

## RESOLUTION NO. 625-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF DELAND AND THE CITY OF DELTONA FOR RETENTION OF A WATER RESOURCES ATTORNEY/LAW FIRM TO ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF A RECOVERY AND PREVENTION STRATEGY RELATIVE TO THE BLUE SPRING MFL AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the St. Johns River Water Management District (District) has projected that groundwater pumping in the County of Volusia will result in violation of the Blue Spring Minimum Flow and Level (MFL) established by the District, and that the City of DeLand, The City of Deltona, and the City of Orange City (Suppliers) will therefore need to pursue one or more alternative sources of water supply in order to prevent a violation of the Blue Spring MFL; and

**WHEREAS**, compliance with the Blue Spring MFL is necessary in order to continue to receive consumptive use permits from the District for ground water withdrawals so that the Suppliers can continue to provide the citizens with a reliable and affordable source of potable water; and

**WHEREAS**, the District is in the process of developing a Recovery and/or Prevention Strategy to ensure future compliance with the Blue Spring MFL, contemporaneously with the adoption of the 2010 District Water Supply Plan; and

**WHEREAS**, most of the options put forth by the District for future compliance with the Blue Spring MFL appear to be cost prohibitive for the Suppliers; and

**WHEREAS**, cost estimates prepared by the District and others indicate the cost of providing potable water from the alternative water sources currently being advanced by the District will likely be anywhere from three to seven times the cost to provide potable water from groundwater sources; and

**WHEREAS**, the Suppliers and the County of Volusia jointly contracted with an engineering firm to prepare an independent transient groundwater model which more accurately quantifies the effects of ground water withdrawals on the flow of Blue Spring, and to generate a plan that will provide economically feasible options to ensure compliance with the Blue Spring MFL without; and

**WHEREAS**, the Suppliers desire to engage the services of an attorney who specializes in water resources law to assist in negotiating for, or otherwise implementing, a recovery and prevention strategy for the Blue Spring MFL which is consistent with the plans prepared by the Suppliers engineering and geotechnical

consultants, with the purpose of ensuring a reliable and affordable potable water supply for the citizens of western Volusia County; and

**WHEREAS**, the Suppliers desire to apportion the cost of the legal services amongst themselves on an equitable basis.

**NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** The City Council of the City of Orange City, Florida authorizes the City Manager to enter into an agreement with the City of DeLand and the City of Deltona for retention of a water resources attorney/law firm to assist in the development and implementation of a recovery and prevention strategy relative to the Blue Spring MFL.

**SECTION 2.** The City Council of the City of Orange City, Florida approves the selection of the consultant as selected by the Suppliers.

**SECTION 3.** The City Council of the City of Orange City agrees to pay its pro-rata share of the cost of said work as stated in the agreement.

**SECTION 4.** That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS:**

Gary A. Blair	<u>yes</u>	Jeff H. Allebach	<u>yes</u>
O William Crippen	<u>yes</u>	Tom Abraham	<u>no</u>
Anthony Pupello	<u>yes</u>	Tom Laputka, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**ADOPTED THIS** 26<sup>th</sup> **DAY OF** October, 2010.

**ATTEST:**  
Deborah J. Renner  
Deborah J. Renner, CMC, City Clerk

**AUTHENTICATED:**  
Harley Strickland  
Harley Strickland, Mayor

This Resolution approved  
as to form and legal sufficiency:  
W. E. Reischmann  
W. E. Reischmann, City Attorney