

**RESOLUTION NO. 2019-108**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, RESCINDING RESOLUTION NO. 2018-247; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INTERLOCAL AGREEMENT (ILA) AMONG THE CITY OF COCONUT CREEK, THE CITY OF POMPANO BEACH, THE CITY OF MARGATE, THE CITY OF NORTH LAUDERDALE, AND THE CITY OF CORAL SPRINGS FOR SHARING THE COST OF THE DEVELOPMENT OF A BACTERIA POLLUTION CONTROL PLAN (BPCP); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the United States Environmental Protection Agency (EPA), by way of the Water Quality Act of 1987, requires counties and associated municipalities to comply with applicable conditions of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit program; and

**WHEREAS**, in 2017, the City of Coconut Creek, the City of Pompano Beach, the City of Margate, the City of North Lauderdale and the City of Coral Springs (collectively referred to as “the Parties”) entered into the fourth cycle of their National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit as co-permittees with Broward County; and

**WHEREAS**, Part VIII of the NPDES MS4 permit requires the development of a Bacteria Pollution Control Plan (BPCP) to address pollution levels within an Environmental Protection Agency (EPA)-designated impaired waterbody of the permittees’ choice through a prioritization process; and

**WHEREAS**, the City of Coconut Creek has only one EPA-designated impaired waterbody within its jurisdiction to choose from, the C-14 Cypress Creek Canal (C-14 Canal); and

**WHEREAS**, in 2017, the Parties chose to prioritize the C-14 Cypress Creek Canal located in the northern part of Broward County; and

**WHEREAS**, Pompano Beach offered to be the lead agency in the undertaking of developing the BPCP, and to use Hydro Solutions Consulting, LLC to develop the BPCP for the C-14 Cypress Creek Canal to satisfy the requirements of the NPDES MS4 permit for the Parties that prioritized said canal; and

**WHEREAS**, upon execution of the Interlocal Agreement (ILA) by the Parties, Pompano Beach will execute the Service Contract with Hydro Solutions Consulting, LLC for the development of the BPCP for the C-14 Canal; and

**WHEREAS**, the Parties each agree to provide twenty percent (20%) of the final invoiced cost resulting from the Service Contract between Hydro Solutions Consulting, LLC and Pompano Beach for the development of the BPCP for the C-14 Canal; and

**WHEREAS**, this ILA is entered into pursuant to Section 163.01, the “Florida Interlocal Cooperation Act of 1969,” of the Florida Statutes, and upon execution by the Parties shall be filed with the Clerk of the Circuit Court of Broward County; and

**WHEREAS**, on October 25, 2018, the City Commission approved Resolution No. 2018-247, authorizing a substantively similar ILA among the Parties for sharing the cost of the development of a BPCP, however, the City of Pompano Beach has requested changes to the ILA language prior to its execution; and

**WHEREAS**, City staff recommends rescinding Resolution No. 2018-247 and authorizing the execution of the attached ILA, which includes those requested changes; and

**WHEREAS**, the City Commission finds and determines that it is in the best interest of the residents of Coconut Creek to enter into ILA with the City of Pompano Beach, the City of Margate, the City of North Lauderdale, and the City of Coral Springs.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

**Section 2:** That Resolution No. 2018-247 is hereby rescinded.

**Section 3:** That the City Commission has reviewed and hereby approves the attached Interlocal Agreement among the City of Coconut Creek, the City of Pompano Beach, the City of Margate, the City of North Lauderdale and the City of Coral Springs.

**Section 4:** That the City Manager, or designee, are hereby authorized to execute the attached Interlocal Agreement among the City of Coconut Creek, the City of Pompano Beach, the City of Margate, the City of North Lauderdale and the City of Coral Springs.

**Section 5:** That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

**Section 6:** That this resolution shall be in full force and effect immediately upon its adoption.

**Adopted this 25<sup>th</sup> day of April \_\_\_\_\_, 2019.**

Attest:

\_\_\_\_\_  
Sandra L. Welch, Mayor

\_\_\_\_\_  
Leslie Wallace May, City Clerk

Welch	<u>Aye</u>
Sarbone	<u>Aye</u>
Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Rydell	<u>Aye</u>