

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2010- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING FY10 FUNDING IN THE AMOUNT OF \$1,000,000 AS THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S 50% COST SHARE CONTRIBUTION TOWARDS THE TEN MILE CREEK WATER PRESERVE AREA CRITICAL RESTORATION PROJECT'S REMEDIATION EFFORT AND APPROVING A BUDGET TRANSFER IN THE AMOUNT OF \$1,000,000 OF AD VALOREM FUNDS (OKEECHOBEE BASIN CAPITAL FUND) FROM THE OPERATIONS AND MAINTENANCE RESOURCE AREA, OPERATIONS AND MAINTENANCE PROGRAM TO THE EVERGLADES RESTORATION AND CAPITAL PROJECTS RESOURCE AREA, CERP PROGRAM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Ten Mile Creek Water Preserve Area is an offstream water storage and treatment facility adjacent to Ten Mile Creek, a tributary to the north fork of the St. Lucie River, which discharges to the Indian River Lagoon. At present, the reservoir has not yet been placed into operation due to defects in the soil-cement protective facing on the reservoir's interior and excessive piping under the reservoir's embankment, which would result in an unsafe condition to surrounding properties if the reservoir was filled to operational levels; and

WHEREAS, in June 2009, the SFWMD turned operation and maintenance responsibilities for the project back over to the U.S. Army Corps of Engineers (USACE) until remediation construction was completed to a degree that would allow the project to be safely operated as originally intended; and

WHEREAS, on December 14, 2009, the USACE requested a \$1,000,000 contribution towards the project from the SFWMD, in accordance with Article II.D of the Project Cooperation Agreement for the Ten Mile Creek Water Preserve Area Critical Restoration Project, dated January 7, 2000; and

WHEREAS, the purpose of the contribution is to provide SFWMD's share of the estimated \$2,000,000 in FY10, which is required for the USACE to complete a Post Authorization Change report identifying options for corrective actions at the site; and

WHEREAS, the funding will help the project move closer towards completion of remediation and allow the project, designated a Critical Restoration Project in conjunction with the Comprehensive Everglades Restoration Plan, to become operational; and

WHEREAS, Section 373.536 (4)(a), Florida Statutes, provides that transfers of funds may be made within the budget by action of the Governing Board at a public meeting of the Governing Board; and

WHEREAS, a request is being brought to the Governing Board for the transfer of funds;
and

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WHEREAS, the Executive Director recommends that this transfer be approved in order to facilitate the operations of the District;

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 FY10 funding in the amount of \$1,000,000 as the South Florida Water Management District's 50% cost share contribution towards the Ten Mile Creek Water Preserve Area Critical Restoration Project's remediation effort and approves a budget transfer in the amount of \$1,000,000 of ad valorem funds (Okeechobee Basin Capital Fund) from the Operations and Maintenance Resource Area, Operations and Maintenance Program to the Everglades Restoration and Capital Projects Resource Area, CERP Program.

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

PASSED and ADOPTED this _____ day of _____, 2010.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

District Clerk/Secretary

Approved as to form:

By:

Office of Counsel