



RESOLUTION No. 013-2019

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, AUTHORIZING THE VILLAGE ATTORNEY TO TAKE ANY AND ALL STEPS NECESSARY TO JOIN IN THE FILING OF AN AMICUS BRIEF IN OPPOSITION TO THE PROPOSED CONSTITUTIONAL AMENDMENT ENTITLED "RIGHT TO COMPETITIVE ENERGY MARKET FOR CUSTOMERS OF INVESTOR-OWNED UTILITIES; ALLOWING ENERGY CHOICE"; PROVIDING FOR INSTRUCTIONS TO THE CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a proposed constitutional amendment entitled "Right to Competitive Energy Market for Customers of Investor-Owned Utilities ("IOUs"); Allowing Energy Choice" is currently under review by the Florida Supreme Court; and

WHEREAS, if passed, the proposed amendment will restructure the electric wholesale and retail markets in the state of Florida to the detriment of small and rural communities; and

WHEREAS, the proposed amendment would forbid the existing investor-owned utilities, that currently serve more than 75% of the state, from providing retail electric service to customers; and

WHEREAS, in a restructured competitive market, it is unlikely that our community will be offered the same competitive rates and reliable service as more densely populated areas with larger residential and business customers; and

WHEREAS; the Florida Public Service Commission ("PSC") currently require IOUs to set fair and reasonable rates for all customers regardless of demographics; and

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WHEREAS, if the energy market is restructured, the PSC will no longer have the ability to mandate reasonable rates, and profit driven electricity providers will have the ability to charge exorbitant rates for service; and

WHEREAS, IOUs are currently required to provide electrical service to customers within their geographical territory; and

WHEREAS, the proposed amendment does not require the implementation of nondiscriminatory regulations to ensure that rural areas receive the same reliable service as more urban communities; and

WHEREAS, the proposed amendment has no provision for an electricity provider of last resort for rural or hard to reach areas where competitive providers may not want to serve; and

WHEREAS, currently at least 82% of our annual budget is derived from the payment of IOU franchise fees, property taxes and municipal utility taxes, and

WHEREAS, franchise agreements will be voided, and property and municipal utility taxes will decrease, as IOUs will be required to divest assets under restructuring; and

WHEREAS, the proposed amendment will create a vested constitutional right for any person to produce electrical power, which could potentially constrain the ability of the state and local governments from exercising police powers to regulate the safe generation and transmission of electricity; and

WHEREAS, the health, safety and welfare of our citizens is paramount and it is necessary to voice legal opposition to the proposed energy restructuring amendment;

NOW, THEREFORE BE IT RESOLVED, by the Village Council of the Village of Indiantown, Florida, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

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SECTION 2. AUTHORIZATION: The Village Council of the Village of Indiantown, Florida hereby authorizes the Village Attorney to take and all steps necessary to join in the filing of an amicus brief in opposition to the proposed constitutional amendment entitled “Right to Competitive Energy Market for Customers of Investor-Owned Utilities; Allowing Energy Choice”.

SECTION 3. INSTRUCTIONS TO THE CLERK: The Clerk is hereby directed to transmit a certified copy of this resolution to the Florida League of Cities.

SECTION 4. This Resolution shall take effect immediately upon adoption.

Council Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

VILLAGE COUNCIL	YES	NO	ABSENT	ABSTAIN
SUSAN GIBBS THOMAS, MAYOR				
GUYTON STONE, VICE MAYOR				
JACKIE GARY CLARKE, COUNCIL MEMBER				
ANTHONY J. DOWLING, COUNCIL MEMBER				
JANET HERNANDEZ, COUNCIL MEMBER				

ADOPTED this ____ day of _____, 2019.

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

 CHERIE WHITE
 VILLAGE CLERK

 SUSAN GIBBS THOMAS
 MAYOR

REVIEWED FOR FORM AND
 CORRECTNESS:

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WADE C. VOSE
VILLAGE ATTORNEY