

Resolution No. 2004-50

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR PERSON TO EXECUTE CONTRACT NO. C-026 BETWEEN ST. JOHNS COUNTY AND THE STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS FOR APPOINTMENT OF HEARING OFFICERS, WHO ARE EXPERTS IN THE ADJUDICATION OF ADMINISTRATIVE DISPUTES, FOR THE PURPOSE OF CONDUCTING PUBLIC HEARINGS IN ANY PROCEEDING AFFECTING THE SUBSTANTIAL INTERESTS OF A PARTY IN FORMAL PROCEEDINGS BEFORE THE ST. JOHNS COUNTY WATER AND SEWER AUTHORITY.

WHEREAS, St. Johns County Ordinance No. 90-18, as codified pursuant to the provisions of Ordinance 97-8, provides for formal proceedings in matters determining substantial interests of parties before the St. Johns County Water and Sewer Authority (the Authority); and

WHEREAS, The 2000 Laws of Florida, Chapter 350 requires that County rate proceedings adhere to specified provisions of the Florida Administrative Procedures Act; and

WHEREAS, Specifically, Section 10.8 of the Rules of the Authority provides for the appointment of Hearing Officers upon the request of the St. Johns County Water and Sewer Authority, or the St. Johns County Board of County Commissioners' own motion; and

WHEREAS, The Board of County Commissioners has determined, pursuant to the provisions of Section 10.8 of the Authority's Rules which states that there may be appointed as a hearing officer individuals employed as Administrative Law Judges within the Division of Administrative Hearings (DOAH) at the compensation provided in Contract C-026 for the purpose of conducting public hearings in any proceeding affecting the substantial interests of a party in formal proceedings; and

WHEREAS, The FY2003-2004 General Appropriations Act, Chapter 2003-397, Laws of Florida, requires that DOAH renegotiate its contracts for Administrative Law Judge services on an annual basis so that the hourly rate charged is based on a total-costs recovery methodology, which has been predetermined at \$129.00 per hour effective November 1, 2003 plus actual travel expenses; and

WHEREAS, DOAH agrees to make available Administrative Law Judges, who are employed full-time by the State of Florida DOAH and will be experts in the adjudication of administrative disputes, available to St. Johns County, who will be compensated as outlined in the above FY2003-2004 General Appropriations Act and as agreed to in Contract C-026 for the purpose of preparing hearings, traveling to hearings, conducting hearings, and preparing Recommended Orders.

WHEREAS, This Contract Agreement is for a term of one (1) year and will begin on the date the last signature is placed on the Contract and will automatically renew for a succeeding year from the date last signed and the contract may be amended from time to time by mutual agreement of the parties, and may be terminated by either party for the convenience of that party upon thirty days (30) written notice.

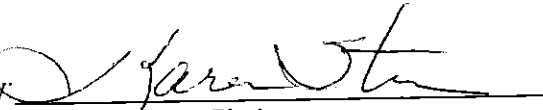
NOW THEREFORE, BE IT RESOLVED By the Board of County Commissioners of St. Johns County, Florida As Follows:

Section 1. The above recitals are incorporated into this Resolution as Findings of Fact.

Section 2. The Board of County Commissioners authorizes the Chair, the Clerk of Courts and the County Attorney to execute Administrative Law Judge Services Contact No. C-026.

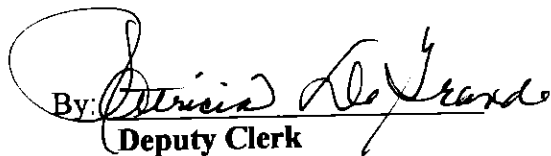
PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, THIS 16th DAY OF MARCH, 2004.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: 
Karen Stern, Chairman

ATTEST: Cheryl Strickland, Clerk

RENDITION DATE 3-17-04

By: 
Deputy Clerk