

RESOLUTION NO. 2012 – 004

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING AN AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, THE TOWN OF SOUTHWEST RANCHES, THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, AND THE SOUTH BROWARD DRAINAGE DISTRICT REGARDING A PILOT PROJECT IN THE S-9 AND S-10 DRAINAGE BASINS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 10, 2010 the Town Council adopted Resolution 2010-035, approving a Memorandum of Agreement (“MOA”) relating to a pilot project to help ensure the Town’s water quality and to reduce flooding in drainage basins S-9 and S-10; and

WHEREAS, the MOA allowed the South Broward Drainage District (SBDD) to install three gates to lower groundwater elevations in the S-9 and S-10 basins as needed; and

WHEREAS, the MOA was executed on June 1, 2010 by the South Florida Water Management District (SFWMD), the Town of Southwest Ranches, Department of Agriculture and Consumer Services (DACS) and SBDD, for a one (1) year term from the effective date; and

WHEREAS, the Amendment attached hereto and incorporated herein as Exhibit “A” extends the MOA for an additional year term in order to allow the Town of Southwest Ranches to evaluate water quality issues and demonstrate continued compliance with the MOA; and

WHEREAS, all parties to the June 1, 2010 MOA are desirous of amending the MOA for an additional year.

NOW, THEREFORE, be it resolved, by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. Recitals. The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2. Approval. The Town Council hereby approves the one year extension to the June 1, 2010, Memorandum of Agreement between the Town, South

Florida Water Management District, Department of Agriculture and Consumer Services, and South Broward Drainage District.

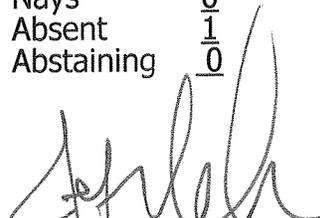
Section 3. Authorization. The Town Council hereby authorizes the Mayor, Town Administrator, and Town Attorney to execute any and all documents that may be necessary to effectuate the intent of this Resolution.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 13th day of October, 2011, on a motion by Vice Mayor Fisikelli and seconded by Council Member McKay.

Nelson	<u>YES</u>
Fisikelli	<u>YES</u>
Breitkreuz	<u>YES</u>
Jablonski	<u>ABSENT</u>
McKay	<u>YES</u>

Ayes	<u>4</u>
Nays	<u>0</u>
Absent	<u>1</u>
Abstaining	<u>0</u>



Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, Town Attorney
ACTIVE: 3525890_1



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

November 2, 2011

Erika Gonzalez-Santamaria, CMC, Town Clerk
Town of Southwest Ranches
6589 SW 160th Avenue
Southwest Ranches, FL 33331

Kevin M. Hart, P.E., District Director
South Broward Drainage District
6591 SW 160th Avenue
Southwest Ranches, FL 33331

Roy Neel, Contract Administrator
Florida Department of Agriculture and
Consumer Services
1203 Governor's Square Blvd.
Suite 200
Tallahassee, Florida 32301

Dear Parties:

RE: Amendment to Memorandum of Agreement among the South Florida Water Management District, the Town of Southwest Ranches, the Department of Agriculture and Consumer Services and the South Broward Drainage District regarding SBDD Basin S9/S10

Attached please find a copy of the fully executed Amendment.

Sincerely,

A handwritten signature in cursive script that reads "Susan Martin".

Susan Roeder Martin
Senior Specialist Attorney

SRM/lw
Enclosure

c: Anita Bain, SFWMD
Robert M. Brown, SFWMD
Damon Meiers, SFWMD
Susan Sylvester, SFWMD
Sharon Trost, SFWMD
Tony Waterhouse, SFWMD

**BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

IN RE:

**AMENDMENT TO A
MEMORANDUM OF AGREEMENT
AMONG THE SOUTH FLORIDA
WATER MANAGEMENT DISTRICT,
THE TOWN OF SOUTHWEST
RANCHES, THE DEPARTMENT OF
AGRICULTURE AND CONSUMER
SERVICES AND THE SOUTH
BROWARD DRAINAGE DISTRICT,
REGARDING SBDD BASIN S9/S10**

Pursuant to Chapter 373, Fla. Stat., and the rules promulgated thereunder, this amendment to a Memorandum of Agreement ("MOA") is entered into by mutual consent by the South Florida Water Management District ("SFWMD"), the Town of Southwest Ranches ("the Town"), the South Broward Drainage District ("SBDD"), and the Department of Agriculture and Consumer Services ("DACS"), (collectively referred to as "the Parties") for an extension of a pilot project to investigate revisions to water management system operations and water quality improvement within the SBDD's S9/S10 Basin.

FINDINGS OF FACTS

1. SFWMD is a public corporation of the State of Florida existing by virtue of Chapter 25270, Laws of Florida, 1949, and operating pursuant to Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code, as a multipurpose water management district

with its principal office at 3301 Gun Club Road, West Palm Beach, Florida, 33406. SFWMD is authorized to enter into agreements pursuant to section 373.083, Fla. Stat.

2. The Town is a municipal corporation of the State of Florida, formed pursuant to Chapter 475 of the Laws of Florida.

3. SBDD is a drainage district operating pursuant to Chapter 98-524, Laws of Florida as amended. SBDD owns and operates the C-12, C-13, and C-13A structures (located within the SFWMD's C-11 basin) pursuant to SFWMD Permit Number 06-01400-S.

4. DACS is an Agency of the State of Florida created pursuant to section 20.14, Fla. Stat., and the Department's Office of Agricultural Water Policy is established in section 570.074, Fla. Stat., and implements DACS' powers and duties embodied in section 403.067, Fla. Stat., relative to the creation and implementation of agricultural Best Management Practices ("BMPs"). DACS, in accordance with section 403.067, Fla. Stat., is responsible for the development and adoption of agricultural BMPs for the purposes of conserving and restoring Florida's water resources statewide. DACS currently has adopted water quality and quantity BMP manuals for citrus, sod, vegetable and row crops, beef cattle, and containerized nursery producers, hereinafter referred to collectively as "agricultural BMPs."

5. The Town has reported that, as a result of revisions to the SBDD's water management system implemented in late 2005, there has been an increase in ponding of stormwater in portions of the system within the Town. The revisions to the water management system were implemented in furtherance of the objectives in the Western C-11 Basin Critical Restoration Project. The Town contends that there is an increase in

the seasonal water level within parts of the system serving the Town, resulting in standing water creating the potential for adverse effects due to an increased likelihood of septic tank/drainfield system failure and transport of animal waste into the downstream system. The pilot project is intended to reduce the potential frequency of the reported occurrence of these situations. In addition, the Town is committed to implementing a series of source controls and structural BMP's with the assistance of the other Parties to this MOA. With implementation of the pilot project, it is expected that there will be less runoff from smaller rainfall events with an increase in soil storage within the northern portions of the system. For large rainfall events, the peak discharge rates from the SBDD S-9/S-10 system are not authorized to increase.

6. On June 1, 2010, the MOA was executed by the final party. The term of the MOA was for a period of one (1) year from the effective date (June 1, 2010). In accordance with paragraph 16 of the executed MOA, the Parties may jointly consider extending the pilot project for an additional year.

7. The pilot project was only partially implemented due to funding limitations that delayed construction of required infrastructure. The required infrastructure construction is now complete and operational.

NOW THEREFORE IT IS AGREED:

8. The Parties covenant and agree to extend the pilot project described in the executed MOA for an additional year from the effective date of this amended MOA.

9. All responsibilities, terms and conditions of the executed MOA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Agreement to be executed in counterpart originals by their duly authorized representative(s) on the dates noted below.

Passed and approved by the South Florida Water Management District by Its Governing Board, this 8 day of Sept., 2011.

ATTEST: South Florida Water Management District by Its Governing Board

BY: [Signature]
District Secretary

BY: [Signature]
Melissa Meeker, Executive Director

LEGAL FORM APPROVED

BY: [Signature]

Passed and approved by the Town of Southwest Ranches this 13th day of October, 2011.

ATTEST: Town of Southwest Ranches

BY: [Signature]
Name Jeff Nelson
Title Mayor Southwest Ranches

BY: [Signature]
Name ELBERT WRAINS
Title INTERIM TOWN ADMINISTRATOR

LEGAL FORM APPROVED

BY: [Signature]

Passed and approved by South Broward Drainage District this _____ day of _____, 2011.

ATTEST: South Broward Drainage District

BY: _____
Name
Title

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____

Passed and approved by the Department of Agriculture and Consumer Services this _____ day of _____, 2011.

ATTEST: Department of Agriculture and Consumer Services

BY: _____
Name
Title

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____

**BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

IN RE:

**AMENDMENT TO A
MEMORANDUM OF AGREEMENT
AMONG THE SOUTH FLORIDA
WATER MANAGEMENT DISTRICT,
THE TOWN OF SOUTHWEST
RANCHES, THE DEPARTMENT OF
AGRICULTURE AND CONSUMER
SERVICES AND THE SOUTH
BROWARD DRAINAGE DISTRICT,
REGARDING SBDD BASIN S9/S10**

Pursuant to Chapter 373, Fla. Stat., and the rules promulgated thereunder, this amendment to a Memorandum of Agreement ("MOA") is entered into by mutual consent by the South Florida Water Management District ("SFWMD"), the Town of Southwest Ranches ("the Town"), the South Broward Drainage District ("SBDD"), and the Department of Agriculture and Consumer Services ("DACS"), (collectively referred to as "the Parties") for an extension of a pilot project to investigate revisions to water management system operations and water quality improvement within the SBDD's S9/S10 Basin.

FINDINGS OF FACTS

1. SFWMD is a public corporation of the State of Florida existing by virtue of Chapter 25270, Laws of Florida, 1949, and operating pursuant to Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code, as a multipurpose water management district

the seasonal water level within parts of the system serving the Town, resulting in standing water creating the potential for adverse effects due to an increased likelihood of septic tank/drainfield system failure and transport of animal waste into the downstream system. The pilot project is intended to reduce the potential frequency of the reported occurrence of these situations. In addition, the Town is committed to implementing a series of source controls and structural BMP's with the assistance of the other Parties to this MOA. With implementation of the pilot project, it is expected that there will be less runoff from smaller rainfall events with an increase in soil storage within the northern portions of the system. For large rainfall events, the peak discharge rates from the SBDD S-9/S-10 system are not authorized to increase.

6. On June 1, 2010, the MOA was executed by the final party. The term of the MOA was for a period of one (1) year from the effective date (June 1, 2010). In accordance with paragraph 16 of the executed MOA, the Parties may jointly consider extending the pilot project for an additional year.

7. The pilot project was only partially implemented due to funding limitations that delayed construction of required infrastructure. The required infrastructure construction is now complete and operational.

NOW THEREFORE IT IS AGREED:

8. The Parties covenant and agree to extend the pilot project described in the executed MOA for an additional year from the effective date of this amended MOA.

9. All responsibilities, terms and conditions of the executed MOA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Agreement to be executed in counterpart originals by their duly authorized representative(s) on the dates noted below.

Passed and approved by the South Florida Water Management District by Its Governing Board, this 8 day of Sept., 2011.

ATTEST: South Florida Water Management District by Its Governing Board

BY: [Signature]
District Secretary

BY: [Signature]
Melissa Meeker, Executive Director

LEGAL FORM APPROVED

BY: [Signature]

Passed and approved by the Town of Southwest Ranches this _____ day of _____, 2011.

ATTEST: Town of Southwest Ranches

BY: _____
Name
Title

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____

Passed and approved by South Broward Drainage District this 22 day of September, 2011.

ATTEST: South Broward Drainage District

BY: [Signature]
Name ROBERT R. GUGON IV
Title SECRETARY

BY: [Signature]
Name Scott Hobbes
Title CHAIRPERSON

LEGAL FORM APPROVED

BY: _____

Passed and approved by the Department of Agriculture and Consumer Services this _____ day of _____, 2011.

ATTEST: Department of Agriculture and Consumer Services

BY: _____
Name
Title

BY: _____
Name
Title

LEGAL FORM APPROVED

BY: _____