

Item #10

ADDITIONAL MATERIAL

Regular Meeting

FEBRUARY 25, 2020

SUBMITTED AT THE REQUEST OF

PUBLIC WORKS DEPARTMENT



Public Works Department


WATER AND WASTEWATER SERVICES


2555 West Copans Road • Pompano Beach Florida 33069 • PHONE: 954-831-0705 • FAX: 954 831-0708

MEMORANDUM

TO: Board of County Commissioners

THRU: Bertha Henry, County Administrator

THRU: Steve Hammond, Acting Public Works Department Director 

FROM: Alan W. Garcia, P.E., Water and Wastewater Services Director 

DATE: February 19, 2020

RE: **Item 10 on the February 25, 2020 Commission Agenda Regarding the \$3 Million Grant Award for Alternative Water Supply from the South Florida Water Management District.**

At the request of the County Attorney's Office, I offer the following items to note concerning specific sections of the grant agreement for review:

- The SFWMD can terminate for convenience in Section 6.2;
- The SFWMD can terminate without notice or cure in Sections 6.4 and 8.8 if any application information is false, if the County fails to complete the construction, or in the event of any County misrepresentation or false certification;
- The choice of venue in the 15th Judicial Circuit in Section 8.2;
- The projects must be continuously operated for 20 years (Section 8.9). If not, the SFWMD may request the County reimburse the funds provided and cease funding for this or future County projects;
- Indemnification by the County in Section 9.1 (subject to the County's sovereign immunity rights under Section 768.28, Florida Statutes); and
- The agreements do not include the County's standard terms and conditions, which the SFWMD is not willing to amend to include.

Please do not hesitate to contact me if you have any questions.

Cc: Monica Cepero, Deputy County Administrator
Andrew Meyers, County Attorney
Mike Kerr, County Attorney's Office
Keoki Baron, County Attorney's Office

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