

RESOLUTION NO. 17-

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

WHEREAS, the City has negotiated an agreement with the State of Florida, Department of Environmental Protection to resolve all violations and potential penalties resulting from the City's documented discharges of untreated wastewater from January 1, 2014 to August 31, 2017; and

WHEREAS, the City is required to execute a consent order with the State to effectuate the settlement, which includes mandatory repairs to the City's wastewater collection system over the next nine years; and

WHEREAS, the consent order provides for fines if the City does not meet the deadlines contained in the consent order as well as fines for additional discharges after August 31, 2017; 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 agreement with the State of Florida, Department of Environmental Protection in substantially the same form as attached to Commission Agenda Memorandum No. 17-1090.

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 \$5,000.00.

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 _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI