

## MEMORANDUM

**TO:** Honorable Mayor & City Council Members

**FROM:** Debbie Renner, City Clerk

**DATE:** October 13, 2009

**SUBJECT:** Resolution No. 570-09 Clarifying the Role & Responsibilities of the  
of the Citizens Alternative Water Advisory Committee

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### **PURPOSE**

To clarify the role and responsibilities of the Citizens Alternative Water Advisory Committee.

### **BACKGROUND**

On July 28, 2009, you adopted Resolution No. 556-09 establishing the Citizens Alternative Water Advisory Committee. The Committee was tasked with the responsibility to “study the development of a sustainable water plan and to explore and research alternative water supplies.”

The Committee has been meeting regularly since August 18<sup>th</sup>, and recently expressed that they would like to have the liberty to meet in small groups or subcommittees to explore in-depth specific issues related to their task. After discussion with the City Attorney regarding how to best structure the Committee to allow them the flexibility to form subcommittees to further discuss issues of specific interest to its members without violating the requirements in Florida Statute 286.011, Mr. Reischmann suggested that an additional resolution be adopted clarifying the role of the Committee. Specifically, Mr. Reischmann advised that the Committee must remain strictly advisory in nature and shall exist as a fact-finding group which will report their findings to the City Council. The City Council retains any decision-making functions related to the future adoption of an alternative water supply plan.

Mr. Reischmann has prepared Resolution No. 570-09, which clarifies the role and limitations of the Committee, for your consideration.

### **RECOMMENDATION**

Adoption of Resolution No. 570-09 is recommended.

## **Debbie Renner**

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**From:** Melanie Kelly [mkelly@orlandolaw.net]  
**Sent:** Monday, October 05, 2009 12:22 PM  
**To:** Debbie Renner; Harley Strickland  
**Subject:** Citizens Alternative Water Advisory Committee.  
**Attachments:** Resolution Citizens Alternative Water Committee.docx; signature.gif

Dear Ms. Renner and Mayor Strickland:

Per your request, attached please find a resolution clarifying the role and responsibilities of the Citizens Alternative Water Supply Committee and to ensure that its activities will be consistent with Section 286.011, Fla. Stat. (Florida Government in the Sunshine Law).

I would point out, however, my concerns that there are several members of this advisory committee that are also Council members elect. To the extent that these Council members elect are acting solely in the capacity as members of this advisory committee, they could meet, discuss matters consistent with the Council's Resolutions establishing this advisory committee and not violate Section 286.011, Fla. Stat. However, those discussions could become problematic, given that these advisory committee members are also Council members elect and may ultimately discuss these very same topics during a future Council meeting. In that capacity, such actions and discussions would be governed by the Government in the Sunshine Law.

Thus, it would be prudent for such Council members elect to either withdraw from membership on this advisory committee or limit any meetings involving the remaining Council members elect on this advisory committee to avoid any opportunity for accusations of violation of Government in the Sunshine Law.

Feel free to contact me should you have any questions or concerns.

Sincerely,

*William E. Reischmann, Jr., Esquire*

**Melanie R. Kelly, Legal Assistant to  
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## **RESOLUTION NO. 570-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, CLARIFYING THE ROLE AND RESPONSIBILITIES OF THE CITIZENS ALTERNATIVE WATER ADVISORY COMMITTEE; CONFIRMING THEIR ESTABLISHMENT AS A FACT-FINDING COMMITTEE ONLY; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Resolution No. 556-09 of the City Council of the City of Orange City previously established the Citizens Alternative Water Advisory Committee and set forth its responsibilities, including, but not limited to, the study of the development of a "sustainable water plan", and the exploration and research of alternative water supplies; and

**WHEREAS**, the City Council of the City of Orange City finds that for this advisory committee to have the flexibility to best achieve this objective, the City Council must establish limitations on its role and responsibilities to better clarify its relationship with Section 286.011, Fla. Stat.

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

**SECTION 1. Confirmation of Resolution No. 556-09.** The City Council of the City of Orange City, Florida hereby reconfirms its objectives and commitments established in Resolution No. 556-09.

**SECTION 2.** The Citizens Alternative Water Advisory Committee shall exist as a fact-finding committee only. This will include strictly information gathering and reporting to the City Council. Any decision-making functions with regard to any ultimate sustainable water plan will be retained by this City Council

**SECTION 2.** That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 3.** 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 (Resolution No. 570-09):**

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
R. Paul Rasch	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

ATTEST TO:

AUTHENTICATED

\_\_\_\_\_  
Deborah J. Renner, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

This Resolution approved  
as to form and legal sufficiency:

\_\_\_\_\_  
William Reischmann, City Attorney