADF	WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers	Max Growth Option	GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Max Growth Option	Plant Capacity (Concurren cy)	TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
		Plant Flow											Total ERCs	Total Growth	Capacity (Concurren cy)		
Aug-12			1.192		1.015		2.400		4,433	5,382			5,453	6,620	9,600		
Sep-12			1.193		1.015		2.400		4,437	5,407			5,458	6,651	9,600		
Oct-12			1.194		1.016		2.400		4,441	5,432			5,462	6,681	9,600		
Nov-12			1.195		1.017		2.400		4,445	5,457			5,467	6,712	9,600		
Dec-12			1.196		1.018		2.400		4,449	5,482			5,472	6,743	9,600		
Jan-13			1.196		1.019		2.400		4,453	5,507			5,477	6,774	9,600		
Feb-13			1.197		1.020		2.400		4,457	5,532			5,482	6,804	9,600		
Mar-13			1.198		1.021		2.400		4,461	5,557			5,487	6,835	9,600		
Apr-13			1.199		1.022		2.400		4,465	5,582			5,492	6,866	9,600		
May-13			1.200		1.022		2.400		4,469	5,607			5,497	6,897	9,600		
Jun-13			1.201		1.023		2.400		4,473	5,632			5,502	6,927	9,600		
Jul-13			1.202		1.024		2.400		4,477	5,657			5,507	6,958	9,600		
Aug-13			1.203		1.025		2.400		4,481	5,682			5,512	6,989	9,600		
Sep-13			1.203		1.026		2.400		4,485	5,707			5,517	7,020	9,600		
Oct-13			1.204		1.027		2.400		4,489	5,732			5,521	7,050	9,600		
Nov-13			1.205		1.028		2.400		4,493	5,757			5,526	7,081	9,600		
Dec-13			1.206		1.029		2.400		4,497	5,782			5,531	7,112	9,600		
Jan-14			1.207		1.029		2.400		4,501	5,807			5,536	7,143	9,600		
Feb-14			1.208		1.030		2.400		4,505	5,832			5,541	7,173	9,600		
Mar-14			1.209		1.031		2.400		4,509	5,857			5,546	7,204	9,600		
Apr-14			1.210		1.032		2.400		4,513	5,882			5,551	7,235	9,600		
May-14			1.210		1.033		2.400		4,517	5,907			5,556	7,266	9,600		
Jun-14			1.211		1.034		2.400		4,521	5,932			5,561	7,296	9,600		
Jul-14			1.212		1.035		2.400		4,525	5,957			5,566	7,327	9,600		
Aug-14			1.213		1.036		2.400		4,529	5,982			5,571	7,358	9,600		
Sep-14			1.214		1.037		2.400		4,533	6,007			5,576	7,389	9,600		
Oct-14			1.215		1.037		2.400		4,537	6,032			5,581	7,419	9,600		
Nov-14			1.216		1.038		2.400		4,541	6,057			5,585	7,450	9,600		
Dec-14			1.217		1.039		2.400		4,545	6,082			5,590	7,481	9,600		
Jan-15			1.217		1.040		2.400		4,549	6,107			5,595	7,512	9,600		
Feb-15			1.218		1.041		2.400		4,553	6,132			5,600	7,543	9,600		
Mar-15			1.219		1.042		2.400		4,557	6,157			5,605	7,573	9,600		
Apr-15			1.220		1.043		2.400		4,561	6,182			5,610	7,604	9,600		
May-15			1.221				2.400		4,565	6,207			5,615	7,635	9,600		
Jun-15			1.222				2.400		4,569	6,232			5,620	7,666	9,600		
Jul-15			1.223				2.400		4,573	6,257			5,625	7,696	9,600		
Aug-15			1.224				2.400		4,577	6,282			5,630	7,727	9,600		
Sep-15			1.224				2.400		4,581	6,307			5,635	7,758	9,600		
Oct-15			1.225				2.400		4,585	6,332			5,640	7,788	9,600		
Nov-15			1.226				2.400		4,589	6,357			5,644	7,819	9,600		
Dec-15			1.227				2.400		4,593	6,382			5,649	7,850	9,600		
Jan-16			1.228				2.400		4,597	6,407			5,654	7,881	9,600		
			1.229				2.400		4,601	6,432			5,659	7,911	9,600		



DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection				WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers			TOTAL UNITS	T/R ratio	Plant Capacity (Concurrence)		TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	Projection AADF	Sales AADF	Projection AADF			Max Growth Option	GPD RESIDENT UNITS	Max Growth Option			Capacity (Concurrence)			
Jan-09		Plant Flow	Flow AADF	Projection A	Sales AADF	s Projection A	WTP Capacity	idential Custor	Residential Cix	Growth Option	Total ERCs	ceed Total Et	Growth Opacity	(Concurrence)			
Feb-09			1.153	0.976	2.400	0.976	2.400	4,257	4,282		5,236	5,267	9,600				
Mar-09			1.154	0.977	2.400	0.977	2.400	4,261	4,307		5,241	5,298	9,600				
Apr-09			1.155	0.978	2.400	0.978	2.400	4,265	4,332		5,246	5,328	9,600				
May-09			1.156	0.979	2.400	0.979	2.400	4,269	4,357		5,251	5,359	9,600				
Jun-09			1.157	0.980	2.400	0.980	2.400	4,273	4,382		5,256	5,390	9,600				
Jul-09			1.158	0.980	2.400	0.980	2.400	4,277	4,407		5,261	5,421	9,600				
Aug-09			1.159	0.981	2.400	0.981	2.400	4,281	4,432		5,266	5,451	9,600				
Aug-09			1.160	0.982	2.400	0.982	2.400	4,285	4,457		5,271	5,482	9,600				
Sep-09			1.160	0.983	2.400	0.983	2.400	4,289	4,482		5,275	5,513	9,600				
Oct-09			1.161	0.984	2.400	0.984	2.400	4,293	4,507		5,280	5,544	9,600				
Nov-09			1.162	0.985	2.400	0.985	2.400	4,297	4,532		5,285	5,574	9,600				
Dec-09			1.163	0.986	2.400	0.986	2.400	4,301	4,557		5,290	5,605	9,600				
Jan-10			1.164	0.987	2.400	0.987	2.400	4,305	4,582		5,295	5,636	9,600				
Feb-10			1.165	0.987	2.400	0.987	2.400	4,309	4,607		5,300	5,667	9,600				
Mar-10			1.166	0.988	2.400	0.988	2.400	4,313	4,632		5,305	5,697	9,600				
Apr-10			1.167	0.989	2.400	0.989	2.400	4,317	4,657		5,310	5,728	9,600				
May-10			1.167	0.990	2.400	0.990	2.400	4,321	4,682		5,315	5,759	9,600				
Jun-10			1.168	0.991	2.400	0.991	2.400	4,325	4,707		5,320	5,790	9,600				
Jul-10			1.169	0.992	2.400	0.992	2.400	4,329	4,732		5,325	5,820	9,600				
Aug-10			1.170	0.993	2.400	0.993	2.400	4,333	4,757		5,330	5,851	9,600				
Sep-10			1.171	0.994	2.400	0.994	2.400	4,337	4,782		5,335	5,882	9,600				
Oct-10			1.172	0.994	2.400	0.994	2.400	4,341	4,807		5,339	5,913	9,600				
Nov-10			1.173	0.995	2.400	0.995	2.400	4,345	4,832		5,344	5,943	9,600				
Dec-10			1.174	0.996	2.400	0.996	2.400	4,349	4,857		5,349	5,974	9,600				
Jan-11			1.174	0.997	2.400	0.997	2.400	4,353	4,882		5,354	6,005	9,600				
Feb-11			1.175	0.998	2.400	0.998	2.400	4,357	4,907		5,359	6,036	9,600				
Mar-11			1.176	0.999	2.400	0.999	2.400	4,361	4,932		5,364	6,066	9,600				
Apr-11			1.177	1.000	2.400	1.000	2.400	4,365	4,957		5,369	6,097	9,600				
May-11			1.178	1.001	2.400	1.001	2.400	4,369	4,982		5,374	6,128	9,600				
Jun-11			1.179	1.001	2.400	1.001	2.400	4,373	5,007		5,379	6,159	9,600				
Jul-11			1.180	1.002	2.400	1.002	2.400	4,377	5,032		5,384	6,189	9,600				
Aug-11			1.181	1.003	2.400	1.003	2.400	4,381	5,057		5,389	6,220	9,600				
Sep-11			1.181	1.004	2.400	1.004	2.400	4,385	5,082		5,394	6,251	9,600				
Oct-11			1.182	1.005	2.400	1.005	2.400	4,389	5,107		5,398	6,282	9,600				
Nov-11			1.183	1.006	2.400	1.006	2.400	4,393	5,132		5,403	6,312	9,600				
Dec-11			1.184	1.007	2.400	1.007	2.400	4,397	5,157		5,408	6,343	9,600				
Jan-12			1.185	1.008	2.400	1.008	2.400	4,401	5,182		5,413	6,374	9,600				
Feb-12			1.186	1.008	2.400	1.008	2.400	4,405	5,207		5,418	6,405	9,600				
Mar-12			1.187	1.009	2.400	1.009	2.400	4,409	5,232		5,423	6,435	9,600				
Apr-12			1.188	1.010	2.400	1.010	2.400	4,413	5,257		5,428	6,466	9,600				
May-12			1.189	1.011	2.400	1.011	2.400	4,417	5,282		5,433	6,497	9,600				
Jun-12			1.189	1.012	2.400	1.012	2.400	4,421	5,307		5,438	6,528	9,600				
Jul-12			1.190	1.013	2.400	1.013	2.400	4,425	5,332		5,443	6,558	9,600				
Aug-12			1.191	1.014	2.400	1.014	2.400	4,429	5,357		5,448	6,589	9,600				

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers		GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Plant Capacity (Concurrence)		TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	Projection AADF	Sales AADF	Projection AADF			Max Growth Option	Max Growth Option				Max Growth Option	Plant Capacity (Concurrence)		
Feb-16		Plant Flow	Flow AADF	Projection A	Sales AADF	s Projection A	WTP Capacity	idential Custori	Residential Cix	Growth Option		Total ERCs	ced Total E	Growth Op	acity (Concurrence)		
Mar-16			1.230				2.400		4,605	6,457		5,664	7,942	9,600			
Apr-16			1.231				2.400		4,609	6,482		5,669	7,973	9,600			
May-16			1.231				2.400		4,613	6,507		5,674	8,004	9,600			
Jun-16			1.232				2.400		4,617	6,532		5,679	8,034	9,600			
Jul-16			1.233				2.400		4,621	6,557		5,684	8,065	9,600			
Aug-16			1.234				2.400		4,625	6,582		5,689	8,096	9,600			
Sep-16			1.235				2.400		4,629	6,607		5,694	8,127	9,600			
Oct-16			1.236				2.400		4,633	6,632		5,699	8,157	9,600			
Nov-16			1.237				2.400		4,637	6,657		5,704	8,188	9,600			
Dec-16			1.238				2.400		4,641	6,682		5,708	8,219	9,600			
Jan-17			1.238				2.400		4,645	6,707		5,713	8,250	9,600			
Feb-17			1.239				2.400		4,649	6,732		5,718	8,280	9,600			
Mar-17			1.240				2.400		4,653	6,757		5,723	8,311	9,600			
Apr-17			1.241				2.400		4,657	6,782		5,728	8,342	9,600			
May-17			1.242				2.400		4,661	6,807		5,733	8,373	9,600			
Jun-17			1.243				2.400		4,665	6,832		5,738	8,403	9,600			
Jul-17			1.244				2.400		4,669	6,857		5,743	8,434	9,600			
Aug-17			1.245				2.400		4,673	6,882		5,748	8,465	9,600			
Sep-17			1.246				2.400		4,677	6,907		5,753	8,496	9,600			
Oct-17			1.246				2.400		4,681	6,932		5,758	8,526	9,600			
Nov-17			1.247				2.400		4,685	6,957		5,763	8,557	9,600			
Dec-17			1.248				2.400		4,689	6,982		5,767	8,588	9,600			
Jan-18			1.249				2.400		4,693	7,007		5,772	8,619	9,600			
Feb-18			1.250				2.400		4,697	7,032		5,777	8,649	9,600			
Mar-18			1.251				2.400		4,701	7,057		5,782	8,680	9,600			
Apr-18			1.252				2.400		4,705	7,082		5,787	8,711	9,600			
May-18			1.253				2.400		4,709	7,107		5,792	8,742	9,600			
Jun-18			1.253				2.400		4,713	7,132		5,797	8,772	9,600			
Jul-18			1.254				2.400		4,717	7,157		5,802	8,803	9,600			
Aug-18			1.255				2.400		4,721	7,182		5,807	8,834	9,600			
Sep-18			1.256				2.400		4,725	7,207		5,812	8,865	9,600			
Oct-18			1.257				2.400		4,729	7,232		5,817	8,895	9,600			
Nov-18			1.258				2.400		4,733	7,257		5,822	8,926	9,600			
Dec-18			1.259				2.400		4,737	7,282		5,827	8,957	9,600			
Jan-19			1.260				2.400		4,741	7,307		5,831	8,988	9,600			
Feb-19			1.260				2.400		4,745	7,332		5,836	9,018	9,600			
Mar-19			1.261				2.400		4,749	7,357		5,841	9,049	9,600			
Apr-19			1.262				2.400		4,753	7,382		5,846	9,080	9,600			
May-19			1.263				2.400		4,757	7,407		5,851	9,111	9,600			
Jun-19			1.264				2.400		4,761	7,432		5,856	9,141	9,600			
			1.265				2.400		4,765	7,457		5,861	9,172	9,600			

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers		GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Plant Capacity (Concurren cy)		TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AAADF	Sales AADF	AAADF			Max Growth Option	Max Growth Option				Max Growth Option	Max Growth Option		
Jul-19		Plant Flow	1.266	2.400	4,769	7,482		5,866	9,203	9,600							
Aug-19			1.267	2.400	4,773	7,507		5,871	9,234	9,600							
Sep-19			1.267	2.400	4,777	7,532		5,876	9,264	9,600							
Oct-19			1.268	2.400	4,781	7,557		5,881	9,295	9,600							
Nov-19			1.269	2.400	4,785	7,582		5,886	9,326	9,600							
Dec-19			1.270	2.400	4,789	7,607		5,890	9,357	9,600							
Jan-20			1.271	2.400	4,793	7,632		5,895	9,387	9,600							
Feb-20			1.272	2.400	4,797	7,657		5,900	9,418	9,600							
Mar-20			1.273	2.400	4,801	7,682		5,905	9,449	9,600							
Apr-20			1.274	2.400	4,805	7,707		5,910	9,480	9,600							
May-20			1.274	2.400	4,809	7,732		5,915	9,510	9,600							
Jun-20			1.275	2.400	4,813	7,757		5,920	9,541	9,600							
Jul-20			1.276	2.400	4,817	7,782		5,925	9,572	9,600							
Aug-20			1.277	2.400	4,821	7,807		5,930	9,603	9,600							
Sep-20			1.278	2.400	4,825	7,832		5,935	9,633	9,600							
Oct-20			1.279	2.400	4,829	7,857		5,940	9,664	9,600							
Nov-20			1.280	2.400	4,833	7,882		5,945	9,695	9,600							
Dec-20			1.281	2.400	4,837	7,907		5,950	9,726	9,600							
Dec-20			1.281	2.400	4,841	7,932		5,954	9,756	9,600							
Jan-21			1.282	2.400	4,845	7,957		5,959	9,787	9,600							
Mar-21			1.283	2.400	4,849	7,982		5,964	9,818	9,600							
Mar-21			1.284	2.400	4,853	8,007		5,969	9,849	9,600							
Apr-21			1.285	2.400	4,857	8,032		5,974	9,879	9,600							
May-21			1.286	2.400	4,861	8,057		5,979	9,910	9,600							
Jun-21			1.287	2.400	4,865	8,082		5,984	9,941	9,600							
Jul-21			1.288	2.400	4,869	8,107		5,989	9,972	9,600							
Aug-21			1.288	2.400	4,873	8,132		5,994	10,002	9,600							
Sep-21			1.289	2.400	4,877	8,157		5,999	10,033	9,600							
Oct-21			1.290	2.400	4,881	8,182		6,004	10,064	9,600							
Nov-21			1.291	2.400	4,885	8,207		6,009	10,095	9,600							
Dec-21			1.292	2.400	4,889	8,232		6,013	10,125	9,600							
Jan-22			1.293	2.400	4,893	8,257		6,018	10,156	9,600							
Feb-22			1.294	2.400	4,897	8,282		6,023	10,187	9,600							
Mar-22			1.295	2.400	4,901	8,307		6,028	10,218	9,600							
Apr-22			1.295	2.400	4,905	8,332		6,033	10,248	9,600							
May-22			1.296	2.400	4,909	8,357		6,038	10,279	9,600							
Jun-22			1.297	2.400	4,913	8,382		6,043	10,310	9,600							
Jul-22			1.298	2.400	4,917	8,407		6,048	10,341	9,600							
Aug-22			1.299	2.400	4,921	8,432		6,053	10,371	9,600							
Sep-22			1.300	2.400	4,925	8,457		6,058	10,402	9,600							
Oct-22			1.301	2.400	4,929	8,482		6,063	10,433	9,600							

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers		GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Plant Capacity (Concurrency)		TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AAADF	Sales AADF	AAADF			Max Growth Option	Max Growth Option				Max Growth Option	Max Growth Option		
Nov-22		Plant Flow	1.302				2.400	4,933	8,507			6,068	10,464	9,600			
Dec-22			1.303				2.400	4,937	8,532			6,073	10,494	9,600			
Jan-23			1.303				2.400	4,941	8,557			6,077	10,525	9,600			
Feb-23			1.304				2.400	4,945	8,582			6,082	10,556	9,600			
Mar-23			1.305				2.400	4,949	8,607			6,087	10,587	9,600			
Apr-23			1.306				2.400	4,953	8,632			6,092	10,617	9,600			
May-23			1.307				2.400	4,957	8,657			6,097	10,648	9,600			
Jun-23			1.308				2.400	4,961	8,682			6,102	10,679	9,600			
Jul-23			1.309				2.400	4,965	8,707			6,107	10,710	9,600			
Aug-23			1.310				2.400	4,969	8,732			6,112	10,740	9,600			
Sep-23			1.310				2.400	4,973	8,757			6,117	10,771	9,600			
Oct-23			1.311				2.400	4,977	8,782			6,122	10,802	9,600			
Nov-23			1.312				2.400	4,981	8,807			6,127	10,833	9,600			
Dec-23			1.313				2.400	4,985	8,832			6,132	10,863	9,600			
Jan-24			1.314				2.400	4,989	8,857			6,136	10,894	9,600			
Feb-24			1.315				2.400	4,993	8,882			6,141	10,925	9,600			
Mar-24			1.316				2.400	4,997	8,907			6,146	10,956	9,600			
Apr-24			1.317				2.400	5,001	8,932			6,151	10,986	9,600			
May-24			1.317				2.400	5,005	8,957			6,156	11,017	9,600			
Jun-24			1.318				2.400	5,009	8,982			6,161	11,048	9,600			
Jul-24			1.319				2.400	5,013	9,007			6,166	11,079	9,600			
Aug-24			1.320				2.400	5,017	9,032			6,171	11,109	9,600			
Sep-24			1.321				2.400	5,021	9,057			6,176	11,140	9,600			
Oct-24			1.322				2.400	5,025	9,082			6,181	11,171	9,600			
Nov-24			1.323				2.400	5,029	9,107			6,186	11,202	9,600			
Dec-24			1.324				2.400	5,033	9,132			6,191	11,232	9,600			
Jan-25			1.324				2.400	5,037	9,157			6,196	11,263	9,600			
Feb-25			1.325				2.400	5,041	9,182			6,200	11,294	9,600			
Mar-25			1.326				2.400	5,045	9,207			6,205	11,325	9,600			
Apr-25			1.327				2.400	5,049	9,232			6,210	11,355	9,600			
May-25			1.328				2.400	5,053	9,257			6,215	11,386	9,600			
Jun-25			1.329				2.400	5,057	9,282			6,220	11,417	9,600			
Jul-25			1.330				2.400	5,061	9,307			6,225	11,448	9,600			
Aug-25			1.331				2.400	5,065	9,332			6,230	11,478	9,600			
Sep-25			1.331				2.400	5,069	9,357			6,235	11,509	9,600			
Oct-25			1.332				2.400	5,073	9,382			6,240	11,540	9,600			
Nov-25			1.333				2.400	5,077	9,407			6,245	11,571	9,600			
Dec-25			1.334				2.400	5,081	9,432			6,250	11,601	9,600			
Jan-26			1.335				2.400	5,085	9,457			6,255	11,632	9,600			
Feb-26			1.336				2.400	5,089	9,482			6,259	11,663	9,600			
Mar-26			1.337				2.400	5,093	9,507			6,264	11,694	9,600			

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers	Max Growth Option	GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Max Growth Option	Plant Capacity (Concurrence)	TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AADF	Sales AADF	AADF											
Apr-26			1.338				2.400	5,097	9,532			6,269	11,724	9,600			
May-26			1.338				2.400	5,101	9,557			6,274	11,755	9,600			
Jun-26			1.339				2.400	5,105	9,582			6,279	11,786	9,600			
Jul-26			1.340				2.400	5,109	9,607			6,284	11,817	9,600			
Aug-26			1.341				2.400	5,113	9,632			6,289	11,847	9,600			
Sep-26			1.342				2.400	5,117	9,657			6,294	11,878	9,600			
Oct-26			1.343				2.400	5,121	9,682			6,299	11,909	9,600			
Oct-26			1.344				2.400	5,125	9,707			6,304	11,940	9,600			
Nov-26			1.345				2.400	5,129	9,732			6,309	11,970	9,600			
Dec-26			1.345				2.400	5,133	9,757			6,314	12,001	9,600			
Jan-27			1.346				2.400	5,137	9,782			6,319	12,032	9,600			
Feb-27			1.347				2.400	5,141	9,807			6,323	12,063	9,600			
Mar-27			1.348				2.400	5,145	9,832			6,328	12,093	9,600			
Apr-27			1.349				2.400	5,149	9,857			6,333	12,124	9,600			
May-27			1.350				2.400	5,153	9,882			6,338	12,155	9,600			
Jun-27			1.351				2.400	5,157	9,907			6,343	12,186	9,600			
Jul-27			1.352				2.400	5,161	9,932			6,348	12,216	9,600			
Aug-27			1.353				2.400	5,165	9,957			6,353	12,247	9,600			
Sep-27			1.353				2.400	5,169	9,982			6,358	12,278	9,600			
Oct-27			1.354				2.400	5,173	10,007			6,363	12,309	9,600			
Nov-27			1.355				2.400	5,177	10,032			6,368	12,339	9,600			
Dec-27			1.356				2.400	5,181	10,057			6,373	12,370	9,600			
Jan-28			1.357				2.400	5,185	10,082			6,378	12,401	9,600			
Feb-28			1.358				2.400	5,189	10,107			6,382	12,432	9,600			
Mar-28			1.359				2.400	5,193	10,132			6,387	12,462	9,600			
Apr-28			1.360				2.400	5,197	10,157			6,392	12,493	9,600			
May-28			1.360				2.400	5,201	10,182			6,397	12,524	9,600			
Jun-28			1.361				2.400	5,205	10,207			6,402	12,555	9,600			
Jul-28			1.362				2.400	5,209	10,232			6,407	12,585	9,600			
Aug-28			1.363				2.400	5,213	10,257			6,412	12,616	9,600			
Sep-28			1.364				2.400	5,217	10,282			6,417	12,647	9,600			
Oct-28			1.365				2.400	5,221	10,307			6,422	12,678	9,600			
Nov-28			1.366				2.400	5,225	10,332			6,427	12,708	9,600			
Dec-28			1.367				2.400	5,229	10,357			6,432	12,739	9,600			
Jan-29			1.367				2.400	5,233	10,382			6,437	12,770	9,600			
Feb-29			1.368				2.400	5,237	10,407			6,442	12,801	9,600			
Mar-29			1.369				2.400	5,241	10,432			6,446	12,831	9,600			
Apr-29			1.370				2.400	5,245	10,457			6,451	12,862	9,600			
May-29			1.371				2.400	5,249	10,482			6,456	12,893	9,600			
Jun-29			1.372				2.400	5,253	10,507			6,461	12,924	9,600			
Jul-29			1.373				2.400	5,257	10,532			6,466	12,954	9,600			

DATE	PLANT WATER PRODUCTION	MGD PLANT	Flow Projection		Sales Projection		WTP Capacity	TOTAL RESIDENT UNITS	Projected Residential Customers	Max Growth Option	GPD RESIDENT UNITS	TOTAL UNITS	T/R ratio	Max Growth Option	Plant Capacity (Concurrence)	TOTAL GPD UNIT SALES	TOTAL GPD UNIT FLOW
			Flow AADF	AAAF	Sales AADF	AAAF											
		Plant Flow	Flow AADF	Projection A	Sales AADF	s Projection A	WTP Capacity	idental Custor	Residential Cix	Growth Option		Total ERCs	aced Total E	Growth Op	capacity (Concurrence)		
Aug-29			1.374				2.400		5,261	10,557			6,471	12,985	9,600		
Sep-29			1.374				2.400		5,265	10,582			6,476	13,016	9,600		
Oct-29			1.375				2.400		5,269	10,607			6,481	13,047	9,600		
Nov-29			1.376				2.400		5,273	10,632			6,486	13,077	9,600		
Dec-29			1.377				2.400		5,277	10,657			6,491	13,108	9,600		
Jan-30			1.378				2.400		5,281	10,682			6,496	13,139	9,600		
Feb-30			1.379				2.400		5,285	10,707			6,501	13,170	9,600		
Mar-30			1.380				2.400		5,289	10,732			6,505	13,200	9,600		
Apr-30			1.381				2.400		5,293	10,757			6,510	13,231	9,600		
May-30			1.381				2.400		5,297	10,782			6,515	13,262	9,600		
Jun-30			1.382				2.400		5,301	10,807			6,520	13,293	9,600		
Jul-30			1.383				2.400		5,305	10,832			6,525	13,323	9,600		
Aug-30			1.384				2.400		5,309	10,857			6,530	13,354	9,600		
Sep-30			1.385				2.400		5,313	10,882			6,535	13,385	9,600		
Oct-30			1.386				2.400		5,317	10,907			6,540	13,416	9,600		
Nov-30			1.387				2.400		5,321	10,932			6,545	13,446	9,600		
Dec-30			1.388				2.400		5,325	10,957			6,550	13,477	9,600		