

RESOLUTION NUMBER 2023-07

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY FLORIDA APPROVING THE SALE OF THE LIBERTY COUNTY WATER SYSTEMS TO TALQUIN WATER AND WASTEWATER INCORPORATED; PROVIDING FOR CERTAIN FINDINGS OF THE BOARD OF COUNTY COMMISSIONERS CONSISTENT WITH THE REQUIREMENTS OF SECTION 125.3401, FLORIDA STATUTES; FINDING THAT THE SALE IS IN THE PUBLIC INTEREST AND SERVES A PARAMOUNT PUBLIC PURPOSE AND NECESSITY; APPROVING THE ASSET PURCHASE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

RECITALS

WHEREAS, Liberty County (hereinafter “County”) has the authority pursuant to F.S. 125.38, F.S. 125.3401, and its home rule powers to determine that the sale of a water system is in the public interest; and

WHEREAS, Talquin Water and Wastewater incorporated (hereinafter “Talquin”) is a not-for-profit corporation that currently provides water and wastewater utility services to thousands of customers within Liberty, Gadsden, Leon, and Wakulla Counties; and

WHEREAS, the County and Talquin have negotiated the attached Asset Purchase Agreement pursuant to which Talquin will acquire all of the County’s water systems; and

WHEREAS, F.S. 125.3401 requires the County to hold a public hearing and find that the sale of the County’s water systems serves a public interest prior to the sale; and

WHEREAS, the County has duly noticed and held that public hearing on February 9, 2023 and has considered the public interest for health, safety, and long term financial sustainability of the County, as well as Talquin’s experience in water, sewer, and wastewater reuse utility operation and a financial ability to provide the service; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Liberty County, Florida:

SECTION 1. FINDINGS

(A) The above recitals are true and correct and are hereby incorporated herein by reference;

(B) The Board of County Commissioners hereby finds that the sale of the County’s water systems is in the public interest, is to the public’s benefit, and serves a paramount public purpose and necessity;

(C) Talquin ownership and control of the County’s water systems will provide the following:

- (1) Current water customer’s access to an elected Board member with Talquin due to Talquin being a member based and vote driven cooperative.

- (2) Ensure that the operation and maintenance of the systems is done in a high quality, proactive, safe, and environmentally responsible manner;
- (3) Provide for rate stabilization and customers with cost efficient services at reasonable rates which are lower than current County rates as well as savings on rates with capital credits back to the customers;
- (4) Up to date equipment and technology such as remote control, monitoring, and alarm recording as well as control center and on call personnel available 24 hours a day and 7 days per week;
- (5) Investment benefits to the systems without an undue burden to the customer or taxpayer within the County;
- (6) Further development of a regional approach to the comprehensive supply, distribution, and treatment of water;
- (7) Allow for the appropriate expansion and interconnecting of existing facilities, the potential abandonment of selected facilities, and the construction of future facilities in a coordinated, uniform and cooperative manner; and
- (8) Offer an opportunity for Talquin to not only coordinate the expansion and extension of facilities, but operate the affected utility system as part of a larger community system.
- (9) Provide the County with an opportunity to buy back County water system assets if Talquin decides to sell them in the future.
- (10) Provision and support for fire suppression purposes.

SECTION 2. DETERMINATION OF PUBLIC INTEREST AND BENEFIT

(A) Based upon findings incorporated in SECTION 1., the Board expressly determines that the transition of the County's water systems to Talquin in conformance with the Asset Purchase Agreement, which is attached hereto as Appendix B, and the provisions of water facilities owned by Talquin constitutes a paramount public purpose, serves the public interest, and is in the best interests of the health, safety, and welfare of Liberty County and its inhabitants and the affected ratepayers. The transition of the Liberty County water systems to Talquin will continue to provide great public use and public benefit.

(B) In making the public interest determination concerning transactions contemplated by the County relating to the transition of its water systems, the Board of County Commissioners has considered numerous factors including but not limited to the following that were, presented in the public hearing and are hereby incorporated herein by reference and made a part hereof (hereafter referred to as the "Report"). The Report is attached hereto as Appendix A:

- (1) The most recent available income and expense statement for the utility;
- (2) The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions-in-aid-of-construction and the accumulated depreciation thereon;
- (3) A statement of the existing rate base of the utility for regulatory purposes;
- (4) The physical condition of the utility facilities being sold;
- (5) The reasonableness of the sale, contract price, and terms;
- (6) The impacts of the sale on utility customers, both positive and negative;
- (7) Any additional investment required and the ability and willingness of the

- purchaser to make that investment;
- (8) The alternatives to the sale and the potential impact on utility customers if the sale is not made; and
 - (9) A summary of the purchaser's experience in water operation and a showing of financial ability to provide the service.

SECTION 3. APPROVAL OF ASSET PURCHASE AGREEMENT

(A) The form, terms, and provisions of the Asset Purchase Agreement by and between the County and Talquin submitted and attached hereto as Appendix B, are hereby approved.

(B) The Chairwoman or vice-chairman, the Clerk of Court, and the County Attorney are hereby directed and authorized to take such actions as are necessary and consistent with the terms of the Asset Purchase Agreement and ordinary utility practice, to consummate the closing of the sale in accordance with the provisions of the Asset Purchase Agreement.

SECTION 4. EFFECTIVE DATE

(A) This resolution shall take effect upon its approval.

DONE AND ADOPTED by the Board of County Commissioners of Liberty County, Florida this ____ day of February 27, 2023.

**BOARD OF COUNTY COMMISSIONERS OF
LIBERTY COUNTY, FLORIDA**

Hannah Causseaux, Chair

ATTEST:

APPROVED AS TO FORM:

Daniel Stanley, Clerk of Court

Jennifer Shuler, County Attorney