

RESOLUTION NO 2015-M  
CITY OF HIGH SPRINGS, FLORIDA

**A RESOLUTION OF THE CITY OF HIGH SPRINGS, FLORIDA, IN OPPOSITION TO THE ALACHUA COUNTY PROPOSED IRRIGATION EFFICIENCY ORDINANCE; REPEALING ALL RESOLUTIONS IN CONFLICT, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Alachua County has drafted an Irrigation Efficiency Code designed to reduce water use by creating design standards for residential; and

WHEREAS, the Ordinance as drafted applies within the City of High Springs as well as the other municipalities and the unincorporated areas within the County;

WHEREAS, the County has asserted authority to implement such an Ordinance pursuant to the authority of Charter Amendment 1 (adopted in 2000); and

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution provides for Home Rule: "Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise power for municipal purposes except as otherwise provided by law."; and

WHEREAS, the City Commission considers this authority to be fundamental to Florida municipalities; and

WHEREAS, the City Commission has determined that the County is not authorized to enact this proposed ordinance because the ordinance does not establish standards that protect the environment by prohibiting or regulating water pollution, as Charter Amendment 1 requires.

WHEREAS, the City of High Springs opposes the passage of the proposed Ordinance, and additionally opposes its application within the City of High Springs; and

WHEREAS, it is in the best interest of the City of High Springs to oppose the proposed Alachua County Irrigation Efficiency Ordinance; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HIGH SPRINGS, FLORIDA AS FOLLOWS:**

**SECTION ONE:** The City Commission of the City of High Springs finds and determines its opposition to the County's proposed Irrigation Efficiency Ordinance.

**SECTION TWO:** The County should refrain from adopting the proposed Ordinance for the following reasons:

- a. The legislation as drafted adversely affects property owners ability to install irrigation systems; and

- b. The legislation as drafted discourages investment in reclaimed water system infrastructure by wastewater service providers and effects the return on investments in reclaimed water system infrastructure previously made by wastewater service providers, thereby effectively negating a promising wastewater effluent disposal option available to wastewater service providers; and
- c. The proposed Ordinance is designed to reduce water consumption in the densely populated urban areas, which rate of consumption does not occur in more rural cities such as High Springs which is unfairly biased against rural cities; and
- d. This legislation establishes a permitting process for installation of irrigation systems that is separate and apart from the processes municipalities have for building construction, resulting in property owners being required to seek permits from two agencies that will result in:
  - 1. unnecessary process for residents;
  - 2. potential conflict of interest between agencies;
  - 3. duplication of regulatory efforts;
  - 4. increased costs to residents;
  - 5. waste of natural resources; and
  - 6. unnecessary additional costs.
- e. The State of Florida and its water management districts have adequate water conservation regulations and the proposed Ordinance adds an extra, unnecessary level of bureaucracy.

**SECTION THREE:** Charter Amendment 1 provides Alachua County with jurisdiction over water pollution, i.e. water quality. It does not provide the County with jurisdiction over water quantity. The proposed Ordinance addresses water conservation, which is a water quantity issue. The County is not authorized to pass legislation related to water quantity in the municipalities without consent of the municipalities. In addition, the regulation of the consumption of water resources is preempted to state agencies.

**SECTION FOUR:** If the County adopts said Ordinance, pursuant to Home Rule Authority, the Ordinance should contain a provision to allow the municipalities to opt into the legislation pursuant to that governing body's enactment of the Ordinance.

**SECTION FIVE:** The City Commission desires to work cooperatively with the County to resolve disputes concerning the proposed Ordinance.

**SECTION SIX:** If any word, phrase, clause, paragraph, section or provision of this Resolution or the application hereof to any person or circumstances is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the resolution which can be given without the valid or unconstitutional provisions or application, and to this end the provisions of this Resolution are declared severable.

**SECTION SEVEN:** All resolutions and parts of resolutions in conflict herewith are hereby

repealed to the extent of such conflict.

**SECTION EIGHT:** This Resolution shall become effective immediately upon final adoption.

**ADOPTED**, by an affirmative vote of a majority of a quorum present of the City Commission of the City of High Springs, Florida, at a regular meeting, this \_\_\_\_ day of \_\_\_\_\_, 2015.

**BY THE MAYOR OF THE CITY OF HIGH SPRINGS,  
FLORIDA:**

\_\_\_\_\_  
Sue Weller, Mayor

ATTEST, BY THE CLERK OF THE  
CITY COMMISSION OF THE CITY OF  
HIGH SPRINGS, FLORIDA:

\_\_\_\_\_  
Jenny Parham, City Clerk

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
S. Scott Walker, City Attorney