



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

**#16-1354**

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

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** November 1, 2016

**TITLE:** Resolution Appointing the Law Firm of Lewis Longman Walker, as Special Counsel to the City of Fort Lauderdale for the Purpose of Assisting the City in Responding to the Florida Department of Environmental Protection's (FDEP) Enforcement Efforts on Unauthorized Sewer Discharges; Providing a Rate of Compensation for the Services of Attorneys; Repealing any and all Resolutions or Parts thereof in Conflict herewith; and Providing for an Effective Date

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**Recommendation**

It is recommended that the City Commission adopt the attached Resolution appointing Lewis Longman Walker at the rates specified below to serve as Special Counsel to the City for the purpose of assisting the City in responding to the Florida Department of Environmental Protection's (FDEP) enforcement efforts on unauthorized sewer discharges.

**Background**

On June 23, 2016, the City of Fort Lauderdale had two simultaneous sewer force main breaks. The two breaks (one surface and one subaqueous) accounted for the estimated discharge of 14.67 million gallons of untreated wastewater into surface water at either George English Park or into the Himmarshee Canal. Because of the size of the breaks and the quantity discharged, FDEP has indicated their intent to exercise enforcement for non-compliance.

Special Counsel will assist the City with its negotiations with FDEP and will assist the City in navigating FDEP's administrative enforcement efforts.

**Resource Impact**

Funds for this agreement in the amount of \$40,000 are available in the FY 2017 Budget in the account listed below:

<i>Funds available as of October 24, 2016</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
450-PBS010101-3119	Public Services Directors	Services & Materials/ Legal Services	\$413,500	\$381,365	\$40,000
<b>TOTAL AMOUNT ►</b>					<b>\$40,000</b>

The rate of compensation for services is as follows:

Partner Attorneys - \$295.00 / hour

Non-Partner Attorneys - \$200.00 / hour

There are common costs and expenses that are charged as they are incurred. These are identified and included as Attachment 1 in Exhibit 2.

### **Attachments**

Exhibit 1 – Resolution

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Prepared by: Christopher J. Lagerbloom, ICMA-CM, City Manager's Office

Charter Officer: Lee R. Feldman, ICMA-CM, City Manager