



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#20-0261

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

FROM: Alain E. Boileau, City Attorney

DATE: March 3, 2020

TITLE: Resolution reappointing Lewis, Longman & Walker, P.A., 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 (FDEP)'s enforcement efforts regarding the City's wastewater collection system releases - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

It is recommended that the City Commission adopt a resolution reappointing Lewis, Longman & Walker, P.A., 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 (FDEP)'s enforcement efforts regarding the City's wastewater collection system releases, and prescribing the hourly rates to be paid for such legal services.

Background

Section 4.10 of the Charter of the City of Fort Lauderdale, Florida, provides, in part, that "[t]he city commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribe the compensation to be paid the special counsel."

As a result of several sewer force main breaks and the City's wastewater collection system releases from December 2019 through February 2020, the City received a settlement proposal in the form of a Short Form Consent Order and a proposed fine of \$1,796,500.00 from the Florida Department of Environmental Protection (FDEP) on or about February 18, 2020. The City is in need of Lewis, Longman & Walker, P.A.'s expertise and experience in this legal and environmental area to assist the City with its negotiations with FDEP and to assist the City in navigating FDEP's administrative enforcement efforts against the City.

Resource Impact

Funds for this agreement in the amount of \$150,000 are available in the FY 2020 Budget in the account(s) listed below:

<i>Funds available as of February 25, 2020</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	\$3,070,197	\$346,656	\$150,000
TOTAL AMOUNT ►					\$150,000

Attachment

Exhibit 1 – Resolution

Prepared by: Alain E. Boileau, City Attorney

Department Director: Alain E. Boileau, City Attorney