City of Fort Lauderdale

City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov

Meeting Minutes

Tuesday, October 23, 2018

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor - Commissioner
BEN SORENSEN Vice Mayor - Commissioner - District IV
HEATHER MORAITIS Commissioner - District I
STEVEN GLASSMAN Commissioner - District II
ROBERT L. McKINZIE Commissioner - District III

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
ALAIN E. BOILEAU, City Attorney

CALL TO ORDER

Mayor Trantalis called the Commission Conference Meeting to order at 1:36 p.m.

ROLL CALL

Present: Commissioner Heather Moraitis, Commissioner Steven Glassman, Commissioner Robert L. McKinzie, Vice Mayor Ben Sorensen and Mayor Dean J. Trantalis

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Alain E. Boileau, City Auditor John Herbst, and Sergeant at Arms Tarek Bazzi

CITY COMMISSION REPORTS

Members of the Commission announced recent and upcoming events and matters of interest.

Commissioner Moraitis discussed Leadership Broward's visit to City Hall. She also announced new lighting along Northeast 32nd and 33rd Streets at Galt Ocean Mile.

Commissioner Glassman commented on attendance at the Historic Preservation Board of Trustees (Board of Trustees) Quarterly Meeting at South Side Cultural Arts Center. He confirmed the Federal Courthouse is on the State's list of endangered historic sites in Florida and the Board of Trustees will be touring that building.

Commissioner Glassman announced he and Vice Mayor Sorensen will be hosting the upcoming November 2, 2018 Las Olas Mobility Plan Stakeholder Workshop for continued discussions on the Las Olas Boulevard Mobility Plan.

Commissioner Glassman requested an update on impact fees. City Manager Feldman confirmed impact fees are part of the ongoing Water and Sewer Rate Study (Study) and will be presented in the Study's findings.

Commissioner Glassman discussed resident comments related to construction, including sidewalk conditions, the need for

additional trash receptacles and working hours and noise. Mayor Trantalis concurred. City Manager Feldman discussed how concerns are currently addressed on a case-by-case basis when reported, confirming there is no ongoing monitoring. Further comment and discussion ensued on having Building Inspectors monitor the general conditions and safety concerns at construction sites. City Manager Feldman commented on related costs, confirming this would be addressed.

Commissioner Glassman requested future discussions on a short-term plan for the One-Stop-Shop and activation of the surrounding area until a long-term plan is determined. Further comment and discussion ensued. Commission Glassman confirmed he would meet with the Flagler Village Association and will present their ideas and recommendations at an upcoming Conference Meeting.

Commissioner Glassman noted the large number of items on the November 2018 ballot. He encouraged members of the public to research the items and take advantage of early voting. Commissioner Glassman discussed moving ahead with public engagement to educate residents on opportunities and actions to prevent or reduce algae blooms in City waterways.

Vice Mayor Sorensen commented on collective efforts of the City, Broward County (County), local businesses and the Veterans Administration to address needs of the homeless population. Mayor Trantalis commented on a recent meeting with multiple stakeholders to discuss community efforts that address downtown area homelessness.

Vice Mayor Sorensen commented on a recent meeting with the Office of the Broward County Sheriff regarding the Broward County Jail being a source of homelessness. The County will be implementing a program in the next several weeks entitled “Home for the Holidays," which will place homeless individuals in approximately 80 apartments. Wraparound services will also be provided. The Community Court is estimated to begin in January 2019. Mayor Trantalis discussed the narrowing of the homeless footprint near the County Library and upcoming construction in the area.

City Manager Feldman commented on the discharge process from the County Jail and the need for additional discussions with the County to provide triage services upon release. He discussed efforts to address homelessness near the County Library, the need to identify additional housing units and additional work to assemble the Community Court

triage services. City Manager Feldman reviewed the current and planned process for implementation in early January 2019.

Mayor Trantalis discussed the County's request for financial assistance to augment costs for homeless housing. Comment and discussion ensued on funding homeless outreach and the need to address the financial participation of all County municipalities.

City Manager Feldman noted the matching contribution to the County for homelessness requested annually. The remaining amount of total funding would be raised by the private sector and coordinated through the United Way and the Business Council. City Manager Feldman noted that the County would not move forward until the Program's full funding had been identified. He explained the City's current "in-kind" funding within the General Fund and current Police and Fire Department expenditures associated with homelessness.

Mayor Trantalis discussed possible funding from the Fund Balance for homelessness. Commissioner Glassman reiterated the need to address the need for all Broward municipalities to participate in the funding effort. Mayor Trantalis asked Commissioner Moraitis, Commission representative at the League of Cities, to address this at an upcoming League of Cities meeting. Commissioner Moraitis confirmed, commenting on the State's prior Rapid Rehousing Program and pursuing this funding source.

Vice Mayor Sorensen commented on the members of the homeless population that are employed but cannot afford housing, reiterating the importance of the commitment to address homelessness.

Commissioner McKinzie discussed the need to move forward with funding in the first year, noting the need to revisit this topic on an annual basis. Mayor Trantalis concurred, commenting on the need to reevaluate annually.

Vice Mayor Sorensen recommended deducting the amounts currently funded by the City for homelessness services from the matching contribution to the County. There was consensus to move forward with this recommendation and fund $800,000 in the first year for homelessness services. Commissioner Glassman emphasized the need to see deliverables. Further comment and discussion ensued on possible Fund Balance funding. Mayor Trantalis expounded on the City's commitment. In response to Commissioner Glassman's question, it was reconfirmed that the $800,000 funding commitment to the County would

only be for the first year. Subsequent year homelessness contributions to the County would be determined on an annual basis.

In response to Mayor Trantalis, City Manager Feldman explained the process involved in refunding the Wave Project's assessment to residents, expounding on details.

Discussions ensued on circulating Commission event invitations and conforming all Commissioner's calendars.

Mayor Trantalis recommended the Commission host a Town Hall Meeting to educate and advise the community on the City's response to infrastructure and resiliency needs. There was consensus on this recommendation and coordinating a date with all Commission members. Mayor Trantalis requested Staff address this recommendation and all prepare relevant information.

Mayor Trantalis commented on the International Swimming Hall of Fame's (ISHOF) board position traditionally held by the Mayor or the District II Commissioner. Commissioner Glassman confirmed he would serve as a Board Member on the ISHOF.

Mayor Trantalis acknowledged Commission members engaging student interns in the local government process. He discussed the opportunity to accommodate an intern work area in the 8th Floor Lounge. There was a consensus on this recommendation. Further comment and discussion ensued on providing office equipment and associated costs. Commissioner McKinzie and Vice Mayor Sorensen explained how interns currently serve, placing them in a Department best suited to their skill set or on-line research related work from home.

18-1124 Communications to the City Commission

BEACH REDEVELOPMENT BOARD (BRAB)
Monday, October 1, 2018

Commissioner Glassman explained this BRAB communication is requesting discussion and renegotiation with the construction company for the Las Olas Parking Garage, Skanska, to keep Las Olas Boulevard open between Sea Breeze Boulevard and A1A during the month of April 2019, the busiest month of the year. Mayor Trantalis confirmed conversations with City Manager Feldman on this topic. Discussions ensued on the costs associated with postponing construction. City Manager Feldman noted that there will be alternate two-way traffic routing on SE 5th Street.

A copy of the BRAB Communication to the Commission is attached to these minutes.

Don Morris, Economic and Beach Redevelopment Area Manager, Beach Area Community Redevelopment Agency, reviewed his discussions and conversations with the BRAB on this request, informing them on the extra costs associated with delays. In response to Mayor Trantalis' question about another contractor's delays, Mr. Morris explained that contractor was able to do additional, alternate work in the area and that delay would not cause a contract extension. Mr. Morris recommended not delaying Skanska's work on the Las Olas Parking Garage.

In response to Commissioner Glassman's question regarding the impact of the closure of Las Olas Boulevard between A1A and Sea Breeze Boulevard on events, Mr. Morris confirmed alternate routing on SE 5th Street and SE 6th Street to mitigate traffic.

Mayor Trantalis recognized Paul Chettle 200 S. Birch Road. Mr. Chettle discussed his opposition to the BRAB request. He recommended adhering to building the project as agreed, commenting on subsurface infrastructure.

OLD/NEW BUSINESS

BUS-1 18-1141 Lockhart Stadium Discussion

City Manager Feldman gave a historic overview of the Lockhart Stadium site (Site), its current condition and previous efforts to redevelop the area, confirming the 62 acre Site is now unencumbered by the Federal Aviation Association (FAA). He noted the Site is the last City-owned area of significant size for development.

Mayor Trantalis recognized Ken Krasnow, Executive Managing Director - South Florida for Colliers International. Mr. Krasnow gave a PowerPoint presentation illustrating a high-level, broad overview of the Site's marketability, demand drivers and potential uses.

A copy of Mr. Krasnow's presentation is attached to these minutes.

In response to Vice Mayor Sorensen's question about use of renovated stadiums, Mr. Krasnow confirmed a demand for concerts, event

promotions and sports activities. Mr. Krasnow said that the baseball stadium is not salvageable.

In response to Mayor Trantalis, Commissioner Moraitis commented on outreach to District I constituents on this item. She submitted a color coded aerial Site photo that includes Fort Lauderdale Executive Airport (FXE) and the surrounding area. The red highlighted area is the proposed Land Use Plan Amendment (LUPA) for 2,000 residential units in Uptown. She recommended coordinating future plans for the Site in conjunction with proposed LUPA. Commissioner Moraitis discussed the need for park greenspace and the possibility of an Aviation School on a portion of the Site.

A copy of Commissioner Moraitis' submission is attached to these minutes.

In response to Commissioner Moraitis, Anthony Fajardo, Director of Sustainable Development, confirmed there are no parks in the vicinity of the LUPA's proposed 2,000 residential units. He said the Site could provide park services in the proposed residential area. Commissioner Moraitis noted the importance of the LUPA illustration and the need to preserve part of the Site as greenspace.

In response to Commissioner Moraitis, City Manager Feldman explained details associated with the FAA's removal of deed restrictions and revenue formerly going to FXE that is now going to the City. Further comment and discussion ensued on amounts charged to FXE tenants pursuant to the Charter.

Commissioner Moraitis confirmed feedback from District I residents that included airport usage, residential features such as greenspace and an aviation education facility. In response to Vice Mayor Sorensen, Commissioner Moraitis commented on resident input regarding stadium renovation, confirming this was not a priority. Residents have a desire for greenspace. Further comment and discussion ensued on options for several areas of the Site, including an income producing property, a stadium for recreational use and a passive park. Commissioner Moraitis noted the need for flexibility with stadium programming which would allow passive residential use. Further comment and discussion ensued.

Mayor Trantalis recognized Rufus James, Airport Manager, FXE. Mr. James reviewed the mission of FXE to attract businesses to the area, contribute to the prosperity of those businesses and benefit the community. He briefly expounded on the history of FXE.

Mr. James shared renderings of options for future airport expansion, including the creation of a user-friendly environment for walkability and bicycle riders. He discussed proposed design modifications for the area between Cypress Creek Road and Power Line Road that includes bike paths and wider sidewalks.

Mr. James reviewed a short aerial video illustrating the proposed expansion recommendations. He discussed the ability to accommodate a school on the south side of the Site and modifications for access to other areas of the Site. Mr. James commented on the current amount of limited hangar space.

A copy the video is on file in the Office of the City Clerk.

In response to Commissioner Moraitis' question, Mr. James explained details on the process involved with paying fair market value for hangar space. City Manager Feldman explained details involved with the FAA's removal of deed restrictions and ensuing revenue, expounding on financing details.

City Manager Feldman confirmed the FAA's position that the cost of FXE improvements would be the responsibility of the City. In response to Mayor Trantalis, City Manager Feldman confirmed improvements would come out of the General Fund, not out of the Airport Fund.

In response to Commissioner McKinzie, Mr. James explained the public private partnership (P3) approach to FXE expansion that would use Airport Funds and private developer funds for projects that benefit the FXE.

Mayor Trantalis recognized David Coddington, Greater Fort Lauderdale Alliance. Mr. Coddington concurred with Mr. James' recommendations, commenting that FXE is one of the top general aviation airports in the country. He expounded on the business and job opportunities provided by FXE and the positive opportunities of having an aviation school at the airport.

In response to Commissioner Moraitis' questions, Mr. Coddington confirmed one-third of the Site would work for proposed businesses at FXE. He confirmed the ability of those proposed businesses to pay fair market value at FXE, expounding on the financial benefit to the City. City Manager Feldman reiterated his comments about FXE revenue and financial obligations to the FAA.

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive. Ms. Fertig commented on the history of Lockhart Stadium, encouraging the Commission use this public property for public use. She commented on the Broward County School Board's (School Board) efforts to enhance Northeast High School located near the Site. Ms. Fertig recommended the concept supported by the public to use public land for public use, requesting the Commission make it a requirement.

Mayor Trantalis recognized Heather Brinkworth, District III Broward County School Board Member, 2609 NE 26th Street. Ms. Brinkworth voiced concern over the School Board not being included in the conversation about educational opportunities at the Site, requesting a partnership with Broward County Public Schools.

Commissioner Moraitis confirmed the Commission is looking at an education opportunity at this Site and welcomes a proposal from Broward County Public Schools, stating that there is no proposal from a Charter School entity. The Commission is looking at available options, including working with a Charter School or Broward County Public School in determining what works best for the City. She commented on economic aspects of working with a Charter School company versus Broward County Public Schools and the need to review both options. In response to Mayor Trantalis, Commissioner Moraitis confirmed her commitment to follow-up and meet with Ms. Brinkworth to discuss this topic further. Commissioner Moraitis also noted her upcoming meeting with Superintendent Robert W. Runcie.

In response to Vice Mayor Sorensen, Ms. Brinkworth explained communications with FXE personnel on having an education facility on the Site. In response to Mayor Trantalis, City Manager Feldman confirmed a conversation with Mr. James on this topic. Further comment and discussion ensued on the capital investment needed for a Charter School at this location, related financing details and the School Board's ability to participate.

City Manager Feldman commented on a State Statute requirement for public school campuses to be a certain size and the ability accommodate this mandate.

Mayor Trantalis recognized Jackie Scott, 1626 NE 1st Street. Ms. Scott commented on the need to provide area High Schools with a stadium. City Manager Feldman commented on previous actions by the School Board with regard to high school stadiums, expounding on details.

Further comment and discussion ensued on improvements to Lockhart Stadium being included in a Parks Bond. There was consensus on this topic.

BUS-2 18-1108 Future Use of War Memorial Auditorium

Mayor Trantalis discussed the future use of War Memorial Auditorium (Auditorium), commenting on entities that have approached the City for repurposing the facility. These organizations include the Florida Crushers, Anschutz Entertainment Group (AEG) and the Florida Panthers. He said that none of these proposals preclude other uses.

Commissioner Glassman confirmed meeting with the Florida Crushers, a soccer team who would use the facility for indoor soccer.

Mayor Trantalis recognized Jeffrey Chabon, AEG. Mr. Chabon gave a presentation of AEG's proposal illustrating the Auditorium as a concert and entertainment location. He stated that with significant renovations, the Auditorium would be a viable venue to generate revenue. The presentation illustrated proposed modifications to the facility, commenting on a possible public private partnership (P3).

A copy of the presentation is attached to these minutes.

In response to Mayor Trantalis, Mr. Chabon confirmed there would be no capital investment needed from the City. Mr. Chabon commented on the shows produced at Parker Playhouse and the ability for the Auditorium to be multipurpose. He discussed AEG's exclusive management as operator and promotor at the Auditorium.

In response to Mayor Trantalis, Mr. Chabon said there would be approximately 80-100 annual concert events, expounding on renovation and upgrade needs. Mayor Trantalis commented on the character of Holiday Park and Parker Playhouse. Mr. Chabon commented on creating synergy with those facilities, confirming AEG has produced events at Parker Playhouse.

In response to Mayor Trantalis, Mr. Chabon confirmed the need for further information from the AEG team with regard to adding space to the Auditorium to accommodate AEG's needs.

In response to Commissioner McKinzie's question on accommodating the public's needs, Mr. Chabon said it could be discussed and would depend upon event scheduling.

In response to Vice Mayor Sorensen's question about capacity following renovation, Mr. Chabon confirmed capacity is currently 2,000 and would depend on modifications. Mr. Chabon said events at the Auditorium would not compete with Parker Playhouse, expounding on details of proposed entertainment. Due to AEG's investment for renovations and modifications, the proposed duration of a contract would be ten years with five-year options. Further comment and discussion ensued on AEG's proposed investment.

In response to Commissioner Moraitis, Mr. Chabon confirmed AEG's consideration and interest in assisting and consulting for Lockhart Stadium, expounding on details.

Mayor Trantalis left the meeting at 3:31 p.m.

Vice Mayor Sorensen recognized Mary Fertig, 511 Poinciana Drive. Ms. Fertig commented on the community's contribution to the establishment of War Memorial Auditorium for community and cultural events. She expounded on its historical significance for residents. She recommended this public property for public use. Commissioner Moraitis commented on the commitment to preserve the Auditorium's history.

Commissioner McKinzie left the meeting at 3:32 p.m.

Mayor Trantalis returned to the meeting at 3:34 p.m.

Commissioner McKinzie returned to the meeting at 3:35 p.m.

Mayor Trantalis recognized Jackie Scott, 1626 SE 1st Street. Ms. Scott commented on unique aspects of the Auditorium and its activation, expounding on details and suggestions. Mayor Trantalis commented on marketing efforts by the Parks and Recreation Department.

Mayor Trantalis recognized John Milledge, Esq., 200 SW 1st Avenue, and on behalf of the Florida Panthers. Mr. Milledge acknowledged Sean McCaffrey, Chief Operating Officer of the Florida Panthers, also in attendance. Mr. Milledge confirmed the Panthers' due diligence has been completed and the Florida Panthers wish to move forward with Staff to continue the process with a term sheet for the Auditorium. He said the Panthers' proposal is compatible with what the Florida Crushers submitted. Mr. Milledge stated he would reach out and work with the Florida Crushers. He commented on possible conflicts with Parker Playhouse should AEG produce events at the Auditorium.

Mr. Milledge discussed proposed plans, including sheets of ice for youth hockey, indoor soccer and lacrosse space for public use, expounding on an overall outline of proposed details. There would be two sheets of ice for hockey clubs housed in a new addition on the east side of the Auditorium. It would allow youth hockey, public skating and would have bleachers for public viewing. The existing space in the Auditorium would be used for indoor soccer and lacrosse. Future expansion would include locker rooms and workout facilities to allow the Panthers to practice at the Auditorium and would be open to the public. Discussion of additional details ensued. Preservation of the interior and exterior décor would be priority.

Mr. Milledge requested Commission guidance to move forward with Staff and the Office of the City Attorney to work on the terms and structure of a lease agreement.

Mayor Trantalis recognized Charles King, 105 N. Victoria Park. He gave a historic overview of the Auditorium's use, confirming support to move forward with one of the proposals presented.

Mayor Trantalis recognized Dennis Ulmer, 1007 NW 11th Place. Mr. Ulmer commented on the need to preserve the architectural features of the Auditorium. He also discussed the importance of the origination of the Auditorium as a World War II Memorial and preserving those features.

In response to Mayor Trantalis, City Manager Feldman explained the next steps in the process. City Manager Feldman confirmed the first option would be to move forward with current City renovation plans. The second option would be for a Request for Proposal (RFP) to solicit proposals. The third option would be to accept and consider an unsolicited P3 proposal. He commented on concerns regarding the Auditorium's structure and how the Charter addresses leasing a public property to a for-profit or non-profit entity, expounding on this topic. Further comment and discussion ensued on the leasing of other public properties governed by the Charter.

In response to Mayor Trantalis' question, Mr. Milledge confirmed the possible option of the Florida Panthers Foundation, a non-profit entity, to lease the Auditorium that would be reviewed and explored with the Office of the City Attorney.

In response to Mayor Trantalis' question on the speediest and most

efficient legal manner to move forward, City Attorney Alain Boileau recommended he meet with representatives from the Florida Panthers and AEG to review and address parameters of each proposal. Further comment and discussion ensued on the timeline. City Manager Feldman commented on concerns regarding the type of facility AEG is proposing.

In response to Vice Mayor Sorensen, Mr. Milledge commented on the need to maintain funding currently earmarked for the Auditorium to make the economics work due to the substantial amount of improvements necessary at the Auditorium.

BUS-3 18-1177 Presentation by Earthrights International regarding ongoing national and proposed litigation against fossil fuel companies due to their contribution to climate crisis and resulting mitigation costs to governmental entities

Mayor Trantalis recognized Marco Simons, Americas Regional Program Director and General Counsel, ERI International, Inc, (ERI). ERI is a non-profit legal organization representing communities around the world in United States Courts against major multinational oil companies (Companies) arising from the Companies' knowing contribution to the climate crisis by producing, promoting, refining, marketing, and selling fossil fuels, while concealing the dangers to the environment. ERI has been representing cities and counties pro-bono regarding climate change. These cases are also co-counseled with private legal firms at the litigation stage. He discussed the history of the impact of fossil fuels over the past 150 years and scientific studies done by the fossil fuel industry, beginning in 1968, predicting the impact of future climate change. Mr. Simons reviewed the history of legal actions filed on behalf of municipalities in the courts, expounding on details, rulings, appeals and future strategies. He reviewed a model that the City may wish to pursue and expounded on details.

Mr. Simons said there would be no cost to the City, only the cost of Staff time while working with ERI. There would be the option of joining together with other South Florida municipalities who have expressed an interest in this strategy. It would be necessary at the litigation stage to join with co-counsel from private legal firms on a contingent fee basis. He commented on push-back from Companies, explaining related details.

Mr. Simons gave a presentation illustrating climate change litigation around the country and opportunities for the City.

A copy of the presentation is attached to these minutes.

In response to Mayor Trantalis' question about the City being required to pay opposing counsel fees, should the case result in a negative ruling for the City, Mr. Simons commented that is a possibility and there has been discussion on ways to limit the City's exposure.

In response to Commissioner Glassman's question on the status of currently filed cases, Mr. Simons said those filed in federal court have been remanded to state courts and no substantive proceedings have occurred, confirming cases are in the early stages. Brief comment and discussion ensued on filings by other South Florida municipalities.

In response to Commissioner Glassman's question about the commitment of Staff time, Mr. Simons commented it would not be significant and would primarily focus on major impacts, costs and scope.

In response to Vice Mayor Sorensen, Mr. Simons commented on discussions with other South Florida municipalities and collaboration with private counsel.

In response to Commissioner McKinzie, Mayor Trantalis confirmed ERI's initiative and outreach to him, City Manager Feldman, City Attorney Alain Boileau, and Commissioner Glassman. Mayor Trantalis commented on possible benefits and risks associated with moving forward that would need to be considered.

Mayor Trantalis thanked Mr. Simons for the presentation.

Mayor Trantalis recessed the meeting at 4:21 p.m.

Mayor Trantalis reconvened the meeting at 4:29 p.m.

BUS-4 18-1048 Discussion of Proposed Cost of Living Adjustment for the General Employees Retirement System

Mayor Trantalis recognized Linda Logan-Short, Deputy Director, Finance Department. Ms. Logan-Short gave a brief review of the recommendation sent by the General Employees Retirement System (GERS) Board of Trustees on a retiree Cost of Living Allocation (COLA). She confirmed required criteria had been met. The 2018 GERS benchmark of 7.5 percent has been met and the market value as of September 30, 2018 is approximately $656,000,000, an increase of approximately $32,000,000. Ms. Logan-Short expounded on the actuaries' recommendations of a 1.5, 2.0 or 2.5 percent increase. The GERS Board of Trustees recommended fully funding a 2.5 percent

COLA increase.

In response to Mayor Trantalis' question, Ms. Logan-Short confirmed the base year is 2017. She explained the cost of a 2.5 increase would be a lump sum of $10,000,000 for full funding over the life-span of retirees. If funded over five years, it would be $2,500,000 per year. Further comment and discussion on this topic. Ms. Logan-Short noted retirees have not received a COLA since 2001, commenting that the cost of living has increased 35 percent.

In response to Commissioner Glassman's question about the dollar amount of the 2.5 percent COLA increase for an average retiree, Ms. Logan-Short said it would be approximately $600 per year.

In response to Vice Mayor Sorensen's question, Ms. Logan-Short explained the COLA is at the will of the Commission, expounding on criteria for eligibility. City Manager Feldman commented on each of the Ordinance's two criterion having been met. He commented on the covenant in the Pension Obligation Bond that states if funded, the Commission must approve funding with four affirmative votes. Should the funding be in another manner, the Commission vote must be unanimous.

In response to Mayor Trantalis' question, City Manager Feldman explained the primary source of funding would be from the General Fund and other respective funds related to retirees area of work (proportioned payroll costs), i.e., the Water and Sewer Fund, Airport Fund, etc. Further comment and discussion ensued on the financial impact to those funds.

In response to Mayor Trantalis, City Auditor John Herbst discussed the financial impact, concurring with adherence to the Bond covenant, expounding on this point. He confirmed funding would need to be identified in the budget. It could come out of the Fund Balance as a one-time payment. If it is amortized, it would be added to the unfunded liability and would require a unanimous Commission vote. City Auditor Herbst expounded on future unfunded budget related obligations and challenges.

Mayor Trantalis recognized Darlene Pfeiffer, 5938 Park Walk Circle West. Ms. Pfeiffer urged the Commission to grant retirees this COLA, expounding on their contributions in service to the City.

Mayor Trantalis recognized Peter Partington, 1521 NE 53rd Street. Mr. Partington commented on the impact of the 2008 recession on retirees

and the growth of the pension plan over the past two years. He urged the Commission to approve the COLA increase.

Mayor Trantalis recognized Leonard Ackley, 1410 SW 82nd Terrace. Mr. Ackley commented on the increase in the cost of living impact on retirees, urging the Commission to support the 2.5 percent COLA increase.

Mayor Trantalis recognized Hattie Brinson, 23328 SW 58th Avenue. Ms. Brinson commented on State Statute requirements regarding retiree benefits and COLA's incorporation into the pension plan. She urged the Commission to approve the COLA increase.

Mayor Trantalis recognized Eve Bazer, 3020 NE 32nd Avenue. Ms. Bazer urged the Commission to approve the COLA increase.

Mayor Trantalis recognized Rose Klarman, 4842 NW 93rd Avenue. Ms. Klarman commented on her tenure with the City and its growth, urging the Commission to approve the COLA increase for retirees due to increases in the cost of living.

In response to Vice Mayor Sorensen's question about conditioning COLA payouts on years of service and annual payout, City Auditor commented on the justification of various options, separating recipients into groups and expounding on details.

In response to Vice Mayor Sorensen's question, City Auditor Herbst discussed the criteria in the Ordinance that includes: (1) meeting the assumed rate of return; and (2) the annual required contribution consisting of the normal cost based on actuarial factors and amortization of unfunded liabilities to fully fund required contributions under State Statute.

In response to Mayor Trantalis' question about funding the COLA out of the difference between the total GERS Fund earnings and the 7.5 percent benchmark, City Auditor Herbst said it could compromise the GERS Fund, explaining it is based upon market performance. Further comment and discussion ensued. Mayor Trantalis commented on addressing the COLA needs of retirees.

In response to Commissioner Glassman's question, City Manager Feldman confirmed there are approximately 1,400 people in this Defined Benefits Plan and the plan closed in 2008.

Mayor Trantalis recognized Nicholas Schiess, GERS Pension Plan Administrator. Mr. Schiess clarified that State Statute does not allow surplus funds within the Plan to be used to fund a COLA increase. He confirmed there are still approximately 800 active retirees.

Mayor Trantalis commented on reducing the Plan's assumed rate of return. City Manager Feldman commented on annual increases in plan funding when the rate of return is reduced. He also explained the implications of the assumed rate of return being too high and details regarding unfunded liabilities. Further comment and discussion ensued on this topic and how it is being addressed by other municipal retirement plans around the country.

City Auditor Herbst commented on bond rating agencies close examination of municipalities and states with unrealistic assumed rates of return. He stated that failing pension systems are closely associated with unrealistic rates of return.

Commissioner Glassman reviewed the history of past COLA requests and differentials. Further comment and discussion ensued. City Auditor Herbst recommended addressing COLAs in a tiered manner. Commissioner Glassman confirmed the need to address COLA increases for retirees. Further comment, discussion and explanation ensued on employees participating in a "Drop Program" that exchanges a portion of a monthly benefit for a lump sum.

Mr. Schiess explained benefits paid out are the Funds liability. Funding is determined by an annual actuarial evaluation used to pace out the City's contribution and allow level requirements over time. Comment and discussion ensued on the funding of all City retirement plans.

Mayor Trantalis requested City Manager Feldman provide the Commission with options for a tiered approach to funding the COLA. Further comment and discussion ensued on the parameters. City Auditor Herbst commented on the option of a "thirteenth check". It would not be a permanent increase in the COLA payout nor a cumulative cost. Mayor Trantalis requested this be made one of the options.

EXECUTIVE CLOSED DOOR SESSION - 4:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE

18-1160 The City Commission will meet privately pursuant to Florida Statute, Section 286.011(8) concerning:

Fort Lauderdale Food Not Bombs, et al. v. City of Fort Lauderdale

Case No.: 15-60185-Civ-Zloch

BUS-5 18-1152 Discussion of the Process for Selection of City Manager and Naming of Interim City Manager

Mayor Trantalis discussed the previous methodology for hiring a City Manager and alternative methods.

Commissioner Moraitis confirmed her support and recommendation for Assistant City Manager Chris Lagerbloom to serve as Interim City Manager. There was a consensus on the recommendation.

City Attorney Alain Boileau recommended a contractual arrangement for Assistant City Manager Lagerbloom while in the position of Interim City Manager to ensure equitable treatment when a new City Manager is hired. Commissioner McKinzie concurred. Further comment and discussion ensued.

Commissioner McKinzie commented on the search process and recommended hiring Assistant City Manager Lagerbloom as City Manager. Mayor Trantalis confirmed he is prepared to hire an Interim City Manager, commenting on the opportunity to make comparisons. City Auditor John Herbst suggested the Commission address the salary of the Interim City Manager position.

Vice Mayor Sorensen concurred with the recommendation for Assistant City Manager Chris Lagerbloom to serve as Interim City Manager. He also suggested City Attorney Boileau bring a contract package forward that includes a salary component, protects Assistant City Manager Chris Lagerbloom and gives him the ability to apply for the position of City Manager. The package should commence on January 1, 2019.

Vice Mayor Sorensen recommended the process used for hiring the City Attorney also be used to hire the City Manager. Mayor Trantalis commented on that process. Discussions ensued on citizen participation in the hiring of City Manager Feldman. Commissioner McKinzie confirmed the need for the process to be transparent. Mayor Trantalis commented on the selection process for the Citizens Review Panel. Vice Mayor Sorensen commented on the need for an efficient timeline and setting clear expectations. Further comment and discussion ensued on recommendations for the process, job description, recruitment firm hiring and the timeline submitted by City Manager Feldman in this item's backup.

Mayor Trantalis requested City Manager Feldman submit several

recruiting firms to the Commission at the November 6, 2018 Commission Conference Meeting. Comment and discussion ensued on Commission members reaching out to citizens for participation on the Selection Committee. Further comment and discussion ensued on providing an opportunity for the Council of Civic Associations and members of the business community to participate on the Selection Committee.

City Manager Feldman discussed the procurement process for hiring a recruiter. City Attorney Alain Boileau commented on the possibility of “piggy backing” on other recruiter contracts. City Manager Feldman confirmed the creation of a Selection Committee would need to be adopted by Resolution at the November 6, 2018 Commission Regular Meeting. Appointments to the Selection Committee would go through the usual appointment process.

Commissioner Moraitis noted additional departures. Brief comment and discussion ensued.

CITY MANAGER REPORTS

None.

ADJOURNMENT

Mayor Trantalis adjourned the Commission Conference Meeting to order at 5:58 p.m.

COMMUNICATION TO CITY COMMISSION
BEACH REDEVELOPMENT BOARD
100 NORTH ANDREWS AVENUE
1ST FLOOR CITY COMMISSION CHAMBERS
FORT LAUDERDALE, FL 33301
Monday, October 1, 2018, 9:30 A.M.

MEMBERS		FEB 2018/JAN 2019 REGULAR MTGS Present	Absent	SPECIAL MTGS Present	Absent
Ina Lee, Chair	P	6	0	2	0
Thomas B. McManus, VC	A	3	3	2	0
Art Bengochea	P	3	0	0	0
Jason Hughes	P	4	2	1	1
Monty Lalwani (arr. 9:38 a.m.)	P	1	0	0	0
Christian Luz	P	4	2	1	1
Kristen Maus (arr. 9:37 a.m.)	P	3	0	0	0
Tim Schiavone	P	5	1	2	0
Shirley Smith	P	6	0	2	0
Aiton Yaari	P	3	2	1	1

Staff
Don Morris, Beach CRA Manager
Cija Omengebar, Project Manager
Lizeth DeTorres, Administrative Aide
Thomas Green, Beach CRA
Jamie Opperlee, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Yaari, seconded by Mr. Hughes, that the board opposes the closure of Las Olas Boulevard between Seabreeze Boulevard and State Route A1A during the month of April because that is one of the busiest months of the year with multiple activities and holidays. The board is requesting that construction be delayed to the slower months of the year and to renegotiate with Skanska (contractor).

In a voice vote, the motion passed unanimously (9-0).

I. Call to Order and Determination of Quorum – Ina Lee

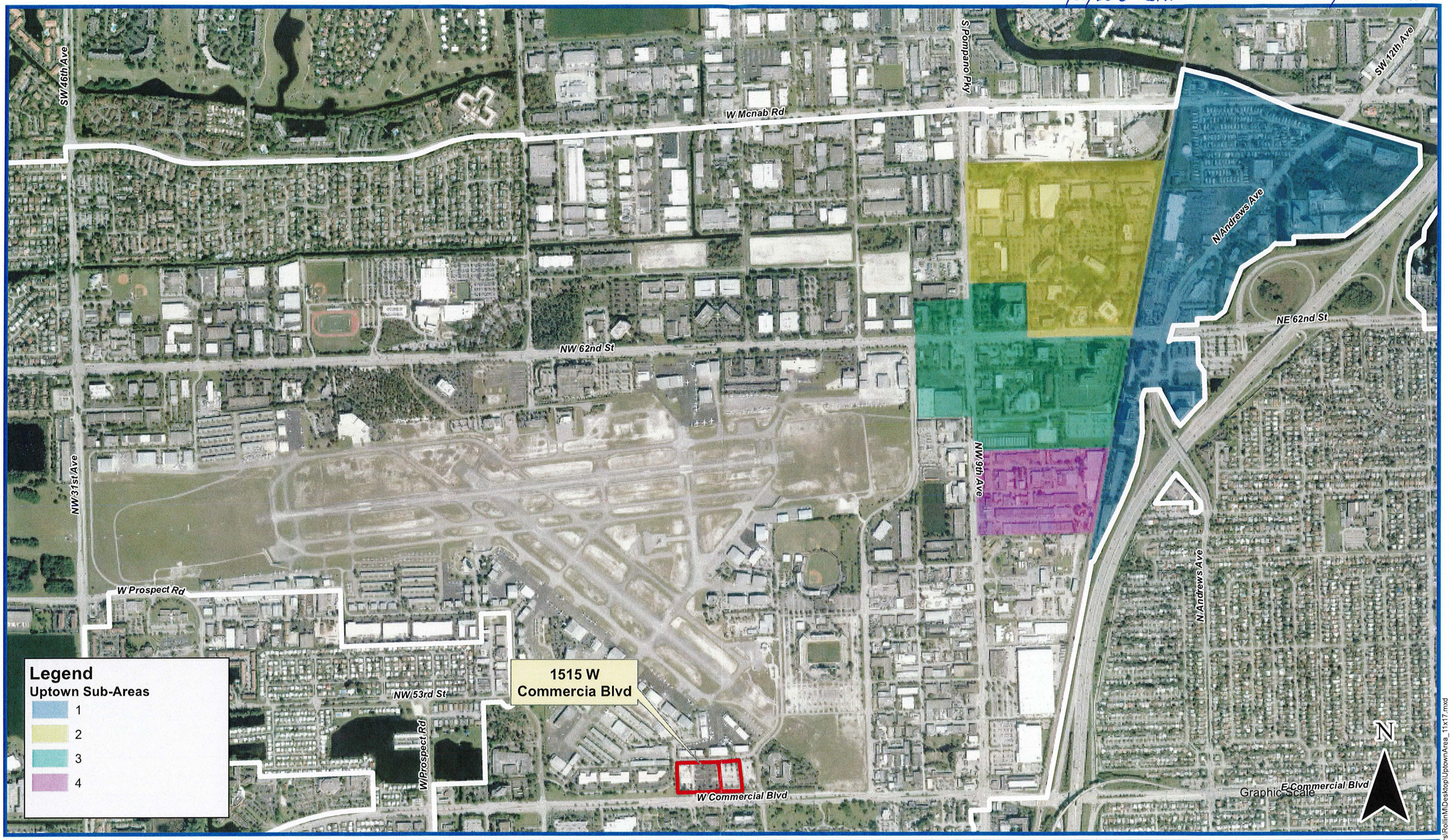
Chair Lee called the meeting to order at 9:31 a.m.

Quorum Requirement

As of this date there were 10 appointed members to the Board, which means 6 would constitute a quorum. It was noted there was a quorum at the commencement of the meeting.

(Transcribed by Jamie Opperlee, Prototype, Inc./Lizeth DeTorres, Beach CRA)

10/23/2018 CONF BUS-1 Provided by Comm Moraitis



CITY OF FORT LAUDERDALE

UPTOWN SUB-AREAS

0 1,000 2,000 Feet

GIS
Fort Lauderdale
10/8/2018

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MARKET DEMAND & OPPORTUNITIES

FOR AVAILABLE LAND AT THE FORT LAUDERDALE EXECUTIVE AIRPORT (FXE)

CITY OF FORT LAUDERDALE

October 23, 2018

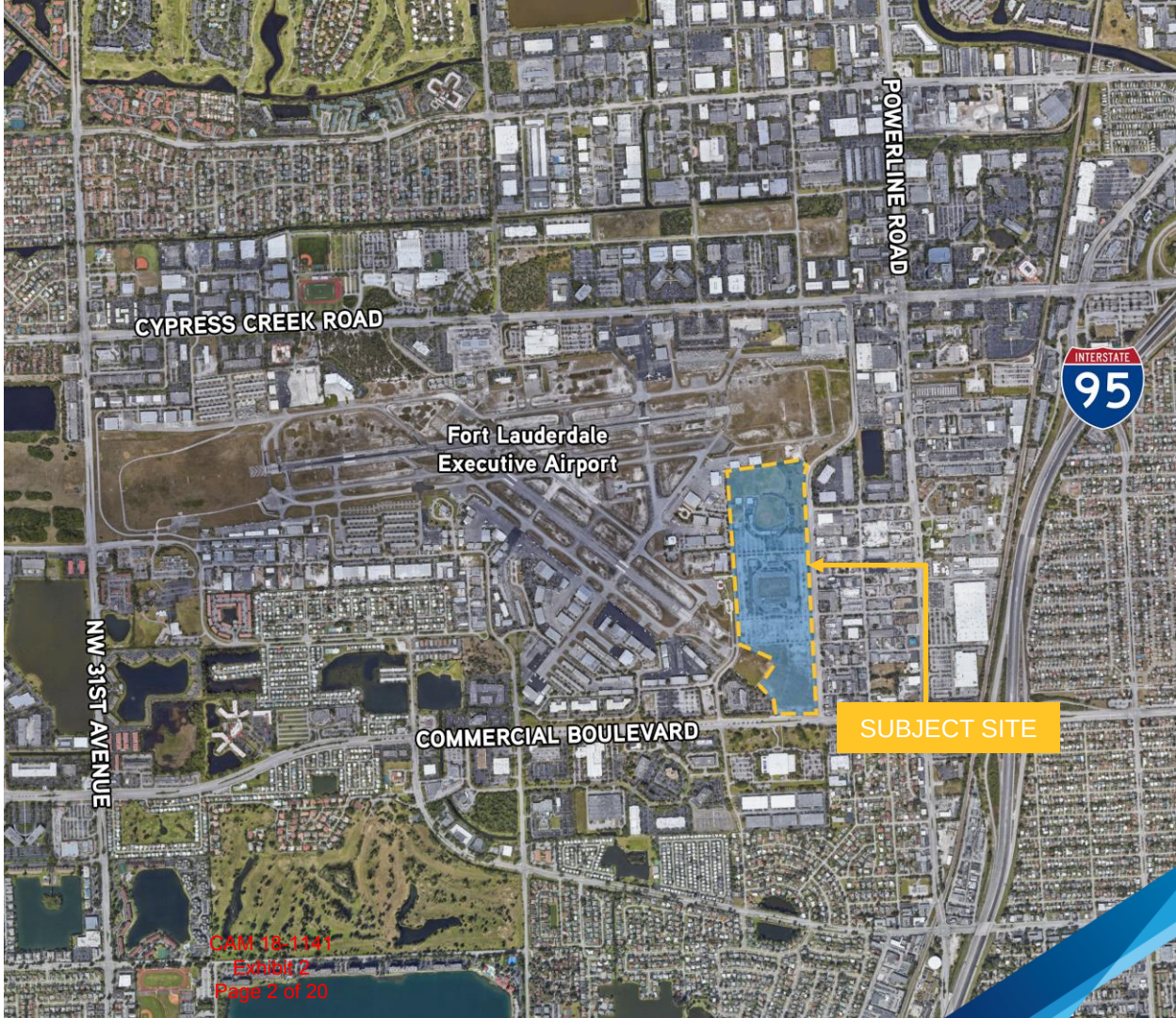
Prepared by:
Kenneth Krasnow| South Florida Market Leader
Brooke Berkowitz | Senior Associate
Colliers International

Colliers INTERNATIONAL

SITE AERIAL

- 65 +/-acres
- Parcels 19B, 25, 26 and 27 of the Fort Lauderdale Executive Airport
- Former home of Lockhart Stadium and Fort Lauderdale Stadium
- Surrounded by industrial and aviation users

SITE LINES ESTIMATED IN YELLOW



DEMAND DRIVERS

Economy

Population Growth

Healthy Job Market

Strong Consumer Spending

Industrial

Proven existing industrial market

Port Everglades

Miami Intl Airport

FXE

Proximity to I-95 & Florida's Turnpike

Tourism

Visitors

Brightline

Hotel Boom

AN OVERVIEW OF USES

SUPPORTED BY THE MARKET

INDUSTRIAL USE

A Strong and Proven Industrial Market

- Proximate to over 37 million square feet in Northeast Broward's industrial market
- Incredibly tight market with a 2% vacancy rate and a pent-up demand from both local and new-to-market users
- New spec buildings have been fast to lease up
- Job generator
- Institutional owners are the most likely Lessees
    - Low default rates

Infrastructure and Connectivity

- Fort Lauderdale Executive Airport (FXE)
    - Close proximity to 1-95 and Florida's Turnpike
    - Ranks number one in the state of Florida with most based aircraft (1,050), number one U.S. Customs and Border Protection general aviation clearing facility in the country
    - Ranks number five in the country for itinerant general aviation traffic
- Proximate to Port Everglades
    - #1 container port and #1 seaport for exports in Florida

Representative Opportunities

EastGroup Properties

Liberty Industrial

First Industrial Realty Trust

AVIATION/CHARTER FLIGHT INDUSTRY

Fort Lauderdale Executive Airport (FXE)
is an important contributor to the economy.

- Primary Uses: Corporate aviation and charter flight center.
- Secondary Uses: Air ambulance and medical activity, flight training, recreational flying, and real estate and sightseeing tours.

The tenants and flight activities at the airport are important to the airport's revenue streams and economic impact.

Charter Flight Industry
Over the past five years, industry revenue has risen gradually, as **rising corporate profit** and an increase in **disposable income** have buoyed consumers and businesses alike.

As a result, Charter Flight industry revenue is expected to increase an annualized **4.2%** over the five years to 2018. The continual improvement in the economy pushed the industry upward during the period.

Key External Drivers:

- Corporate Profit
- Domestic Trips by US Residents
- Per Capita Disposable Income
- World Price of Crude Oil
- Demand from Domestic Airlines

Representative Opportunities

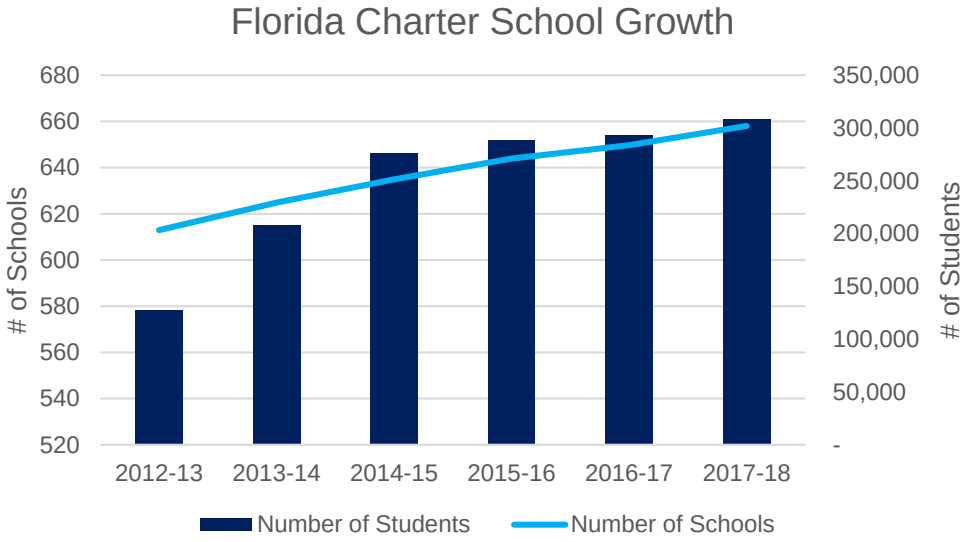
WORLD JET, INC.
Fort Lauderdale Executive Airport

SHELTAIR

EDUCATION/CHARTER SCHOOL

A Growing Industry | Florida Charter Schools

- Charter School enrollment in Florida has tripled over the past 10 years to 302,000 students.
- The number of Charter Schools increased by 14% over the past 5 years to 661 schools.
- If current trends continue, charter schools will educate 20-40 percent of all U.S. public school students by 2035.



Representative Opportunities

ACADEMICA
Helping Charter Schools Succeed

FLORIDA AVIATION ACADEMY
Start your career today!
LearnToFly@FLAviationAcademy.com 1.954.788.3887

AMUSEMENT PARKS

- Improved consumer confidence and per capita disposable income.
- Strengthening economic conditions.
- Everyday consumers increased spending on leisure activities and other nonessential purchases, such as trips to amusement and water parks
- The industry is currently in the growth phase of its cycle.
- US residents and international tourists taking more vacations within the United States.
- Industry revenue is expected to increase at an annualized rate of 4.8% approximately $18.5 billion over the next five years, including an increase of 2.5% in 2018 alone.
- The number of amusement park enterprises in the United States increased at an annualized rate of 2.1% over the past five years.
- Risks: Amusement parks are subject to extreme revenue volatility throughout the calendar year, mainly due to seasonal factors such as weather. This can be mitigated by a combination indoor-outdoor facility.

Revenue	Annual Growth 13–18	Annual Growth 18–23
$18.5bn	4.8%	1.5%
Profit	**Wages**	**Businesses**
$3.8bn	$3.6bn	541

Representative Opportunities

LAUNCH TRAMPOLINE PARK

GOLF DRIVING RANGES & FAMILY FUN CENTERS

- Golf Driving Ranges and Family Fun Centers industry offers golf driving ranges, miniature golf centers, go-kart tracks, batting cages, etc.
- The industry is currently in the growth phase of its cycle.
- Over the past five years, industry revenue increased at an annualized rate of 5.6% to $13.6 billion, including increase of 2.2% in 2018 alone.
- Profit is expected to reach 12.8% of revenue in 2018. The gain in profitability can be attributed to industry operators' benefiting from high attendance volumes and an increase in spending per visit.
- Industry value added (IVA), which measures an industry's contribution to the overall economy, is anticipated to grow at an annualized rate of 4.2%. Comparatively, the US GDP is projected to increase at an annualized rate of 2.2%, indicating that the industry is forecast to grow at a much faster pace than the overall economy.
- Industry revenue is forecast to increase at an annualized rate of 2.0% to $15.0 billion over the next five years.
- Industry growth is expected to continue as recreational sports, and related activities, are particularly popular among retiring baby boomers.

Revenue	Annual Growth 13–18	Annual Growth 18–23
$13.6bn	5.6%	2.0%
Profit	**Wages**	**Businesses**
$1.7bn	$3.7bn	58,759

Representative Opportunities

TOPGOLF

CONCERT & EVENT PROMOTION

Revenue	Annual Growth 13–18	Annual Growth 18–23
$32.0bn	6.0%	1.8%
Profit	**Wages**	**Businesses**
$4.4bn	$6.6bn	69,275

- This industry traditionally thrives when the US economy and per capita disposable income are strong.
- Popular musicians' tours have become longer, venues have increased in capacity and participation in major music festivals has become far more frequent.
- The industry is in the mature stage of its economic life cycle.
- Industry revenue has grown at an annualized rate of 6.0% over the past five years totaling $32 billion; this includes projected growth of 1.8% in 2018.
- Per capita disposable income, an indicator of individuals' willingness to spend on entertainment, increased at an annualized rate of 1.9% over the past five years.
- As a result of favorable macroeconomic conditions and growing consumer interest, total industry revenue is forecast to increase at an annualized rate of 1.7% to $34.9 billion over the next five years.
- Industry value added (IVA), a measure of the industry's contribution to the overall economy, is expected to grow at an annualized rate of 5.2%.
- Florida is estimated to account for the largest share of establishments in the region at an estimated 6.2%. Since many outdoor venues can remain open throughout the year, the Florida market will likely remain a lucrative area for events.
- This industry is most successful in densely populated areas like South Florida.

Representative Opportunities

LIVE NATION

ULTRA musicfestival

E-Sports and E-Gaming

A New But Rapidly Growing Industry

- In 2017, the global e-sports market was valued at $493 million. By 2020, it is expected to reach $1.5 billion.
- As an emerging sport, there is a shortage of venues to hold tournaments.
- E-Sports venues are adaptive and reusable for other events.
- Lease payments, event receipts, stadium naming rights deals and other revenue-generating opportunities can offset costs of construction and equipment.
- The City of Arlington, TX, is planning a 100,000 square foot, state-of-the-art e-sports stadium - the largest in the US. It is expected to attract players, fans, and tourists from around the world.

A rendering of the proposed e-sports stadium in Arlington, TX.

Representative Opportunities

FLORIDA CASE STUDIES

LIFESTYLE & ENTERTAINMENT

Berkman Plaza Redevelopment | Jacksonville, FL

In September 2018, Barrington Development announced the planned re-development of the Berkman Plaza II, which was an unfinished condominium tower along the north banks of St. Johns River, just east of Downtown Jacksonville. The plans call for the condominium tower to be converted to a 341-room hotel resort and themed restaurants, and the adjacent development of a family entertainment center. The entertainment center will reportedly include more than 200 arcade games, indoor attractions such as ropes course and rock wall, as well as outdoor amusement rides.

Orlando Magic Entertainment Complex | Orlando, FL

The Orlando Magic are set to commence construction on an entertainment complex to be positioned immediately north of the Amway Center, adjacent to I-4 in downtown Orlando. The 8.4 acre project is projected to be completed sometime in 2021 and will include a 250-room luxury hotel; a 200,000 square foot, seven-story office building to be the Magic's new headquarters; 300-unit multifamily tower; 100,000 square feet dedicated to retail, restaurants, bars, and high-end bowling alley; 80,000 square feet for event space; and an open-air plaza featuring Wi-Fi, lighting, and audio and digital experiences. The property will also include a 2,400-stall parking garage. While the entertainment-based development will feed off of events from the Amway Center, the property is intended to sustain itself.

I-Drive 360 Entertainment Complex | Orlando, FL

I-Drive 360 opened in 2015 along the International Drive corridor between SeaWorld and Universal Studios in Orlando. The approximately 19-acre development is centered around the 400-foot Icon Orlando observation eye and includes a 1,600-stall parking garage. The complex includes approximately 150,000 square feet of retail including Madame Tussauds Wax Museum, Sea Life Aquarium, Walgreens, Yard House and several other national chain restaurants.

Sparkman Wharf |Tampa, FL

In July 2018, Strategic Property Partners unveiled plans for the partial redevelopment of the Channelside Bay Plaza. The original development was opened in 2001 and has not lived up to the expectations. Plans call for the repositioning to include 180,000 square feet of loft style office space with private outdoor terraces that will overlook the water, and approximately 65,000 square feet of ground floor retail. A portion of the existing development has been demolished to make way for a waterfront lawn, beer garden with a 3,000 square foot covered bar, and stage to feature local performers. Additionally, there will be a 9.5 foot by 17 foot LED screen for the showcasing the likes of Tampa Bay Lightning games and/or movies. The property is just to the east of Amalie Arena, and west of the Florida Aquarium in the Channelside District of Tampa. The project is part of the $3 billion Water Street Tampa development envisioned by Tampa Bay Lightning owner Jeff Vinik.

OPPORTUNITIES
FOR CONSIDERATION

HIGHEST AND BEST USE OPPORTUNITIES

Option #1. Lease Entire 65 acres for Entertainment Use

Strategy:

- Lease to Amusement Park, Concert and Events, Sports Facilities.

City may or may not request lessee invest and maintain some property for public beneficial enjoyment as previously required.

Pros: Amenity for residents, Sales Tax Dollars, Tourist Destination

Cons: Credit of users may not be significant, Traffic.

Option #2. Divide Site for Multiple Users

Strategy:

- Sell back a portion of the Site to FXE for additional Aviation uses.
- Remainder of property leased to Industrial, Entertainment or Education tenant.

Given that this site borders the airport and FXE has no more available Aviation property for lease, it is a great site for an expanding Aviation tenant.

Pros: Lower Risk of Default, Lower Traffic Impacts, Increase Tax Base and Employment.

Option #3. Relocate the Fort Lauderdale Police Department (FLPD) and Fleet

Strategy:

- Relocate the FLPD and Fleet from their current 17+ acre site on Broward Boulevard to a portion of this site.
- Also lends to additional Aviation, Industrial, Entertainment or Education uses on the remainder of the site.

Pros: Frees up valuable Broward Blvd site for sale and development, Increase Tax Base and Employment.

INTERESTED PARTIES AND OTHER OPPORTUNITIES

Aviation

Industrial

Sports

Education

Amusement Park

Entertainment

E-Gaming

Colliers
INTERNATIONAL

Accelerating success.

AEG
PRESENTS
THE POWER OF LIVE MUSIC
Venue Management, Operations and Programming
WAR MEMORIAL AUDITORIUM
PlayStation
NYC WINTER WINE FESTIVAL
BULLET FOR MY VALENTINE
CHRIS YOUNG
OGDEN THEATRE

War Memorial Auditorium: The Early Years

In the early years, a War Memorial Auditorium audience member was captivated by The Florida Grand Opera and spellbound by the magic of David Copperfield. They tapped their feet to the music of Jerry Lee Lewis, Bill Haley, The Everly Brothers and Buddy Holly. And, on a Thursday night in 1991, 34 year-old actor Mickey Rourke made his pro boxing debut to a packed house.

War Memorial Auditorium: Present & Future

The historic War Memorial Auditorium is an asset and continues to generate revenue for the city. The staff is dedicated to ensure that the historic War Memorial Auditorium provide entertainment for the community and visitors for generations to come.

War Memorial Auditorium

War Memorial Auditorium can become a significant venue in the concert industry with renovations and capital expenditure items.

- Grid System for Permanent State of the Art Sound and Lighting Systems
- Back of House Renovations to include dressing rooms, productions offices and catering area
- Front of House items to include Box Office, Lobby, Concessions and Offices.

AEG

PRESENTS

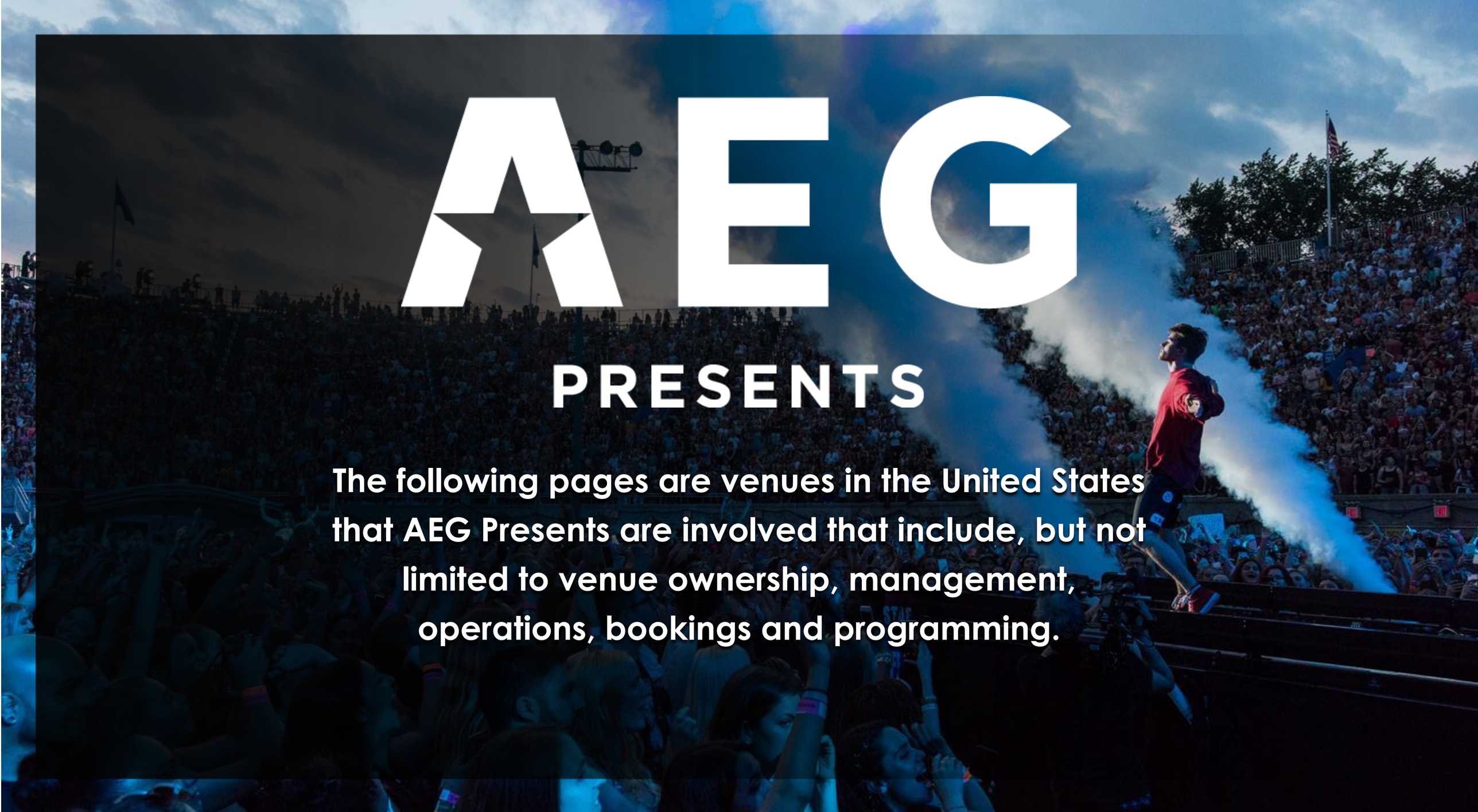
AEG has identified the War Memorial Auditorium as a viable concert and entertainment venue that would be successful in South Florida.

AEG can provide additional funding for renovations and capital expenditures as well as deliver a positive revenue stream to the City of Ft. Lauderdale without and financial exposure.

AEG would also continue working with the existing events that are positive to the venue and City.

The War Memorial and Holiday Park can provide the postivie economic impact.

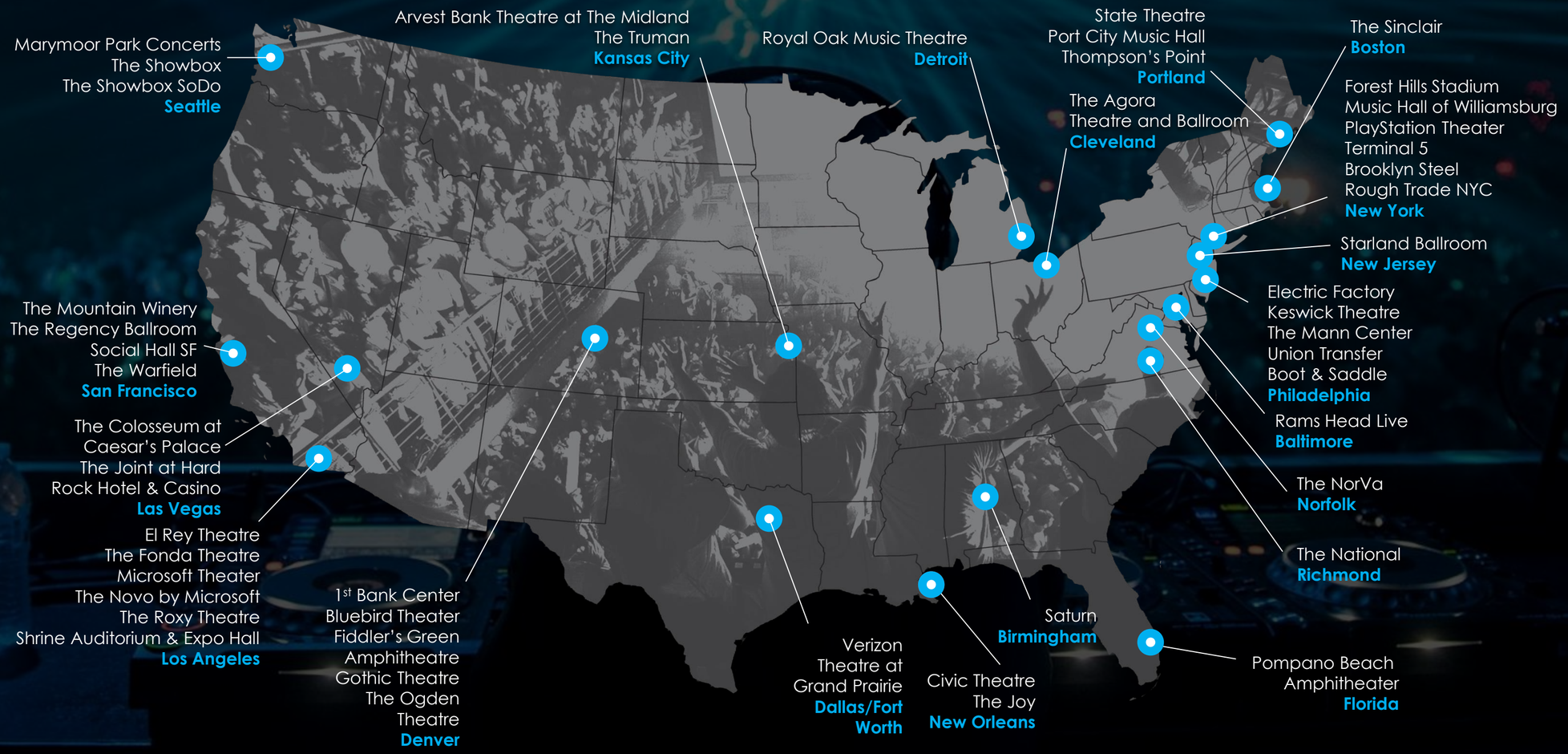
THE RITZ-CARLTON
STAPLES Center
JW MARRIOTT
SUPERIOR
SUPERBALL



AEG PRESENTS

The following pages are venues in the United States that AEG Presents are involved that include, but not limited to venue ownership, management, operations, bookings and programming.

National Live Music Venue Network



National Live Music Venue Network

VENUE / EVENT	MARKET	CAPACITY	SHOWS ANNUALLY
1st Bank Center	Broomfield, CO	7,000	70
The Agora Theatre and Ballroom	Cleveland, OH	2,000	250
Arvest Bank Theatre at The Midland	Kansas City, MO	2,800	110
Bluebird Theater	Denver, CO	550	200
Boot & Saddle	Philadelphia, PA	200	175
Brooklyn Steel	Brooklyn, NY	1,800	150
Civic Theatre	New Orleans, LA	1,200	50
The Colosseum at Caesar's Palace	Las Vegas, NV	4,300	240
Electric Factory	Philadelphia, PA	2,600	100
El Rey Theatre	Los Angeles, CA	771	220
Fiddler's Green Amphitheatre	Englewood, CO	17,000	25
The Fonda Theatre	Los Angeles, CA	1,200	125
Forest Hills Stadium	Queens, NY	13,500	20
Gothic Theatre	Englewood, CO	1,000	110
The Joint at Hard Rock Hotel and Casino	Las Vegas, NV	4,000	125
The Joy	New Orleans, LA	1,200	70
Keswick Theatre	Glenside, PA	1,375	125
The Mann Center	Philadelphia, PA	9,000	30
Marymoor Park Concerts	Redmond, WA	5,000	25
Microsoft Theater	Los Angeles, CA	7,000	50
The Mountain Winery	Saratoga, CA	2,500	75
Music Hall of Williamsburg	Brooklyn, NY	650	225
The National	Richmond, VA	1,500	150
The NorVa	Norfolk, VA	1,450	150

VENUE / EVENT	MARKET	CAPACITY	SHOWS ANNUALLY
The Novo by Microsoft	Los Angeles, CA	2,200	80
The Ogden Theatre	Denver, CO	1,600	140
PlayStation Theater	New York, NY	2,100	150
Pompano Beach Amphitheater	Fort Lauderdale, FL	3,000	25
Port City Music Hall	Portland, ME	580	150
Rams Head Live	Baltimore, MD	1,875	120
The Regency Ballroom	San Francisco, CA	1,450	250
Rough Trade NYC	Brooklyn, NY	250	250
The Roxy Theatre	Los Angeles, CA	500	150
Royal Oak Music Theatre	Detroit, MI	2,000	120
Saturn	Birmingham, AL	525	150
The Showbox	Seattle, WA	1,130	160
The Showbox SoDo	Seattle, WA	1,800	160
Shrine Auditorium & Expo Hall	Los Angeles, CA	6,300	50
The Sinclair	Cambridge, MA	525	250
Social Hall SF	San Francisco, CA	700	150
Starland Ballroom	Sayreville, NJ	2,000	115
State Theatre	Portland, ME	1,929	90
Terminal 5	New York, NY	2,800	125
Thompson's Point	Portland, ME	5,000	12 15
The Truman	Kansas City, MO	1,400	150
Union Transfer	Philadelphia, PA	1,200	200
Verizon Theatre at Grand Prairie	Dallas Fort Worth, TX	6,333	100
The Warfield	San Francisco, CA	2,500	90

Thank You!

AEG
PRESENTS

Jeffrey Chabon
AEG Presents
561 681 5637

AEG
PRESENTS

AEG PRESENTS

Cutting-Edge Live Entertainment

AEG Presents has an international reach with offices in twenty five (25) countries and operates more than 35 music venues across the US including New York, Boston, Denver, Los Angeles, Dallas, Kansas City, Detroit, Philadelphia, Seattle, and Virginia.

In addition to working with and producing some of the biggest tours in the world with acts such as Taylor Swift, the Rolling Stones, Kenny Chesney, Paul McCartney, Ed Sheeran, Katy Perry, and more, AEG Presents is known for creating and producing some of the biggest music festivals in the world. AEG Presents produces more than 30 major music festivals annually including Coachella, Stagecoach, Firefly, New Orleans Jazz & Heritage Festival, Hangout, Rock on the Range, Bumbershoot and many more.

AEG WORLDWIDE

State of the art facilities, sports franchises, worldwide concert tours, world renown festivals, stage shows, and broadcasts. The largest sports and entertainment firm in the world with over 10,000 events each year...

- Global Reach 115 locations on 5 continents
- The largest owner of sports teams in the world (11)
- Owner of the Stanley Cup Champion LA Kings (NHL) and 30% owner of LA Lakers (NBA)
- Producer of more than 9,000 concerts and 1,000 events worldwide annually
- Owner and/ Operator of 100+ elite venues in the World including STAPLES Center, and the O2, two of the busiest and most profitable arenas in the world
- Power behind 'L.A. Live', the $3 billion downtown entertainment district
- More than 60 Million guests entertained annually
- Largest producer of major music festivals in the U.S. (30) , including Coachella, arguably the most influential music festival in the U.S.
- Promoter of some of the biggest concert tours including the Rolling Stones, Justin Bieber, Kenny Chesney, Paul McCartney, Taylor Swift, the Black Eyed Peas, Eric Church, Katy Perry, and more

And much more...

EarthRights International

FORT LAUDERDALE CLIMATE CHANGE LITIGATION

WHO WE ARE

- Nonprofit legal organization
- Representing communities from around the world in U.S. courts
- Over 20 years of suing major oil companies
- Pro bono engagement
- Co-counsel with national and local private firms

GLOBAL BUSINESS

Shell to Pay $15.5 Million to Settle Nigerian Case

By JAD MOUAWAD JUNE 8, 2009

Royal Dutch Shell, the big oil company, agreed to pay $15.5 million to settle a case accusing it of taking part in human rights abuses in the Niger Delta in the early 1990s, a striking sum given that the company has denied any wrongdoing.

The settlement, announced late M
trial in New York that

Indigenous Peruvians win Amazon pollution payout from US oil giant

Out-of-court settlement ends long legal battle for compensation for deaths, birth defects and environmental damage allegedly caused by Occidental's pollution

Carlos Sandi, president of Amazon's native

UNOCAL'S SETTLEMENT WITH BURMESE VILLAGERS MAY SPUR BETTER CORPORATE CONDUCT

A Big Win for Human Rights

DAPHNE EVIATAR

Early in April, the California-based Unocal Corporation announced it was being bought out by its neighbor, the oil giant Chevron-Texaco. Splashed across the business pages, news overshadowed another announce- more quietly two weeks to pay to settle

coincidence, and it underscores just how ously these legal cases are now being tak corporate boardrooms. Once considered nuisances, lawsuits implicating corporati international human rights abuses have b major obstacles to corporate profitabili prospects.

"Companies like Unocal have been c all along that these cases are not to b

MAY 9, 2005

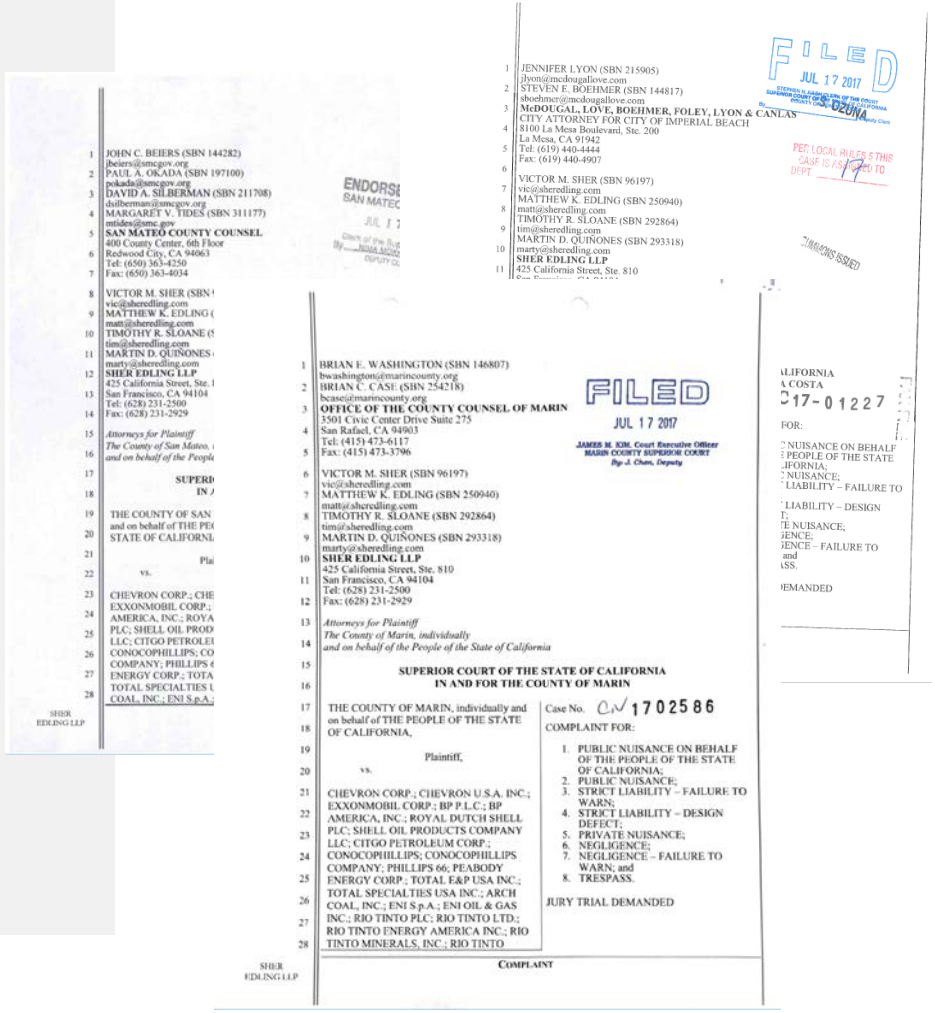
CLIMATE ACCOUNTABILITY LAWSUITS

ERI's clients:

- Boulder County, CO
- City of Boulder, CO
- San Miguel County, CO

Additional suits:

- San Mateo County, CA
- Marin County, CA
- City of Imperial Beach, CA
- City of Santa Cruz, CA
- Santa Cruz County, CA
- City of Richmond, CA
- New York City
- San Francisco, CA
- Oakland, CA
- King County, WA
- State of Rhode Island
- City of Baltimore, MD


JENNIFER LYON (SBN 215905)
jlyon@mcdougallove.com
STEVEN E. BOEHMER (SBN 144817)
sboehmer@mcdougallove.com
McDOUGAL, LOVE, BOEHMER, FOLEY, LYON & CANLAS
CITY ATTORNEY FOR CITY OF IMPERIAL BEACH
8100 La Mesa Boulevard, Ste. 200
La Mesa, CA 91942
Tel: (619) 440-4444
Fax: (619) 440-4907

VICTOR M. SHER (SBN 96197)
vic@sheredling.com
MATTHEW K. EDLING (SBN 250940)
matt@sheredling.com
TIMOTHY R. SLOANE (SBN 292864)
tim@sheredling.com
MARTIN D. QUIÑONES (SBN 293318)
marty@sheredling.com
SHER EDLING LLP
425 California Street, Ste. 810

FILED
JUL 17 2017

JOHN C. BEERS (SBN 144282)
jbeiers@smcgov.org
PAUL A. OKADA (SBN 197100)
pokada@smcgov.org
DAVID A. SILBERMAN (SBN 211708)
dsilberman@smcgov.org
MARGARET V. TIDES (SBN 311177)
mtides@smc.gov
SAN MATEO COUNTY COUNSEL
400 County Center, 6th Floor
Redwood City, CA 94063
Tel: (650) 363-4250
Fax: (650) 363-4034

VICTOR M. SHER (SBN
vic@sheredling.com
MATTHEW K. EDLING (
matt@sheredling.com
TIMOTHY R. SLOANE (S
tim@sheredling.com
MARTIN D. QUIÑONES
marty@sheredling.com
SHER EDLING LLP
425 California Street, Ste.
San Francisco, CA 94104
Tel: (628) 231-2500
Fax: (628) 231-2929

Attorneys for Plaintiff
The County of San Mateo,
and on behalf of the People

SUPERI
IN

THE COUNTY OF SAN
and on behalf of THE PE
STATE OF CALIFORN

Pla

vs.

CHEVRON CORP.; CHE
EXXONMOBIL CORP.;
AMERICA, INC.; ROYA
PLC; SHELL OIL PROD
LLC; CITGO PETROLE
CONOCOPHILLIPS; CO
COMPANY; PHILLIPS
ENERGY CORP.; TOTA
TOTAL SPECIALTIES
COAL, INC.; ENI S.p.A.;

SHER EDLING LLP

BRIAN E. WASHINGTON (SBN 146807)
bwashington@marincounty.org
BRIAN C. CASE (SBN 254218)
bcase@marincounty.org
OFFICE OF THE COUNTY COUNSEL OF MARIN
3501 Civic Center Drive Suite 275
San Rafael, CA 94903
Tel: (415) 473-6117
Fax: (415) 473-3796

VICTOR M. SHER (SBN 96197)
vic@sheredling.com
MATTHEW K. EDLING (SBN 250940)
matt@sheredling.com
TIMOTHY R. SLOANE (SBN 292864)
tim@sheredling.com
MARTIN D. QUIÑONES (SBN 293318)
marty@sheredling.com
SHER EDLING LLP
425 California Street, Ste. 810
San Francisco, CA 94104
Tel: (628) 231-2500
Fax: (628) 231-2929

Attorneys for Plaintiff
The County of Marin, individually
and on behalf of the People of the State of California

FILED
JUL 17 2017
JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: J. Chan, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MARIN

THE COUNTY OF MARIN, individually and on behalf of THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CHEVRON CORP.; CHEVRON U.S.A. INC.; EXXONMOBIL CORP.; BP P.L.C.; BP AMERICA, INC.; ROYAL DUTCH SHELL PLC; SHELL OIL PRODUCTS COMPANY LLC; CITGO PETROLEUM CORP.; CONOCOPHILLIPS; CONOCOPHILLIPS COMPANY; PHILLIPS 66; PEABODY ENERGY CORP.; TOTAL E&P USA INC.; TOTAL SPECIALTIES USA INC.; ARCH COAL, INC.; ENI S.p.A.; ENI OIL & GAS INC.; RIO TINTO PLC; RIO TINTO LTD.; RIO TINTO ENERGY AMERICA INC.; RIO TINTO MINERALS, INC.; RIO TINTO

Case No. CV 1702586

COMPLAINT FOR:

1. PUBLIC NUISANCE ON BEHALF OF THE PEOPLE OF THE STATE OF CALIFORNIA;
2. PUBLIC NUISANCE;
3. STRICT LIABILITY – FAILURE TO WARN;
4. STRICT LIABILITY – DESIGN DEFECT;
5. PRIVATE NUISANCE;
6. NEGLIGENCE;
7. NEGLIGENCE – FAILURE TO WARN; and
8. TRESPASS.

JURY TRIAL DEMANDED

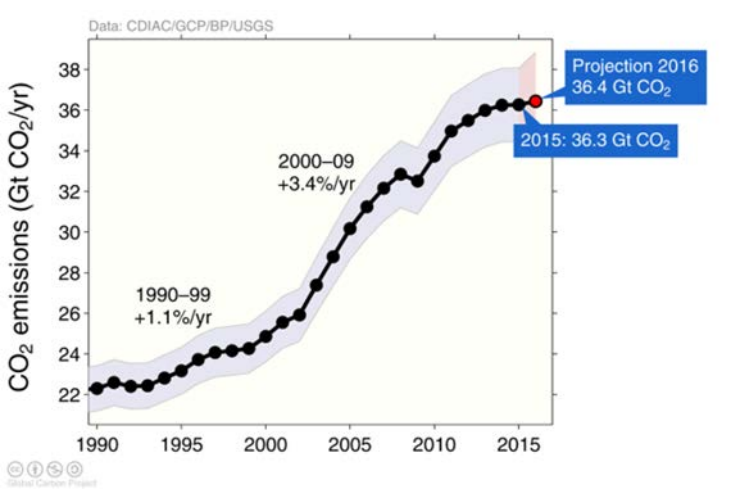
SHER EDLING LLP

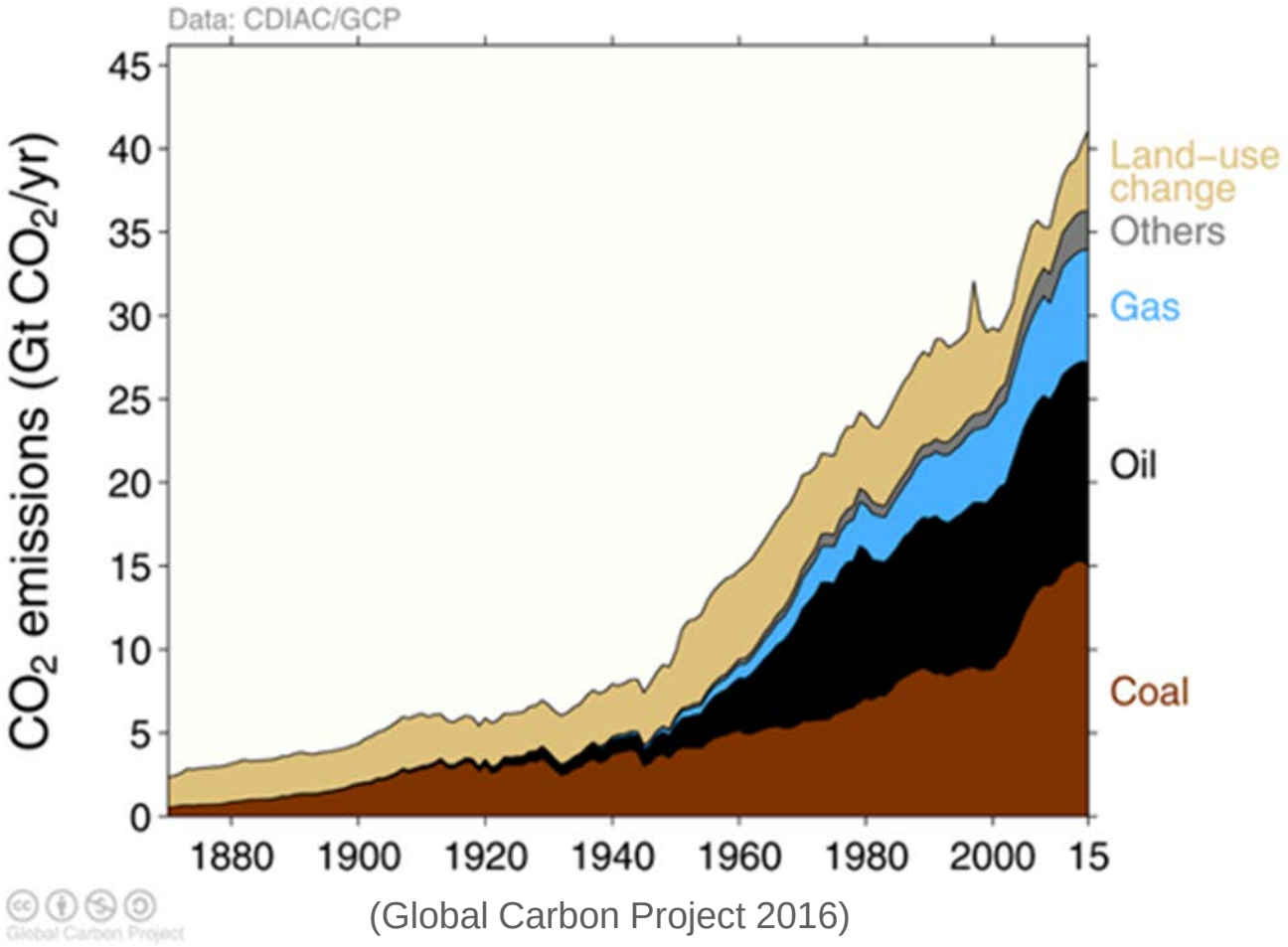
COMPLAINT

STEP 1: LINKING EMISSIONS TO IMPACTS

FOSSIL FUELS DOMINATE GHG EMISSIONS SINCE 1960

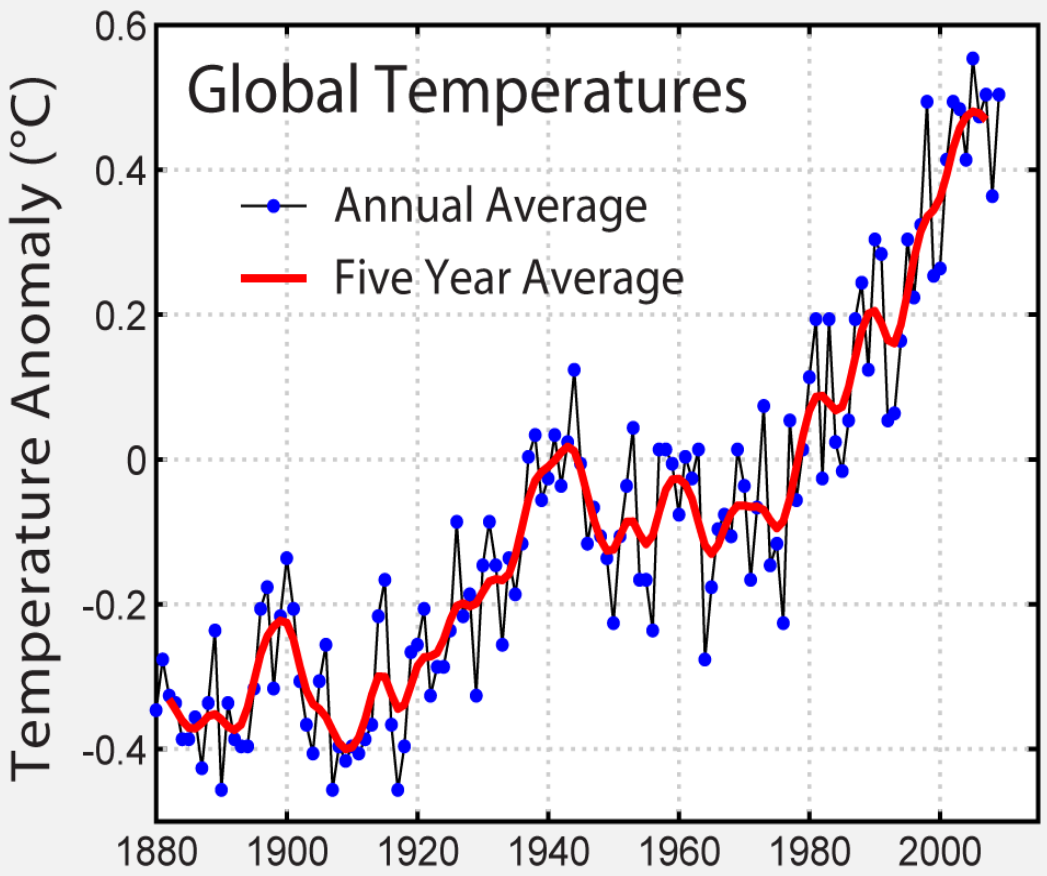
- “Human activities are responsible for **almost all** of the increase in greenhouse gases … over the last 150 years” (USEPA; IPCC)





(Global Carbon Project 2016)

EMISSIONS AND TEMPERATURE



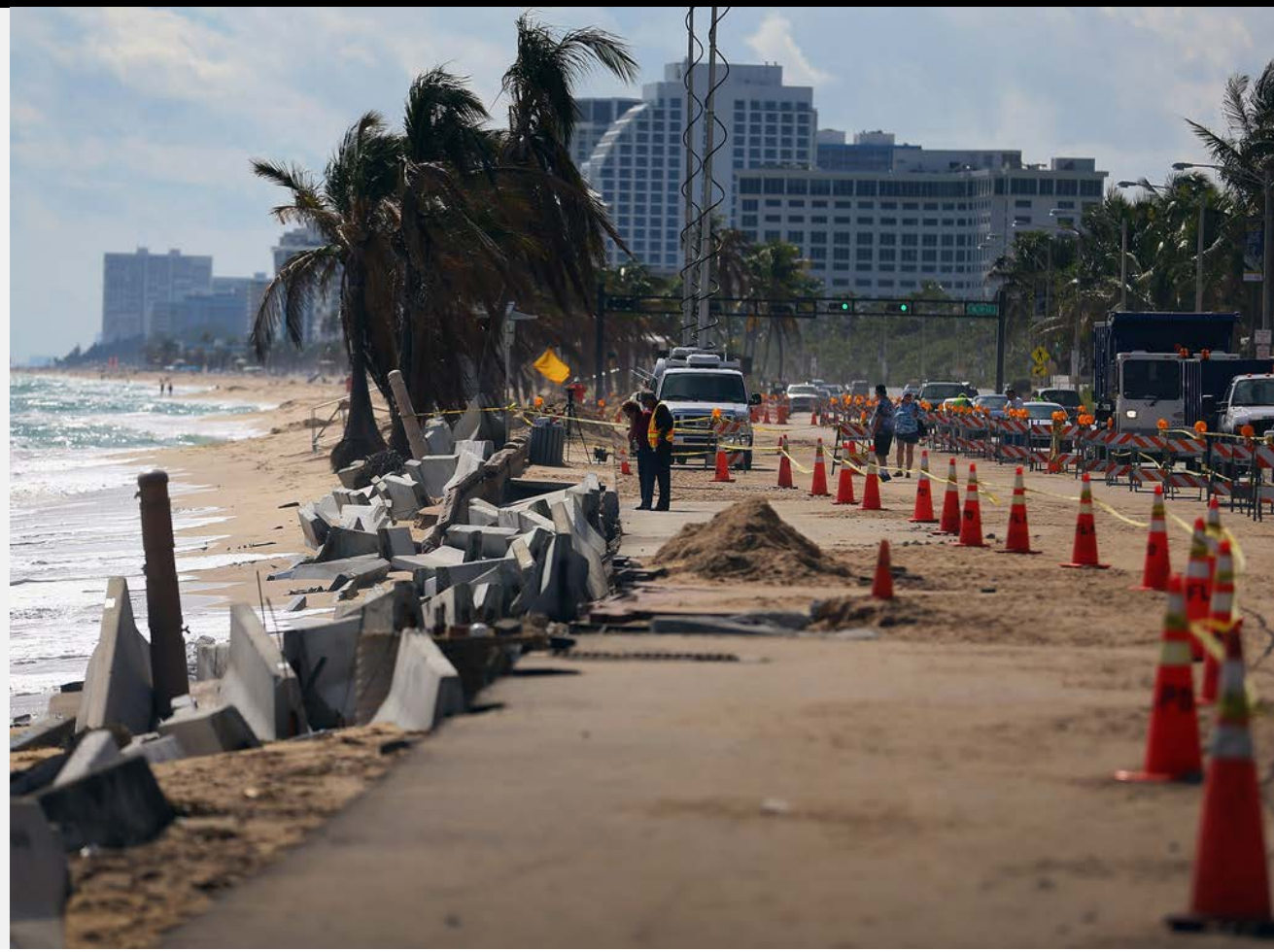
- There is a "simple and powerful link between total global emissions of carbon dioxide and local climate warming."
  (Matthews et al. 2016)

- Already about 1.5°F warming (over 20th century average) by 2014-17

- Temperature rise in Florida has been higher: about 2°F increase since 1970s

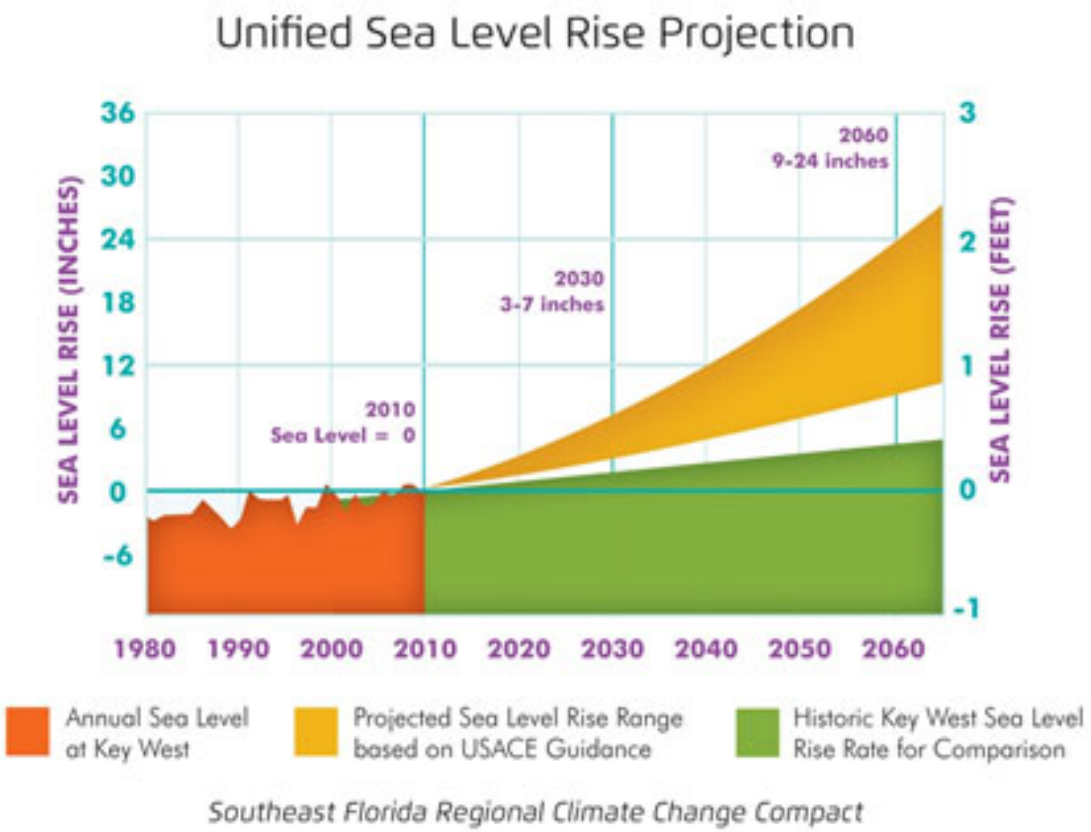
IMPACTS: FORT LAUDERDALE

- Rising seas
- King tides & coastal flooding
- Erosion
- Saltwater intrusion
- More frequent and severe storms
- Rising temperatures
- Major repairs and adaptations to infrastructure, property, and natural habitats
- Disease vectors and other public health impacts
- Harmful algal blooms (red tide)



SEA LEVEL RISE

SEA LEVEL RISE DUE TO GHG EMISSIONS



"[S]imilar to global mean temperature, there is a well-defined relation between cumulative emissions of CO2 and [Global Mean Sea Level]…."

(Clark et al., "Consequences of twenty-first-century policy for multi-millennial climate and sea-level change," Nature Climate Change (Feb. 8, 2016))

- Fort Lauderdale: predicted 3-7 inches by 2030, up to 2 feet by 2060

SEA LEVEL RISE IMPACTS

Fort Lauderdale vulnerability: tidally influenced waterways; saltwater intrusion; erosion; extreme high tides; coastal flooding

- About 3,000 people and 2,200 homes worth $1.3 billion within 2 feet above sea level – many more at risk of flooding
- With beaches and extensive canals and waterways → **337 miles of shoreline**
- Jeopardized drinking water → Broward County expects to **lose 41% of coastal well field** capacity to underground push of salt water **within 50 years**

Fort Lauderdale on the front lines: 42 flood adaptation projects identified, underway, or complete

Major and increasing costs – examples:

- Breakers Avenue resilience project: **$2.9M**
- **252 tidal valves** installed or proposed (1-54 cost **$1.75M**; potential total: **>$6M**)
- Replacement and repair of **14 seawalls** ($4.2M budgeted for 2021)
- **$51M** (cost-sharing) for recent Broward County beach renourishment (3.5 of 4.9 mi in Ft Lauderdale)

(Climate Central Risk Finder 2018; Community Investment Plan 2019-2023; Sun Sentinel, 6/1/18; Ft Lauderdale Gvt)

CHANGING TEMPERATURE & HYDROLOGIC CYCLE

EXTREME WEATHER EVENTS

"Human activities have contributed substantially to observed ocean-atmosphere variability . . . these changes have contributed to the observed upward trend in North Atlantic hurricane activity since the 1970s.

". . . the models generally show an **increase in the number of very intense [tropical cyclones]**. . . . increases are projected in precipitation rates and intensity."

(National Climate Assessment)

STORM EVENTS: FORT LAUDERDALE

Devastating effects of increasing storm severity and frequency

Severe damage when seasonal high tides collided with effects of Hurricane Sandy, including destruction of 4-block stretch of State Rd A1A through the City

Major costs already incurred & much higher ones to come:

- Beach remediation related to impacts of Hurricane Sandy: **$8.3M**
- **$15M** worth of projects issued to address inflow and infiltration
- Implementing 10-year Stormwater Master Plan to reduce flooding with conventional and green infrastructure
  - Phase 1: **$9.9M**
  - Est. construction costs (7 priority neighborhoods): **~$200M**

(Press Play Fort Lauderdale Progress Report, 2018; Fast Forward Fort Lauderdale: Our City, Our Vision 2035)

RISING TEMPERATURES: FORT LAUDERDALE

The number of days with temperatures above 95 °F in Florida has steadily increased since 1970. By 2040, the region is projected to experience **more than 50 additional 95 °F days per year**.

- Fort Lauderdale's hot season is **~3 weeks longer** than it was in the 1950s
- **Urban Heat Island Effect** has exaggerated normal warming cycles, increasing chances of extreme heat and severe drought
- If current trends continue, up to **9 °F rise** by 2100
- Impacts include:
  - Amplification of extreme weather events
  - High temperatures means more water evaporation and prolonged periods without rain followed by heavy downpours
  - Public health: exacerbated risk of respiratory and cardiac illnesses; heat-related illnesses, particularly among low-income people; increase in disease epidemics

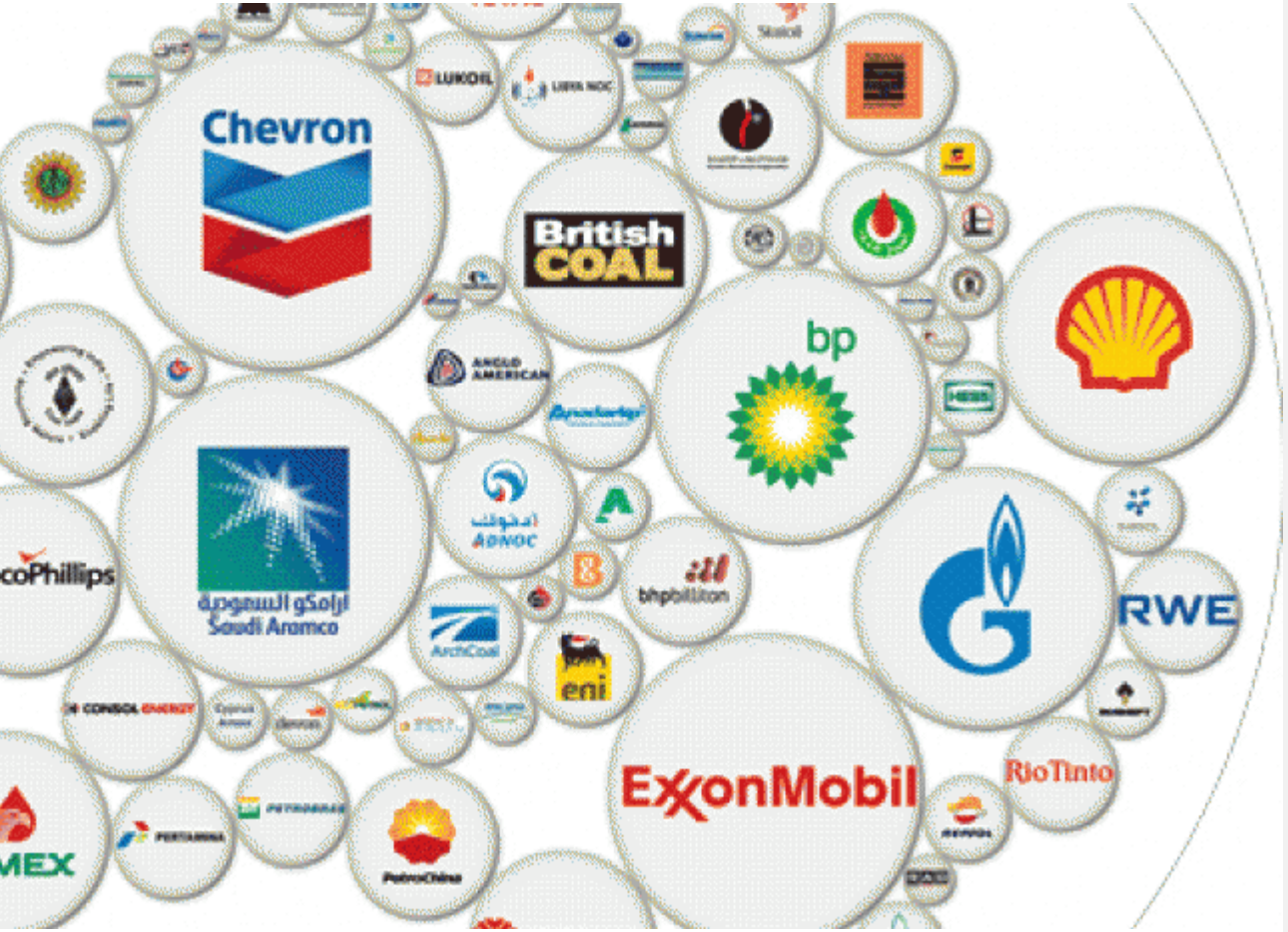
(Center for American Progress, 2016; Sierra, 4/28/17; Karen Clark & Co., 2015; Fort Lauderdale Sustainability Action Plan; Ft. Lauderdale gvt.)

STEP 2: LINKING EMISSIONS TO SPECIFIC CORPORATIONS

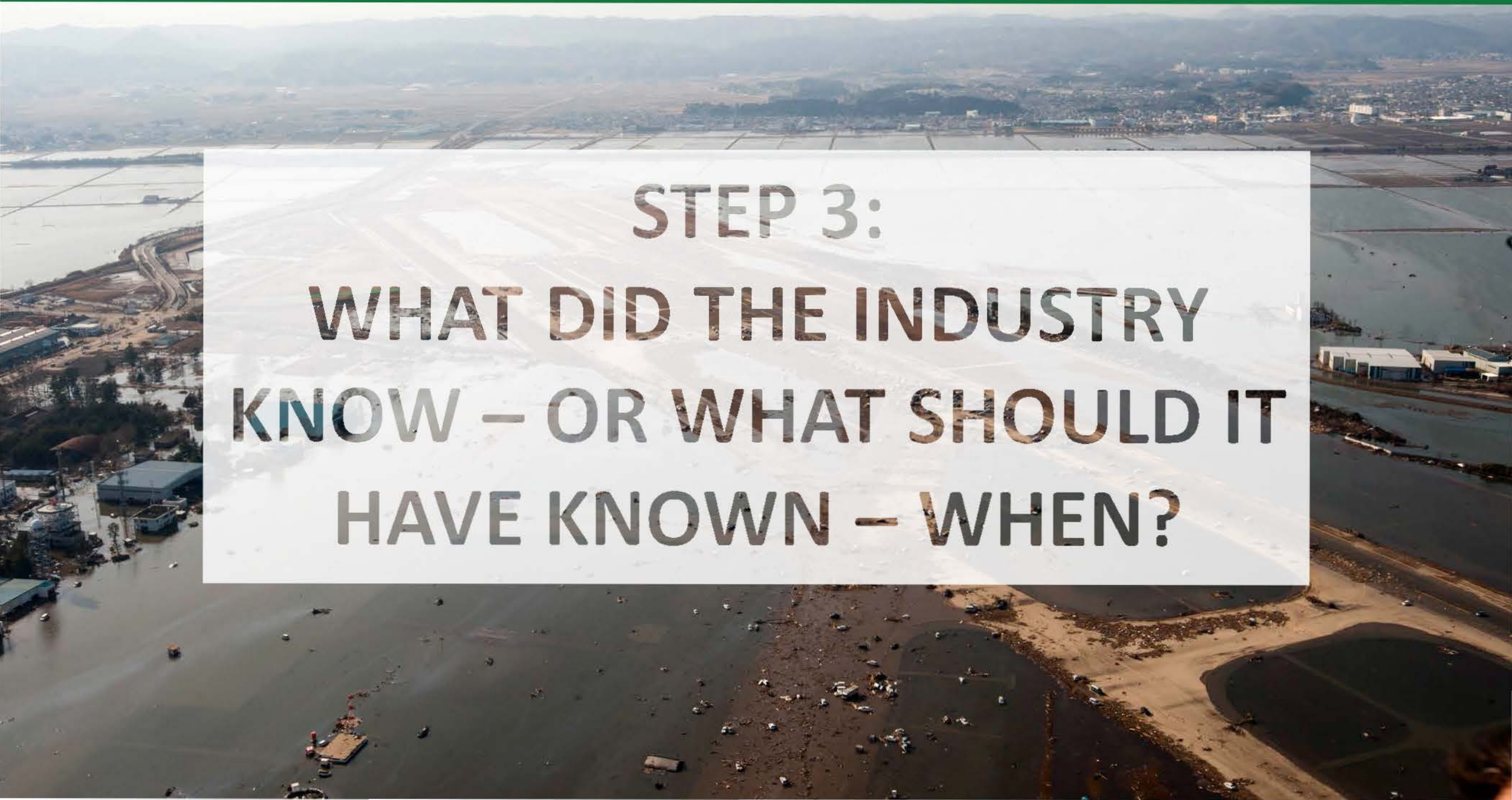
APPROACHES

- Extraction
- Production
- Sales

CARBON MAJORS PROJECT



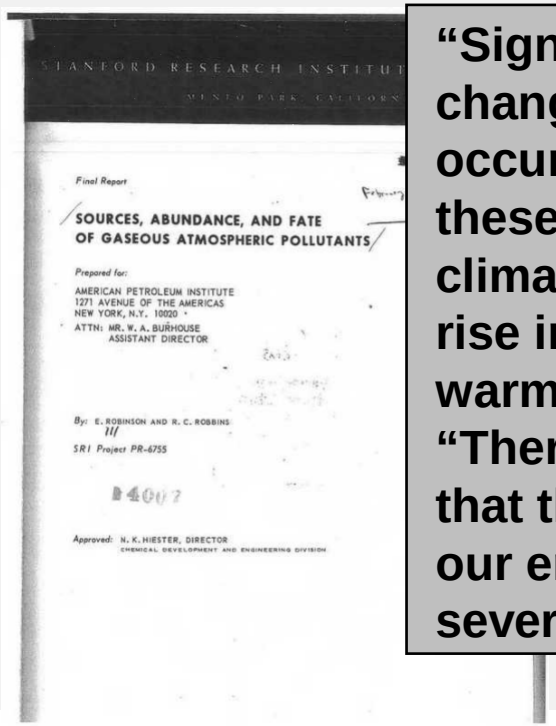
- Climate Accountability Institute project
- "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854 – 2010," Climatic Change Jan. 2014
- ExxonMobil's fossil fuels alone account for over 3% of all historic GHG emissions



STEP 3:
WHAT DID THE INDUSTRY KNOW – OR WHAT SHOULD IT HAVE KNOWN – WHEN?

WHAT THEY KNEW

1968: Stanford Research Institute report prepared for the American Petroleum Institute


STANFORD RESEARCH INSTITUTE
MENLO PARK, CALIFORNIA

Final Report

SOURCES, ABUNDANCE, AND FATE OF GASEOUS ATMOSPHERIC POLLUTANTS

Prepared for:
AMERICAN PETROLEUM INSTITUTE
1271 AVENUE OF THE AMERICAS
NEW YORK, N.Y. 10020
ATTN: MR. W. A. BURHOUSE
ASSISTANT DIRECTOR

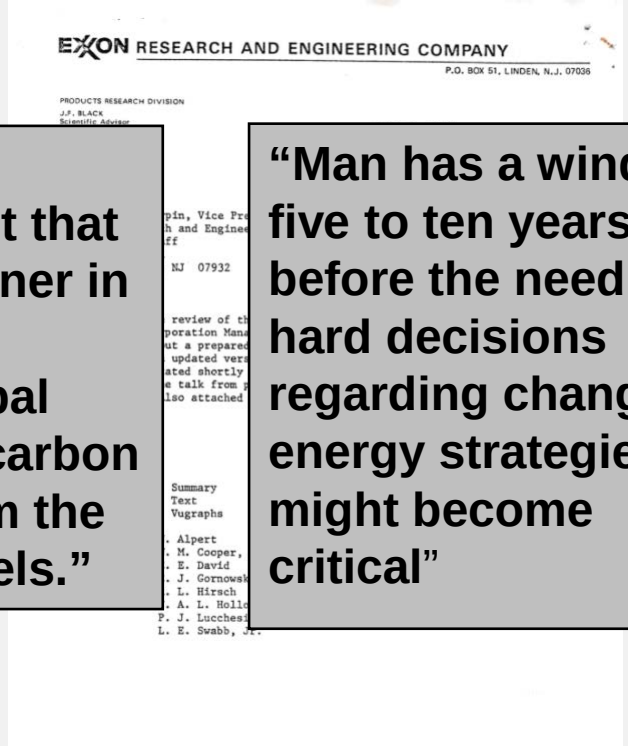
By: E. ROBINSON AND R. C. ROBBINS

SRI Project PR-6755

Approved: N. K. HIESTER, DIRECTOR
CHEMICAL DEVELOPMENT AND ENGINEERING DIVISION

"Significant temperature changes are almost certain to occur by the year 2000, and these could bring about climatic change … [i]ncluding a rise in sea levels [and] warming of the oceans…. "There seems to be no doubt that the potential damage to our environment could be severe."

1978: Presentation by scientist J.F. Black to Exxon Corporate Management Committee


EXXON RESEARCH AND ENGINEERING COMPANY
P.O. BOX 51, LINDEN, N.J. 07036

PRODUCTS RESEARCH DIVISION
J.F. BLACK
Scientific Advisor

"There is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels."

"Man has a window of five to ten years before the need for hard decisions regarding changes in energy strategies might become critical"

THEY KNEW

"By the time the global warming becomes detectable it could be too late to take effective countermeasures to reduce the effects or even to stabilise the situation…*The potential impacts are sufficiently serious for research to be directed more to the analysis of policy and energy options than to studies of what we will be facing exactly*."

*(**"The Greenhouse Effect,"** Greenhouse Effect Working Group, Royal Dutch Shell, 1988)*

1988

- NASA's Dr. James Hansen: "The greenhouse effect has been detected, and it is changing our climate **now**."
- Five bipartisan climate change bills in Congress; George H.W. Bush promises action
- IPCC formed with U.S. support
- Fossil fuel companies: focus on uncertainties

EXXON LEADS IN PROMOTING "UNCERTAINTY"

- 1988 internal Exxon memo:

> o EXXON IS PROVIDING LEADERSHIP THROUGH API IN DEVELOPING THE PETROLEUM INDUSTRY POSITION.
>
> EXXON POSITION
>
> o EMPHASIZE THE UNCERTAINTY IN SCIENTIFIC CONCLUSIONS REGARDING THE POTENTIAL ENHANCED GREENHOUSE EFFECT.
>
> o URGE A BALANCED SCIENTIFIC APPROACH.

- Exxon's own scientists explained that any "uncertainty" was only about how fast climate change would become catastrophic

"The present trend of fossil fuel consumption will cause dramatic environmental effects before the year 2050."

-Exxon study, 1979

"Once the effects are measurable, they might not be reversible, and little could be done to correct the situation in the short-term."

- Exxon report, 1982

WHAT THEY DID INTERNALLY

1989: New York Times article

(about a Norske Shell-run gas field)

The New York Times

WORLD | U.S. | N.Y. / REGION | BUSINESS | TECH

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Greenhouse Effect: Shell A

Published: December 20, 1989

Whether global warming will raise the level still being debated, but engineers who build platforms at Shell Oil do not want to take chances. In what is considered the first major project that takes account of the changes the greenhouse effect is expected to bring, the engineers are designing a huge platform that anticipates rising water in the North Sea.

Norske Shell, the company's Norwegian subsidiary, had been planning to build in the Troll gas field a 1.5-million-metric-ton structure that would stand in more than 300 meters of water, or abou 30 meters above the surface, or about 100 feet.

"Engineers are considering raising the platform from the standard 30 meters - the height now thought necessary to stay above the waves that come in a once-a-century storm - to 31 or 32 meters…

A one-meter increase would cost an additional $16 million…and a two-meter rise roughly double that. The higher number is about 1 percent of the platform's projected cost."

1996: Sable Offshore Energy Project EIS

(jointly operated by ExxonMobil Canada Properties, Shell Canada Limited, and Imperial Oil Resources)

SOEP- Environmental Impact Statement i

PREFACE

This **Environmental Impact Statement** is **Volume 3** of five documents comprising an application for approval of the **Sable Offshore Energy Project**. These documents are:

Volume 1 Project Overview
Volume 2 Development Plan Application
Volume 3 Environmental Impact Statement
Volume 4 Socio-Economic Impact Statement
Volume 5 Canada-Nova Scotia Benefits Plan

The purpose of each volume is:

Volume 1 Project Overview:

To summarize the application and to provide a description of the Project in sufficient detail to satisfy readers interested in a general review.

Volume 2 Development Plan Application:

To describe the gas reservoirs, development strategy, proposed facilities, and Project environmental and safety management.

Volume 3 Environmental Impact Statement (EIS):

To describe the physical and biological environment surrounding the Project, assess potential impacts and identify ways to minimize them.

particular emphasis on
ential socio-economic
potential benefits; to

nefits from the Project

"For the design of coastal and offshore structures, an estimated rise in water level, due to global warming, of 0.5 m to may be assumed for the proposed project life (25 years)."

WHAT THEY DID EXTERNALLY

1989-2004: Series of NYT ExxonMobil advertorials

The environment… better than you think

The sky is not falling

Good news: The end of the Earth as we know it is not imminent. The cycle of decline in the quality of our environment can be broken and, despite what some environmentalists are claiming, great strides have already been taken towards improving our situation.

the road increased. Air pollution from lead declined by more than 90 percent, and emissions that form smog and acid rain declined substantially. The number of cities that do not meet national ambient air-quality standards has declined by 50 percent since the mid-'70s. This

Mobil

Climate change: a prudent approach

Ask the wrong questions and you may be stuck with the wrong answers. This could occur next month in Kyoto, Japan, as government negotiators weigh questions on how to reduce greenhouse gas emissions now and who should bear the burden of these cuts.

These questions, we believe, are premature. We don't know enough about the factors that affect global warming and the degree to which—if any—that man-made emissions (namely, carbon dioxide) contribute to increases in Earth's temperature.

Instead, we should be asking: What precautionary, voluntary steps can be taken now to reduce greenhouse gases while science is developing answers that will improve our decision-making?

Governments, industry and individuals can all contribute. Mobil is stepping up efforts on two fronts—reducing emissions at the source and removing carbon dioxide from the atmosphere. We're supporting research and technology efforts, curtailing our own greenhouse gas emissions and helping customers scale back their emissions of carbon dioxide.

Technology/R&D. We continue to sponsor research at universities and other institutions. At Battelle Pacific Northwest Laboratory and the Massachusetts Institute of Technology, for example, we're supporting research to identify technology strategies that promise the greatest potential for reducing greenhouse gas emissions.

At Columbia's Lamont-Doherty Geophysical Observatory, we supported work on the role that oceans play in the climate system. Though more than 90 percent of the energy in the climate system is stored in the top layer of the oceans, scientists currently have a poor understanding of how to predict sea surface temperatures. Improved understanding of this system could lead to better predictions of future climate change.

More is on tap for the future. More to understand the greenhouse gas implications of our investment decisions as we develop new hydrocarbon resources. More to investigate technologies that can reduce energy consumption and greenhouse gases. And more to support changes in transportation power sources and fuel technologies, including fuels for hybrid and fuel-cell vehicles.

Internal efforts. Inside Mobil, we've cut emissions by more than one million tons of carbon over the past three years. To put this in context, the average U.S. automobile emits about two tons of carbon annually. We've used manufacturing process improvements to cut the energy needed to refine a barrel of oil. Without compromising safety, we've eliminated gas-flaring from many offshore operations. And participating in a U.S. government program, we've eliminated leaks of methane, which is six times more potent than carbon dioxide, from our natural gas production and distribution systems. Upgraded lighting systems and more energy-efficient offices have helped, too.

Products. Mobil's synthetic lubricants help customers use energy more efficiently. Use of these products helped cut carbon emissions by one million tons since 1990. For tomorrow, we're designing more stable lubricants that promise longer life and greater energy efficiency.

Reforest

Mobil

"More than 30 years have passed since the environmental movement began. They made their point. There is no longer a need for alarmists."

Sept. 28, 1995

"We don't know enough about the factors that affect global warming and the degree to which—if any— . . . man-made emissions (namely carbon dioxide) contribute to increases in Earth's temperature."

November 13,1997

6-20-2001: U.S. State Dept. talking points for meeting with Global Climate Coalition

RELEASED IN FULL

Talking Points

s a serious problem:

n seeks realistic and effective policies.

appropriate response:

isoever that developing countries would have ticipated.

o costly and would never have been ratified. Better to start over now rather than continue charade.

Future constructs:

- Hold to Principles - response must be global, reasoned and flexible; include market incentives and incentives for technological innovation; sustain economic growth.
- Protect U.S. interests in the international negotiations.
- Guard against trade sanctions as means to force Protocol upon the United States.

Solicit views in developing an effective and market-based response:

- POTUS rejected Kyoto, in part, based on input from you.
- POTUS believes, however, we need to show leadership on this issue to advance U.S. domestic and international policy objectives.
- Interested in hearing from you, what type of international alternatives to Kyoto would you support?

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L MILLS
DATE/CASE ID: 03 MAY 2004 200302595

UNCLASSIFIED

"POTUS rejected Kyoto, in part, based on input from you"

AMERICAN PETROLEUM INSTITUTE

- "Victory will be achieved when average citizens 'understand' (recognize) uncertainties in climate science. . . . Unless climate change becomes a non-issue . . . there may be no moment when we can declare victory for our efforts."

(Global Climate Science Communication Plan, API, 1998)

- Strategy succeeded: knowledge about climate change *declined*
- By 2012, only 45% of Americans agreed that "scientists believe that earth is getting warmer because of human activity"

LITIGATION PROGRESS

- Fifteen communities in thirteen lawsuits: all asserting public nuisance claims under *state* law (not federal law), almost all filed in state courts
  - Other claims include private nuisance, negligence, trespass
- First issue: state vs. federal court
  - One judge ruled two cases (San Francisco & Oakland) belong in federal court
  - Another judge ruled six cases belong in state court
  - Other cases still pending
- July dismissals: San Francisco/Oakland, New York City
  - Only in case in federal court, and decisions depend on federal law
  - All on appeal

NEXT STEPS?

- ERI's model in Colorado:
  - EarthRights International (ERI) as Special Counsel to develop litigation
  - Pro bono engagement; no costs to city
  - Work with city staff to assess impacts
  - Possible joint case with other South Florida communities
  - Private firm co-counsel, on contingency, join at litigation stage
- Expect industry pushback

THANK YOU!

EARTHRIGHTS INTERNATIONAL

Marco Simons

General Counsel,
EarthRights International

marco@earthrights.org