

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF MIRAMAR, FLORIDA, TO SATISFY HOLLYWOOD'S REUSE SYSTEM OBLIGATION UNDER THE OCEAN OUTFALL LEGISLATION IN THE AMOUNT OF \$7,000,000.00; APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the City owns and operates the Southern Regional Wastewater Treatment Plant; and

WHEREAS, pursuant to Section 403.086(9)(c)(1), Florida Statutes, each utility that had a permit for a domestic wastewater facility that discharged through an ocean outfall on July 1, 2008 must install, or cause to be installed, a functioning reuse system within its service area, or by contract with another utility within Miami-Dade County, Broward County or Palm Beach County, by December 31, 2025 (the "Ocean Outfall Legislation"); and

WHEREAS, the City is the holder of a permit for a domestic wastewater facility that discharged through an ocean outfall on July 1, 2008, and has opted to satisfy a portion of the statutory requirement by entering into a contract with another utility within Broward County in order to meet the requirement under the Ocean Outfall Legislation; and

WHEREAS, in early 2016, the City initiated discussions with the City of Miramar ("Miramar") regarding the efficacy of a contracted arrangement for a functioning reuse system with another utility, which culminated on March 11, 2019, with the goal to target an allocation of 2.0 million gallons per day ("MGD") of contractual reuse for a functional reuse system to be implemented by Miramar as part of ongoing and upcoming improvements to Miramar's reclaimed water system; and

WHEREAS, pursuant to the Ocean Outfall Legislation, the City is subject to an Administrative Order as clarified by the Florida Department of Environmental Protection ("FDEP") requiring that it provide a total of 4.5 MGD of contracted reuse water on an annual average daily flow basis, constituting 40% of its feasible reuse goal of 10.0 MGD established by FDEP, of which the attached Interlocal Agreement would provide a total of 2.0 MGD of the 4.5 MGD requirement; and

WHEREAS, in accordance with the attached Interlocal Agreement, the City shall make a lump sum payment to Miramar in the amount of \$7,000,000.00 within 90 days of the City's receipt of written approval of the Interlocal Agreement; and

WHEREAS, the Department of Public Utilities staff recommends that the City Commission authorize the appropriate City officials to execute the attached Interlocal Agreement; and

WHEREAS, part of the funding was included in the FY 2019 Capital Improvements Program that was approved by Resolution R-2018-302; and

WHEREAS, funding is available in account number 442-409901-53600-531210-000458-000-000; and

WHEREAS, it is necessary to amend the approved FY 2019 Capital Improvements Program as set forth in the attached Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Interlocal Agreement with the City of Miramar, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That it approves and authorizes an amendment to the approved FY 2019 Capital Improvement Program, as more specifically set forth in the attached Exhibit "A".

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

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PASSED AND ADOPTED this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY