



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#17-0216

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

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

DATE: April 19, 2017

TITLE: Motion to Approve Increase in Funds for the Law Firm of Lewis Longman Walker, 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

Recommendation

It is recommended that the City Commission approve the addition of funds to the existing Special Counsel agreement (CAM #16-1354) with the law firm of Lewis Longman Walker in the amount of \$150,000.

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, Florida Department of Environmental Protection (FDEP) has indicated its intent to exercise enforcement for non-compliance.

On November 1, 2016, the City Commission adopted a Resolution (CAM#16-1354) appointing Lewis Longman Walker as Special Counsel to the City for the purpose of assisting the City in responding to FDEP's enforcement efforts on unauthorized sewer discharges in the amount of \$40,000.

Due to the current pace of the negotiations and estimated amount of work still required to resolve all issues between the City and FDEP, an additional \$150,000 is needed for Lewis Longman Walker to continue to serve as Special Counsel on behalf of the City during this critical negotiation period with FDEP and help navigate the enforcement efforts of the final Consent Order agreement. To date, the City has spent \$35,000 of the original \$40,000 authorized by the City Commission.

Resource Impact

Funds for this agreement in the amount of \$150,000 are available in the FY 2017 Budget in the account listed below:

<i>Funds available as of April 6, 2017</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
450-PBS060101-3119	Utilities Engineering Operations	Services & Materials/ Legal Services	\$3,505,185	\$2,238,609	\$150,000
TOTAL AMOUNT ►					\$150,000

The rate of compensation for services is as follows:

Partner Attorneys - \$295.00 / hour

Non-Partner Attorneys - \$200.00 / hour

Attachments

Exhibit 1 – CAM #16-1354

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

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