

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2009- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING ENTERING INTO A PRE-PARTNERSHIP CREDIT AGREEMENT WITH THE U.S. DEPARTMENT OF THE ARMY, AT NO COST, FOR THE PURPOSE OF ESTABLISHING ELIGIBILITY TO RECEIVE FUTURE CREDIT FOR THE COSTS OF CONSTRUCTION-RELATED WORK PERFORMED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ON THE BISCAYNE BAY COASTAL WETLANDS RESTORATION PROJECT, A COMPONENT OF THE COMPREHENSIVE EVERGLADES RESTORATION PLAN; PROVIDING AN EFFECTIVE DATE. (CONTRACT NUMBER 4600001859)

WHEREAS, the South Florida Water Management District (SFWMD) will be completing construction-related work on the Biscayne Bay Coastal Wetlands Restoration Project, a component of the Comprehensive Everglades Restoration Plan, prior to authorization of the project by Congress; and

WHEREAS, Section 6004 of the Water Resources Development Act of 2007 authorizes the Secretary of the Army to provide credit for construction costs incurred by the SFWMD prior to signing a Project Partnership Agreement toward the SFWMD's 50 percent share of project construction costs for the projects in the Comprehensive Everglades Restoration Plan, if such construction is carried out pursuant to the terms and conditions of an agreement between the SFWMD and the Assistant Secretary of the Army; and

WHEREAS, the Army's implementation guidance for Section 6004 of WRDA-2007 specifies that in order for the SFWMD's costs of early construction to be eligible for credit, the SFWMD and the Army must execute a Pre-Partnership Credit Agreement for that work prior to awarding the construction contract. The SFWMD and the Army have developed a Pre-Partnership Credit Agreement covering SFWMD's proposed construction of the Biscayne Bay Coastal Wetlands Restoration Project and the USACE-Jacksonville District Engineer has been approved to sign this agreement.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract No. 4600001859 with the U.S. Department of the Army, at no cost to the SFWMD, for the purpose of establishing eligibility for future credit for the costs of construction-related

work performed by the SFWMD on the Biscayne Bay Coastal Wetlands Restoration Project.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this _____ day of _____, 2009.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

_____ District Clerk/Secretary

Approved as to form:

By:

Office of Counsel