

Resolution 2013-396

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2 A RESOLUTION OF THE BOARD OF COUNTY  
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,  
4 CREATING A REGIONAL C-51 GOVERNANCE AND  
5 FINANCE WORK GROUP TO DEVELOP GOVERNANCE  
6 AND FINANCE STRATEGIES FOR PHASE I  
7 IMPLEMENTATION OF THE PROPOSED C-51  
8 RESERVOIR PROJECT; AND PROVIDING FOR  
9 SEVERABILITY AND AN EFFECTIVE DATE.

7 WHEREAS, the Broward and Palm Beach Water Resources Task Forces were  
8 created for the purpose of identifying and evaluating cost-beneficial and effective  
9 regional water supply projects and conservation strategies; and

10 WHEREAS, in 2006, prior to the convening of the Task Forces, Broward and  
11 Palm Beach water providers were beginning to investigate the potential development of  
12 a large surface water reservoir project to serve as a regional alternative water supply by  
13 capturing stormwater runoff for wet season storage and later distribution and use during  
14 the dry season; and

15 WHEREAS, this project subsequently become known as the C-51 Reservoir,  
16 given its proposed siting just north of the C-51 Canal in central Palm Beach County, and  
17 is contemplated to include 75,000 acre-feet of surface water storage at a site proximate  
18 to the existing L-8 Reservoir where geologic characteristics allow long-term surface  
19 water storage without significant seepage losses; and

20 WHEREAS, both Task Forces have been actively engaged in the advancement  
21 of the proposed C-51 Reservoir, having received numerous technical presentations,  
22 offered guidance and planning strategies, and conducted a site tour; and

23 WHEREAS, regional collaboration in the C-51 Reservoir planning effort has  
24 expanded beyond the initial seven (7) utilities and in 2010/2011 a Memorandum of

1 Understanding (MOU) was jointly approved by the City of Fort Lauderdale, the South  
2 Florida Water Management District, Palm Beach County, and the Lake Worth Drainage  
3 District providing for committed support to ongoing planning efforts, and this MOU was  
4 subsequently supported by seven (7) local governments, including Broward County; and

5 WHEREAS, these planning efforts included project cost estimates, analysis of  
6 water availability and conveyance options, environmental considerations, economic  
7 analyses, hydrologic modeling, geotechnical evaluations, and processes for water  
8 supply certification, with the results documented in technical reports; and

9 WHEREAS, these assessments have substantiated early estimations about the  
10 viability of the C-51 Reservoir as an alternative water supply with unique benefits that  
11 may include lower capital and operational costs, reduced energy demands, water  
12 resource enhancements (via aquifer recharge), wellfield offsets, and better general  
13 permissibility relative to other alternative water supply options; and

14 WHEREAS, most recently, the South Florida Water Management District,  
15 Broward County, Palm Beach County, and the Lake Worth Drainage District  
16 collaborated in the completion of the C-51 Preliminary Design and Cost Estimate Report  
17 dated June 2012, which estimates total water availability from the proposed C-51  
18 Reservoir at 185 million gallons per day (mgd) and total construction costs of \$760  
19 million; and

20 WHEREAS, while the benefits of the C-51 Reservoir were originally focused on  
21 environmental enhancements and alternative water supply development, there is an  
22 increasing appreciation of the benefits the C-51 Reservoir in the preservation of existing  
23 water supplies, especially in light of climate change pressures; and

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1 WHEREAS, climate change and rising sea levels are predicted to increase  
2 drought severity and saltwater intrusion into coastal wellfields, and storage provided in  
3 the C-51 can help mitigate for these impacts while also providing stormwater mitigation  
4 and flood control protection during extreme storm events in an area that was inundated  
5 with the passage of Tropical Storm Isaac; and

6 WHEREAS, on January 18, 2013, a joint meeting of the Task Forces was  
7 convened for the purpose of considering these issues, receiving a C-51 project status  
8 update, receiving updated cost estimates, evaluating phased implementation, and  
9 considering next steps; and

10 WHEREAS, information presented at this meeting included a phased  
11 construction plan that would allow for Phase I construction to provide 14,000 acre-feet  
12 (35 mgd) of storage capacity in 2.5 years at an estimated cost between \$150.5 and  
13 \$186.5 million; and

14 WHEREAS, many entities expressed strong support for the project and the need  
15 to move from project planning to implementation; and

16 WHEREAS, having received and considered this information, the joint  
17 memberships of the Task Forces voted unanimously to support advancement of Phase I  
18 Implementation of the C-51 Reservoir project and the convening of a Work Group to  
19 develop a draft Interlocal Agreement and scope of work, including governance of and  
20 finance strategies for project construction and operation, NOW, THEREFORE,

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22 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
23 BROWARD COUNTY, FLORIDA:  
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1           Section 1.   The Board of County Commissioners of Broward County, Florida,  
2 supports the creation of the C-51 Governance and Finance Work Group ("Work Group")  
3 to develop governance of and finance strategies for construction and operation of the  
4 C-51 Reservoir Project as a regional project. The Board of County Commissioners of  
5 Broward County, Florida, also finds that the Work Group is needed to serve the public  
6 interest in regional alternative water supplies and that the cost of its existence and  
7 operation to the citizens and taxpayers of the participating governmental entities is  
8 justified.

9           Section 2.   The Work Group membership shall be composed of the appointees  
10 and alternatives of the following entities:

- 11           (a)   One (1) Broward County Commissioner appointed by the Board of County  
12               Commissioners of Broward County, Florida;
- 13           (b)   One (1) Palm Beach County Commissioner appointed by the Board of  
14               County Commissioners of Palm Beach County, Florida;
- 15           (c)   One (1) representative appointed by the South Florida Water Management  
16               District;
- 17           (d)   One (1) representative of a drainage/water control district located in  
18               Broward County appointed by the Surface Water Coordination Committee;
- 19           (e)   One (1) representative appointed by the Lake Worth Drainage District;
- 20           (f)   One (1) representative from    and appointed by the Broward Water  
21               Resources Task Force;
- 22           (g)   One (1) representative from    and appointed by the Palm Beach Water  
23               Resources Task Force;

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- 1 (h) Up to four (4) elected officials representing Broward County municipalities  
2 or independent water providers which adopt a resolution providing support  
3 for the C-51 Work Group and Phase I development the C-51 Reservoir  
4 Project; and
- 5 (i) Up to four (4) elected officials representing Palm Beach County  
6 municipalities or independent water providers which adopt a resolution  
7 providing support for the C-51 Work Group and Phase I development the  
8 C-51 Reservoir Project.

9 Section 3. The Work Group shall be considered created with the appointment  
10 of at least 5 members comprising categories (a) through (g). Work Group members in  
11 categories (h) and (i) will be chosen by the members in categories (a) through (g) from  
12 eligible municipalities and water providers by a majority vote. Each such municipal or  
13 water provider member shall appoint a representative to serve on the Work Group.

14 Section 4. The Work Group may increase the maximum number of members  
15 provided for in categories (h) and (i) by a majority vote.

16 Section 5. The appointment of a member to the Work Group is not for a fixed  
17 term. Appointees are required to attend meetings. An appointee shall serve as a  
18 member until the appointee is removed by the appointing authority, the appointee  
19 resigns, the appointee is absent for two consecutive meetings, or the Work Group is  
20 sunset. In the event of a resignation or removal, the appointing authority may  
21 designate a new appointee or make its alternate the appointee and designated a new  
22 alternate.

23 Section 6. Work Group members will be asked to develop and propose to their  
24 respective local or regional governing bodies an Interlocal agreement to fund the

1 procurement of consultant services to develop options for Phase I of the C-51 Reservoir  
2 Project. Work Group members will also be asked to evaluate the resulting options for  
3 Phase I of the C-51 Reservoir Project and make a recommendation to their respective  
4 local or regional governing bodies regarding a governance and finance strategy for  
5 implementation of Phase I of the C-51 Reservoir Project.

6 Section 7. Member entities must designate an alternate appointee, which may  
7 include technical staff, to serve in the absence of their appointee.

8 Section 8. As a regional working group, this Work Group is not a Broward  
9 County advisory board, but is subject to the public meetings and public records laws of  
10 the state of Florida and its members are subject to Sections 26-70 and 26-70.1 of the  
11 Broward County Code of Ordinances regarding lobbying and acceptance of gifts.

12 Section 9. A quorum of the Work Group shall be a majority of then-current  
13 total membership.

14 Section 10. The Work Group shall have a Chair and Vice-Chair elected from  
15 the appointees to the Work Group. Election of a Chair and Vice-Chair shall be the first  
16 order of business of the Work Group when a quorum is established. If the Chair or  
17 Vice-Chair can no longer serve due to resignation or removal, the election of a  
18 replacement shall be the first order of business at the next meeting of the Work Group  
19 where a quorum is present.

20 Section 11. The Work Group shall meet monthly, or more frequently as needed,  
21 to oversee and consider technical deliverables necessary to develop and propose a  
22 draft Interlocal Agreement for construction and operation of Phase I of the C-51  
23 Reservoir Project, but shall sunset one (1) year from its first meeting date unless  
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1 otherwise extended by resolution of all of the local or regional governmental entities  
2 comprising the then-current membership.

3       Section 12. The Work Group shall evaluate project economics and full cost  
4 accounting of proposed C-51 Reservoir Project costs, and shall consider and make  
5 recommendations regarding governance and finance strategies for construction and  
6 operation of Phase I of the C-51 Reservoir. These strategies may include, but are not  
7 limited to, the development of a water authority, special district, or public-private  
8 partnership.

9       Section 13. Entities represented on the Work Group shall provide staff support  
10 to the Work Group.

11       Section 14. Support staff shall coordinate and prepare meeting notices and  
12 minutes, maintain records, coordinate or prepare draft reports, and prepare the final  
13 report containing the findings and recommendations of the Work Group.

14       Section 15. Recommendations of the Work Group shall be reported at a joint  
15 meeting of the Palm Beach and Broward Water Resources Task Force prior to  
16 finalizing.

17       Section 16. The governmental entities adopting this resolution recognize and  
18 agree that their participation as members of the Work Group is voluntary. The  
19 participating governments further recognize that any final report issued by the Work  
20 Group shall not be construed as imposing any mandates upon the participants or other  
21 government entities. It is understood and desired, rather, that the Work Group will  
22 produce recommendations for local governments, water managers, and water providers  
23 as we move forward as a region with consideration and decision-making regarding the  
24 C-51 Reservoir project as a regional water resource.

1 Section 17. The Board of Commissioners of Broward County, Florida, directs  
2 staff to send a certified copy of this resolution to the South Florida Water Management  
3 District, the Palm Beach County Board of County Commissioners, the Lake Worth  
4 Drainage District, the Task Forces, and the municipalities within Broward County.

5 Section 18. SEVERABILITY.

6 If any portion of this Resolution is determined by any Court to be invalid, the  
7 invalid portion shall be stricken, and such striking shall not affect the validity of the  
8 remainder of this Resolution. If any Court determines that this Resolution, or any  
9 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),  
10 property(ies), or circumstance(s), such determination shall not affect the applicability  
11 hereof to any other individual, group, entity, property, or circumstance.

12 Section 19. EFFECTIVE DATE.

13 This Resolution shall become effective upon adoption.

14 ADOPTED this 7<sup>th</sup> day of May, 2013. #59A  
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23 MCO/tlr  
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24 C-51 Work Group Resolution R01b.doc  
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