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SECTION 1 | SUMMARY INFORMATION

Date: 1/12/2026

Commission Agenda Item Letter to the Commission (LTC) Letter to External Stakeholder(s) Other Document

Document Title/Purpose: CONSENT ORDER & RESOLUTION - CO between the City Florida Department of Environmental Protection (FDEP) regarding Assessment and Rehab of the City's Water Distribution System and Authorize Payment of \$500 in Administrative Fees - (Commission Districts 1, 2, 3 and 4)

Commission Meeting Date: 1/6/2026 CAM #: 25-1031 Item #: CR-4

CAM attached: Yes No Action Summary Attached: Yes No CIP FUNDED: Yes No

Community Investment Plan (CIP) Project defined as having a life of at least 10 years and a cost of at least \$100,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement. Term "real property" includes land, real estate, realty, or real.

SECTION 2 | REQUESTOR (CHARTER OFFICE/DEPARTMENT)

Charter Office: N/A Router Name: N/A Ext: N/A

Department: Utility Services Router Name: Shamori Aldridge Ext: 3136

Department Approval (Director/Chief): Name Albert Carbon Init AC Date: 1-12-26

*Return Document To: Shamori Aldridge Department: Utility Services Ext: 3136

*REMINDER: Once review and signature at the last level of government (Federal, State, County) is complete, scan the final record copy and send to the City Clerk's Office.

Scan Date: Attach Certified Resolution #: 26-04 Original form route to CAO: Yes No

THE FOLLOWING SECTIONS ARE FOR CHARTER OFFICE USE ONLY

SECTION 3 | CITY ATTORNEY'S OFFICE (CAO): CAO signed/routed Required Yes No

Is the attached Granicus document final? Yes No Number of Originals Attached:

Attorney's Name: Rhonda Hasan Approved as to Form: Yes No Initials: RH

Route to: Finance (if applicable) Date: N/A Route to: CCO Date:

SECTION 4 | CITY CLERK'S OFFICE (CCO)

City Clerk Office Receive and Scan Date: Number of Originals: 1

Route to CMO Date: 01/23/26 Route to Mayor Date:

SECTION 5 | CITY MANAGER'S OFFICE (CMO)

LOG #: JAN104 Date Received: 1/23/26 Received From: CCO

To CM/ACM: R. Williams C. Cooper Y. Matthews Q. Pough B. Rogers

Approved Init.: for continuous routing to Rickelle Williams, City Manager/Executive Director

Disapproved: Comments: Attach Resolution 26-04

CMO Executive Assistant Route to: CCO | HR | OMB | Other: Date: 1/27/26 Initial: APP

details

File #: [251031](#) Version: 1
 Type: CONSENT RESOLUTION
 Title: Resolution Authorizing the City Manager to Execute a Consent Order between the City of Fort Lauderdale and the State of Florida Department of Environmental Protection (FDEP) regarding Assessment and Rehabilitation of the City's Water Distribution System and Authorize Payment of \$500 in Administrative Fees - (Commission Districts 1 ,2, 3 and 4)
 Mover: [Steven Glassman](#) Second: [Ben Sorensen](#)
 Result: Pass
 Agenda note:
 Minutes note:
 Action: ADOPTED
 Action text: ADOPTED

consent votes (5:0)

5 records [Group](#) [Export](#)

Person Name	Vote
John C. Herbst	Yea
Steven Glassman	Yea
Pam Beasley-Pittman	Yea
Ben Sorensen	Yea
Dean J. Trantalis	Yea



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#25-1031

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Rickelle Williams, City Manager

DATE: January 6, 2026

TITLE: Resolution Authorizing the City Manager to Execute a Consent Order between the City of Fort Lauderdale and the State of Florida Department of Environmental Protection (FDEP) regarding Assessment and Rehabilitation of the City's Water Distribution System and Authorize Payment of \$500 in Administrative Fees - (**Commission Districts 1, 2, 3 and 4**)

Recommendation

Staff recommends the City Commission approve a resolution authorizing the City Manager to execute a Consent Order between the City of Fort Lauderdale and the State of Florida Department of Environmental Protection (FDEP), OGC File No. 24-2464 and authorize payment of \$500 in administrative fees.

Background

Between September 2023 and April 2025, the City of Fort Lauderdale's water distribution system experienced several water main breaks that disrupted service and required emergency repairs. These incidents illustrated ongoing challenges related to the age and condition of the City's underground distribution infrastructure. After review, FDEP determined that the system was not maintained in good operating condition, as required under Rule 62-555.350(2), Florida Administrative Code (F.A.C.). FDEP further concluded that portions of the distribution system require rehabilitation or replacement of the existing water mains.

The Consent Order addresses the City's water infrastructure with initiatives focusing on strengthening system reliability and proactively improving areas affected by age and condition. All corrective actions required under the Consent Order must be completed within three (3) years of the Consent Order's effective date, which will be established once both parties have executed the Consent Order.

On December 15, 2025, Letter to the Commission (LTC) No. 25-273 was issued to provide the City Commission with an update on the anticipated consent order. The LTC provided a summary of the City's water system and highlighted the potential consent order requirements.

The City's water distribution system comprises:

- 783 miles of watermains, ranging from 2" to 54" in diameter
- 14,603 valves and 6,384 hydrants
- 22.6 million gallons of water storage capacity across tanks
- 43 square miles of service area serving a population of 253,000
- 132 water sample stations for quality monitoring
- 63,825 water and irrigation meters
- 10 interconnects with Broward or Pompano

The City currently has approximately \$5 million in available funding for program management of the Water and Sewer Consent Order Projects. If additional funding becomes necessary, it will be requested as part of a future annual budget process.

The Consent Order requirements are:

1. Condition Assessment

- Scope of Work - The City shall engage a Florida-licensed professional engineer to assess all pipes six inches (6") and larger, storage facilities, valves, and pumps. The assessment must evaluate age, materials, maintenance/inspection history, corrosion, and remaining service life to prioritize repairs and preventive maintenance.
- Timeline - Must be completed within eighteen (18) months.

2. Condition Assessment Report

- Scope of Work - The City shall submit a signed and sealed report by a Florida-licensed engineer summarizing the findings from the Condition Assessment in Item 1 above. The report must identify areas most vulnerable to failure or contamination and include a Distribution Plan and Schedule outlining how and when those components will be repaired, rehabilitated, or replaced.
- Timeline – The City must complete the scope of work within twenty-one (21) months.

3. Asset Management and Maintenance Program

- Scope of Work - The City shall develop and implement an Asset Management and Maintenance Program for the drinking water distribution system to ensure it is properly maintained, regularly assessed, and strategically improved to minimize system failures and service disruptions.
- Timeline - The City must complete the scope of work within twenty-eight (28) months.

4. Infrastructure Management Tracking System

- Scope of Work - The City shall develop and implement a comprehensive Infrastructure Management Tracking System to support and enhance the operation of the Asset Management and Maintenance Program for the water distribution system.
- Timeline - The City must complete the scope of work within twenty-eight (28) months.

The City shall submit semiannual written progress reports to FDEP starting from the Consent Order's effective date and continue until all corrective actions are completed. All corrective actions required in the Consent Order shall be completed and in compliance with Rules 62-555.350, F.A.C. within three (3) years of the effective date.

The Consent Order has been negotiated between the FDEP and the City over the past several months. Violations of the Consent Order and its timelines may result in stipulated penalties of up to \$15,000 per day per violation as well as criminal penalties as provided for by Florida law.

The effective date will be set when both parties have signed the Consent Order.

Resource Impact

The Consent Order commits the City to an administrative fee in the amount of \$500 that is available in the FY 2026 operating budget in the account below. In addition, the agreement commits the City to fund and implement projects and professional services that will impact current and future budgets and Community Investment Plans. Funds necessary to execute contracts and/or task orders will be identified and secured as required by State statute prior to entering into agreements.

<i>Funds available as of December 9, 2025</i>					
ACCOUNT NUMBER	COST CENTER NAME (Program)	CHARACTER/ ACCOUNT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-450-7301-536-30-3199	Distribution and Collections Operations	Services & Materials/ Other Professional Services	\$250,000	\$244,162	\$500
TOTAL AMOUNT ►					\$500

Strategic Connections

This item is a Fiscal Year (FY) 2026 Commission Priority, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Infrastructure Focus Area, Goal 3: Be a sustainable and resilient community

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Ready

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Infrastructure Focus Area
- The Sanitary Sewer, Water & Stormwater Element

Attachments

Exhibit 1 – Letter to the Commission (LTC) No. 25-273

Exhibit 2 – Consent Order OGC File 24-2464

Exhibit 3 – Resolution

Prepared by: Ingrid Kindbom, Program Manager, Utility Services
Department

Department Director: Albert Carbon, Utility Services Department



LETTER TO THE COMMISSION

LTC No: 25- 273

TO: Honorable Mayor and Members of the Fort Lauderdale City Commission
FROM: Rickelle Williams, City Manager *RW*
DATE: December 15, 2025
SUBJECT: Water Consent Order (OCG 24-2464) Update

The purpose of this Letter to the Commission (LTC) is to inform the City Commission that the City has concluded negotiations with the Florida Department of Environmental Protection (FDEP) regarding Consent Order (OCG 24-2464) for the City's water distribution system. As noted in LTC No. 25-216, dated October 31, 2025, this Consent Order aims to address challenges related to the age and condition of the network, requiring comprehensive condition assessments and the implementation of asset management practices.

The City's water distribution system is comprised of:

- 783 miles of watermains, ranging from two-inch (2") to fifty-four-inch (54") diameter;
- 14,603 valves and 6,384 hydrants;
- 22.6 million gallons of water storage capacity;
- Forty-three (43) square miles of service area;
- 132 water sample stations for quality monitoring;
- 63,825 water and irrigation meters; and
- Ten (10) interconnects with Broward County and the City of Pompano combined.

The Consent Order addresses the City's aging water infrastructure, which experienced several distribution system breaks between September 2023 and April 2025 that required emergency repairs. In response, the Consent Order initiatives focus on strengthening system reliability and proactively improving areas affected by age and condition.

All corrective actions required under the Consent Order must be completed within three (3) years of the Consent Order's effective date, which will be established once both parties have executed the Consent Order. Commission Agenda Memorandum #25-1031 is scheduled for City Commission consideration at the January 6, 2026, City Commission Regular Meeting.

The City currently has approximately \$5 million in available funding for Program Management for the Water and Sewer Consent Order projects. If additional funding becomes necessary, it will be identified and appropriated as part of the annual budget process.

The Consent Order requires the City to:

1. Conduct a Condition Assessment

FDEP Requirement: The City must engage a Florida-licensed Professional Engineer to perform a comprehensive condition assessment of all pipes six inches (6") and larger, as well as storage facilities, valves, and pumps. The assessment must evaluate system age, materials, maintenance and inspection history, corrosion, and remaining service life to support prioritization of repairs and preventive maintenance.

City Action: The water distribution assets in Cityworks, the City's asset management system, are due to be assessed and receive condition scores. The City plans to award a general Public Works and Utility Services Asset Management Consulting Services contract to three (3) firms by early 2026, with one (1) of their assigned tasks being to conduct the condition assessment and update Cityworks with the results. The timeline is projected to be eighteen (18) months.

2. Prepare a Condition Assessment Report

FDEP Requirement: Following the condition assessment, the City must submit a signed and sealed report by a Florida-licensed Professional Engineer identifying components most vulnerable to failure or contamination. The report must include a distribution plan and schedule detailing how and when repair, rehabilitation, or replacement activities will be performed, which will guide Community Investment Plan (CIP) prioritization.

City Action: The consultant(s) that conducts the condition assessment will prepare the condition assessment report. The timeline is projected to be twenty-one (21) months.

3. Develop an Asset Management and Maintenance Program

FDEP Requirement: The City must develop and implement a formal Asset Management and Maintenance Program for the drinking water distribution system to ensure ongoing maintenance, routine assessment, and strategic infrastructure improvements that minimize failures and service disruptions.

City Action: The City will engage a consultant to develop a comprehensive Asset Management and Maintenance Program that will establish maintenance standards, inspection protocols, and the Cityworks workflows to support preventive maintenance and long-term system performance. The timeline is projected to be twenty-eight (28) months.

Implement an Infrastructure Management Tracking System

FDEP Requirement: The City must implement a comprehensive Infrastructure Management Tracking System to support and enhance the operation of the Asset Management and Maintenance Program for the water distribution system.

City Action: Cityworks will serve as the central system to integrate infrastructure condition assessments, maintenance activities, and capital planning. Cityworks will also track asset lifecycles, condition, and service history, while managing maintenance work to ensure timely execution. The timeline is projected to be twenty-eight (28) months.

4. Submit Semiannual Progress Reports

FDEP Requirement: The City must provide progress reports to the Florida Department of Environmental Protection every six (6) months.

City Action: The City will utilize its existing Program Management contract for Water and Sewer Consent Order Projects to submit the required progress reports. The timeline is projected to be continuous until the completion of the project, or three (3) years.

For further information, please contact Albert Carbon, PE, Utility Services Director, at ACarbon@fortlauderdale.gov.

c: Shari McCartney, City Attorney
David R. Soloman, City Clerk
Patrick Reilly, City Auditor
City Manager's Office
Department Directors



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

12/08/2025

City of Fort Lauderdale
c/o Rickelle Williams, City Manager
4321 NW 9th Ave.
Fort Lauderdale, FL 33309
rickellewilliams@fortlauderdale.gov

Re: City of Fort Lauderdale
PW Facility ID #4060486
OGC File No. 24-2464
Broward County

Dear Ms. Williams:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the above-referenced enforcement case. Please review this document and within 20 days of receipt return a signed copy to the Department. All pages within the Order should be included with your returned signed copy. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Jacob Stevens at 561-681-6721 or via e-mail at Jacob.Stevens@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sirena Davila".

Sirena Davila
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Consent Order

cc: Ingrid Kindborn, Program Manager
Rhonda Hasan, Senior Assistant City Attorney
Brad Kaine, Public Works Director
Todd Hiteshew, Deputy Public Works Director

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Ben Rogers, Assistant City Manager
Talal Abi-Karam, Asst. Public Works Director
Miguel Arroyo, Water Treatment Manager
Garry Brandy, Distribution & Collection Manager
Sirena Davila, DEP/SED
Viviana Useche, DEP/SED
Jacob Stevens, DEP/SED
Rachel Lenna, DEP/SED

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Rachel.Lenna@floridadep.gov

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT))	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION))	SOUTHEAST DISTRICT
)	
v.))	OGC FILE NO. 24-2464
)	
CITY OF FORT LAUDERDALE))	
)	

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and City of Fort Lauderdale ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's water resources and to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a person within the meaning of Section 403.852(5), F.S.

3. Respondent is the owner of the Large Community Public Water System, City of Fort Lauderdale, PWS No. 4060486, located at 4321 NW 9th Ave., in Broward County, Florida ("System"). The System has two plants, the lime softening plant known as Fiveash and the membrane plant known as Peele Dixie. The combined design capacity for both plants is 90,000,000 gallons.

4. The Department finds that the following violation(s) occurred:

a) The Respondent failed to maintain its system in good operating condition so as to function as intended, in violation of Rule 62-555.350(2), F.A.C. The System experienced several water main breaks between September 2023 and April 2025. Based on the information

received by the Department, it has been determined that some of the distribution water mains need rehabilitation or replacement due to the age of the infrastructure.

Having reached a resolution of the matter, Respondent and the Department mutually agree and it is

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Within 540 calendar days of the effective date of this Consent Order, the Respondent shall have a Florida-licensed professional engineer complete an assessment of the current condition of all pipes six inches and larger, storage facilities, valves, and pumps in the distribution system.

i) The assessment shall consider factors such as findings from pipe inspection, the age and materials of the components, their estimated remaining lifespan under actual environmental and usage conditions, maintenance and inspection history, the effects of corrosion control measures, current optimal water quality parameters, and any other relevant information that could indicate potential for failure. The assessment should be detailed enough to support the prioritization and scheduling of system improvements and preventative maintenance.

b) Within 630 calendar days of the effective date of this Consent Order, the Respondent shall submit a report to the Department, signed and sealed by a Florida-licensed professional engineer, summarizing the findings of the assessment required in sub-paragraph 5a) above. This report must include the following:

- A summary of the assessment results;
- Identification of the areas most vulnerable to failure, particularly those that could lead to water main breaks or bacteriological contamination.

Based on the findings in the report, the Respondent shall also develop and implement a Distribution Plan and Schedule that outlines how and when the most vulnerable components of the system will be repaired, rehabilitated, or replaced.

c) If a drinking water permit from the Department is required to construct any modifications outlined in the Distribution Plan and Schedule, the Respondent shall submit an application within 60 calendar days of submitting the plan to the Department. In the event the Department requires additional information to process the permit application Respondent shall provide a written response containing the information requested by the Department within 90 calendar days of the date of the request.

d) Within 90 calendar days after completion of any permitted construction in the distribution system, Respondent shall submit to the Department a Certification of Completion, prepared and sealed by a Florida-licensed professional engineer, stating that modifications to the distribution system have been constructed in accordance with the provisions of the Permit.

e) Within 840 calendar days of the effective date of this Consent Order, the Respondent shall develop and implement a formal Asset Management and Maintenance Program for the drinking water distribution system. This program should be designed to ensure the infrastructure is properly maintained, regularly assessed, and strategically improved to minimize system failures and service disruptions.

The program shall include, at a minimum, the following components:

- **Asset Inventory and Condition Tracking:** A comprehensive inventory of all distribution system assets (e.g., pipes, valves, hydrants, pumps, storage tanks), including relevant data such as installation date, material, size, location, service history, and current condition.
- **Scheduled Inspections and Assessments:** Procedures and schedules for regular inspection and condition assessment of system components. Assessments must evaluate structural integrity, performance and potential for failure.
- **Maintenance Planning and Implementation:** A preventive and corrective maintenance plan that establishes when and how assets will be

serviced, rehabilitated, or replaced based on their assessed condition, criticality, and expected service life.

- Integration with Capital Planning: Assessment results and maintenance needs should be considered in the City's Capital Improvement Plan to ensure that funding is allocated appropriately in future budgets for infrastructure improvements and long-term sustainability.

- Program Review and Updates: Procedures for annual review and continuous improvement of the program, incorporating performance metrics, feedback, and lessons learned to enhance efficiency and effectiveness over time.

The developed Asset Management and Maintenance Program shall be submitted to the Department for review and approval within the 840-day timeframe. The Respondent shall implement the approved program and maintain it as an ongoing operational requirement.

f) Within 840 calendar days of the effective date of this Consent Order, the Respondent shall develop and implement a comprehensive Infrastructure Management Tracking System to support the effective operation of the Asset Management and Maintenance Program for the distribution system.

This system shall be designed to document, track, and manage the full lifecycle of all critical infrastructure components, including but not limited to pipes, valves, hydrants, pumps and storage facilities.

At a minimum, the system shall:

- i. Record the original installation date for each component. Tracking of original installation dates shall include existing infrastructure when possible.
- ii. Document dates and descriptions of all repairs, replacements, rehabilitation, and maintenance activities, including both routine and emergency work;
- iii. Capture the results and dates of inspections and condition assessments;
- iv. Track identified deficiencies, recommended corrective actions, and completion dates;

- v. Record the maintenance and repair history, including responsible personnel and materials used;
- vi. Monitor performance trends and project the remaining service life of components;
- vii. Allow for evaluating prioritization of maintenance and capital improvement projects based on risk, condition, and criticality;
- viii. Be updated to reflect actions taken.

The system should be:

- Accessible to all relevant staff who should be trained on the use of the system.
- Auditable to allow verification of information accuracy and completeness.

The Respondent shall submit documentation on the Infrastructure Management Tracking System, including a detailed description of its structure, capabilities, and implementation procedures, to the Department for review and approval within the 840-day timeframe. Once approved, the system shall be maintained as an ongoing operational requirement and regularly updated to ensure continued effectiveness in supporting timely maintenance, system reliability, and long-term asset management.

g) The Department shall provide Respondent with its written comments, comments with conditions or modifications as a contingency of approval, or disapproval for each of the remaining plans or reports required in Paragraphs 5 of this Order. Respondent shall revise and resubmit plans or reports with the Department's written comments within ten calendar days of Respondent's receipt of the Department's written comments unless such comments specify an alternative due date, in which case Respondent shall submit to the Department any revised submittal, specification, or schedule in accordance with the due date specified by the Department. Revised submittals are also subject to comments, comments with conditions and/or modifications, or disapproval by the Department following these comments. Failure to meet the timeframes contained herein is subject to stipulated penalties as

set forth in Paragraph 7 below. Any revised submittal that is not approved or is not approved with conditions and/or modifications is considered noncompliant with the terms of this Order and is subject to stipulated penalties as set forth in Paragraph 7 below. Upon receipt of the Department's written comments, or comments with conditions and/or modifications, Respondent shall implement the plans or reports in accordance with the schedule and provisions contained therein rather than inserting the statement in each applicable paragraph.

h) Every six months after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 6-month period which will follow the report. Respondent shall submit the reports to the Department within 30 calendar days of the end of each calendar 6-month period.

i) Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required in Paragraphs 5 of this Order within three years of the effective date of this Order and be in full compliance with Rules 62-555.350, F.A.C. regardless of any intervening events or alternative time frames imposed in this Order

6. Within 30 calendar days of the effective date of this Order, Respondent shall pay the Department \$500.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

7. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 5 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 calendar days of the Department's issuance of a written demand for payment and shall do so as further described in paragraph 8, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.

8. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at:

<http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

9. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Jacob Stevens, Environmental Specialist, Department of Environmental Protection, Southeast District, 3301 Gun Club Rd, West Palm Beach, FL 33406.

10. Respondent shall allow all authorized representatives of the Department access to the System at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

11. In the event of a sale or conveyance of the System or of the Property upon which the System is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the System, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the System, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the System. The sale or conveyance of the System does not relieve Respondent of the obligations imposed in this Order.

12. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other

agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

13. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

14. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

15. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

16. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

17. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

18. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

19. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

20. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

21. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at 3301 Gun Club Rd, West Palm Beach, FL 33406. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section

120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

22. Rules referenced in this Order are available at
<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

FOR THE RESPONDENT:

Rickelle Williams
Rickelle Williams
City Manager

1/27/26
Date

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, _____, in Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Sirena Davila
District Director
Southeast District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.

Clerk

Date

Executed Copies furnished to:

Lea Crandall, Agency Clerk

Lea.Crandall@FloridaDEP.gov

RESOLUTION NO. 26-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO EXECUTE A CONSENT ORDER WITH THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION ("FDEP"), DELEGATING TO THE CITY MANAGER THE AUTHORITY TO EXECUTE SAID AGREEMENT, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale ("City") has negotiated an agreement with the State of Florida, Department of Environmental Protection ("FDEP") to resolve all violations and potential penalties resulting from the City's documented water main breaks that disrupted service and required emergency repairs between September 2023 and April 2025; and

WHEREAS, the City is required to execute a consent order with FDEP to effectuate a settlement addressing the City's aging water infrastructure with initiatives focusing on strengthening system reliability and proactively improving areas affected by age and condition; and

WHEREAS, the consent order provides for fines if the City does not meet the deadlines contained in the consent order and requires a current payment of \$500.00 in administrative fees to FDEP; and

WHEREAS, Subsection 4.01(b) of the Charter of the City of Fort Lauderdale, Florida, provides:

All contracts, agreements, leases or other instruments to which the City is a party and under which the City assumes any liability, shall be executed in the name of the City by the Mayor-Commissioner and City Manager, attested by the City Clerk, and the form of any such instrument shall be previously approved by the City Attorney or Assistant City Attorney, provided, however, that where by ordinance or resolution, the execution of short-term leases or other instruments is delegated to another person, such instrument may be executed in the manner provided by such ordinance or resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The City Commission approves the consent order with the State of Florida, Department of Environmental Protection.

SECTION 2. The City Manager is delegated the authority to execute the consent order with the State of Florida, Department of Environmental Protection approved hereby and the payment of a civil administrative fee of \$500.00.

SECTION 3. That if any clause, section, or other part of this resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That this Resolution shall be in full force and effect upon its adoption.

ADOPTED this the ____ day of _____, 2026.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

City Attorney
SHARI L. McCARTNEY

Dean J. Trantalis _____
John C. Herbst _____
Steven Glassman _____
Pamela Beasley-Pittman _____
Ben Sorensen _____