

Attorney General and EWD still at odds

By TONY PALERMO
Staff Writer

One side calls it absurd. The other says it is a serious question of due process.

Representatives of the State Attorney General's Office accused the Englewood Water District Wednesday afternoon of following the wrong administrative rules before Twelfth Judicial Circuit Judge Thomas Gallen in Sarasota.

If the water district is forced to follow new rules, that will affect how the agency runs its meetings and conducts business.

Assistant attorney general Henry Gill said the district, which has territory in Sarasota and Charlotte Counties, should follow the administrative rules of a state agency. The district has followed the administrative rules for a special district since its creation by the state in 1959. Gill said the case boils down to one simple point.

"It's due process, stupid," Gill said, paraphrasing President Clinton's 1992 campaign mantra.

Agencies have to follow far more stringent rules for public meetings and due process than special districts.

Representatives for the water district

Assistant attorney general Henry Gill said the district, which has territory in Sarasota and Charlotte Counties, should follow the administrative rules of a state agency.

said the district is not a state agency. Tom McLennon, an attorney for the district, said the state's argument was absurd.

McLennon said if the district is declared an agency, 57 other fire, water, beach renourishment, lighting and other special districts throughout the state with territories in two or more counties would be declared state agencies.

Officials of the State Attorney's General's Office accused the water district of violating the state's "Sunshine Law" in the district's attempt to purchase the assets of West Charlotte Utilities in 1994.

Representatives for the district said

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district officials did nothing wrong.

In November of 1993, the state Attorney General filed an action in the Circuit Court of the Twelfth Judicial Circuit in Sarasota and got an injunction against the district from "any further discussions, meetings or activities generated toward the acquisition of West Charlotte Utilities assets."

The state charged that meetings between the private utility's representatives and a district negotiating team should be subject to the state's open government "Sunshine Law." The district argued there were no elected officials at the meetings and the district team had no authority to bind the district.

After a series of public hearings and workshops, the district entered

into a written contract to purchase the assets of West Charlotte Utilities in March 1994. The district went to court to get the injunction dissolved and hearings were held in April 1994.

The Circuit Court in Sarasota dissolved the injunction, ruling there is substantial doubt the work of the negotiating committee falls under the Sunshine Law. Circuit Judge Scott Brownell ruled there is substantial doubt the Attorney General's office had the right to seek the injunction against the district.

In November 1994, the Second District Court of Appeals in Lakeland ruled to uphold the lower court's decision in favor of the district. However, the issue over the district's status remained unresolved.

After the hearing Wednesday, Gallen said he would hand down a decision over the district's status after he has reviewed the case and state laws.

Water district ethics complaint

Staff Report

The Florida Commission on Ethics dismissed a complaint accusing former Englewood Water District supervisor Tom Crawford of a conflict of interest.

District customer Mike Woelffer filed the complaint, which related to a vote involving the water district and its purchase of West Charlotte Utilities during 1994. Crawford was general manager of WCU and a member of the Board of

Supervisors.

According to the ethics report released Tuesday by ethics commission lawyer John E. Griffin:

On Sept. 15, 1994, Crawford voted for two resolutions to allow the district to purchase the assets of WCU. He had served on the district's board for three years, and his tenure ended Dec. 31, 1994. WCU was an investor-owned wastewater utility in Charlotte County. Crawford was general manager of WCU from Jan. 1, 1991, until Sept.

30, 1994, at which time he resigned. Crawford abstained from voting on 17 different occasions on issues involving WCU.

The district purchased WCU's assets for about \$11 million, effective Oct. 1, 1994.

The ethics commission found there is no probable cause to believe Crawford would "insure to the special gain of his employer" when he voted to approve the Sept. 15, 1994, resolutions relating to the district's purchase of utility bonds and partic-