AGENDA ITEM NO. E-1a.(i)
8/20/12

IGINAL

CITY OF BROOKSVILLE
CITY COUNCIL
EXECUTIVE SESSION

PROCEEDINGS: Executive Session Re:
In Re: Application of Skyland Utilities
Case No. 090478-WS

DATE: February 1, 2010

PLACE: 201 Howell Avenue
Brooksville, Florida

REPORTED BY: C. GAIL DONATO, RPR
Notary Public - State of Florida at Large

APPEARANCES: THOMAS S. HOGAN, JR. ESQUIRE
JENNIFER REY, ESQUIRE
DEBBIE HOGAN, ESQUIRE
20 South Broad Street
Brooksville, Florida 34601
Counsel for City of Brooksville

COUNCIL MEMBERS:
LARA BRADBURN, Mayor
RICHARD E. LEWIS, Vice Mayor
JOE BERNARDINI
JOSEPH E. JOHNSTON, III
FRANKIE BURNETT

STAFF: T. JENNENE NORMAN-VACHA
City Manager

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Registered Professional and Certified Verbatim Reporters
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1 P R O C E E D I N G S

2 MR. HOGAN: Madam Court Reporter, we
3 will move to In Re: Application of Skyland
4 Utilities, LLC to operate a water and
5 wastewater utility in Hernando and Pasco
6 Counties, Case Number 09-0478-WS; State of
7 Florida Public Service Commission.
8 This is an application by Skyland, who
9 has a presentation before you tonight to
10 operate a wastewater management system, a
11 utility. It's outside the city limits, but
12 it borders our first right to serve area. So
13 we joined the County in objecting to their
14 application, and they've asked to come before
15 you tonight to make a presentation. That's
16 why I wanted it added to this list.
17 What I'm asking you to think about
18 tonight is when they make their presentation,
19 you might want to, if you have comments, keep
20 in mind this is a litigated matter. It's
21 going before the Public Service Commission, I
22 think, on February 19 for our Motion to
23 Dismiss their application. Ms. Rey?
24 MS. REY: The City and County both filed
25 objections to the application for the

1 certification of their utility on certain
2 distinct parcels. Since that time, the
3 County has filed a subsequent Motion to
4 Dismiss arguing jurisdictional issues that
5 the Public Service could -- it's not within
6 the jurisdiction of the Public Service
7 Commission to hear this particular
8 application. That motion is scheduled to be
9 heard in a couple of weeks.
10 In the meantime, Skyland Utilities has
11 provided the City with a settlement agreement
12 for the City to consider and review, and
13 that -- we are in the process of looking at
14 that. The basis of the settlement agreement
15 that's been provided is that Skyland, in
16 exchange for the City willing to remove its
17 objection to their application, would agree
18 to limit their utility strictly to the
19 parcels identified in their application. And
20 that's additional information that may or may
21 not be provided to you this evening in the
22 context of their presentation to you.
23 COUNCILMAN BERNARDINI: The context of
24 their presentation, there is no action
25 required by us?

1 MAYOR BRADBURN: No.
2 MS. REY: As I understand it, they're
3 seeking a utility for five distinct parcels
4 that have been identified, at least two of
5 which are in close proximity to the City's
6 first right to serve area under your current
7 first right to serve agreement with the
8 County. And because in the event that the
9 County chose not to provide utilities in that
10 area, the City then has the next option to
11 provide them, that the City has an interest
12 in this particular application.
13 MR. HOGAN: This process developed rather
14 quickly. We didn't have a chance to come
15 back before Council to discuss this prior to
16 either entering the objection with the Public
17 Service Commission or losing our opportunity
18 to object. So we wanted some direction from
19 Council.
20 We may have to have another meeting after
21 you hear the presentation, give us some
22 thoughts on which way you want us to go, but
23 we wanted to preserve your right to object.
24 MAYOR BRADBURN: Well, did they make an
25 offer to the County as well?

1 MS. REY: I don't know
2 MAYOR BRADBURN: What is the issue about
3 selling to both? Obviously, I haven't seen
4 their offer. I guess we'll hear more about
5 that tonight. I guess I don't know how to
6 intelligently question about that.
7 MR. HOGAN: Well, I don't know how to
8 give you much more information than that.
9 The Motion to Dismiss on Lack of Jurisdiction
10 is set for, I think, the nineteenth. Anyway,
11 the next couple weeks, before the Public
12 Service Commission. They are having a
13 presentation, Skyland's presentation is
14 tonight.
15 My advice would be to listen to their
16 presentation, let's look at their settlement
17 offer, but I wanted to warn you this was in
18 litigation before the presentation tonight so
19 you did not engage in conversation with them
20 without knowing that this was a litigated
21 matter.
22 MAYOR BRADBURN: And my thought was as
23 well to get the public involved and just
24 accept their presentation.
25 MR. HOGAN: Any other comment or

direction with regard to this matter?

That's all the pending litigated matters that we have to bring before you tonight, Mayor.

MAYOR BRADBURN: Now, upon appointment of a new member of Council tonight --

MR. HOGAN: Let's don't make a record of that.

MAYOR BRADBURN: Okay.

MR. HOGAN: Anything else about these particular matters, particularly Skyland?

COUNCILMAN JOHNSTON: No.

MAYOR BRADBURN: Can I have a motion to adjourn?

COUNCILMAN LEWIS: Motion to adjourn.

COUNCILMAN BERNARDINI: Second.

MAYOR BRADBURN: So moved.

MR. HOGAN: Let the record reflect we've adjourned this executive session.

(Proceedings concluded.)

1 STATE OF FLORIDA)
2 COUNTY OF HERNANDO)
3 I, CARLA GAIL DONATO, Registered Professional
4 Reporter, certify that I was authorized to and did
5 stenographically report the foregoing proceedings
6 and that the transcript is a true record of said
7 proceedings.
8 Dated this 13th day of April, 2011.
9
10 Carla Gail Donato
CARLA GAIL DONATO, RPR
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