

1 EXHIBIT 1

2 RESOLUTION 2017 –

3 A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF  
4 THE CITY OF HALLANDALE BEACH, FLORIDA, SUPPORTING  
5 INTEGRATED PLANNING AND AFFORDABILITY MEASURES  
6 IN THE BI-PARTISAN WATER RESOURCES DEVELOPMENT  
7 ACT OF 2016; AND PROVIDING AN EFFECTIVE DATE.  
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9 WHEREAS, capital costs that cities bear to address combined sewer overflows (CSO's),  
10 sanitary sewer overflows (SSOs), treatment plant upgrades, and stormwater controls (TMDL's)  
11 are unfunded federal mandates and are among the most costly burdens faced by local  
12 governments and their citizens; and  
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14 WHEREAS, upon the passage of the Clean Water Act (CWA), Congress authorized and  
15 funded over \$60 billion in grants that created partnerships between municipalities, states and the  
16 federal government to share the costs of upgrading publicly owned treatment works around the  
17 country to meet CWA mandates relating to secondary treatment; and  
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19 WHEREAS, in 1987, Congress stated that water and sewer systems are local concerns  
20 and determined that large capital grants for municipal wastewater treatment were no longer  
21 affordable to the nations treasury, phasing out grants to local governments to be replaced by loan  
22 programs managed by the states; and  
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24 WHEREAS, since the early 1970's local governments have invested over \$2 trillion in  
25 water and sewer infrastructure, with the Bureau of Census reporting in 2013 that local government  
26 now spends more than \$117 billion annually to provide water and sewer services to eighty (80%)  
27 percent of American households, an annual amount that is nearly double the total of all grants  
28 that the federal government provided in the first twenty (20) years of the CWA; and  
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30 WHEREAS, since then many unanticipated and extremely costly new CWA and Safe  
31 Drinking Water Act (SDWA) mandates have been imposed on local governments and indeed  
32 more are to be imposed on local governments in coming months and years; and  
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34           **WHEREAS**, the many CWA/SWDA mandates have created cumulative financial burdens  
35 that cannot be borne by municipalities, their low and moderate income families, and their business  
36 enterprises, forcing municipalities to forego investment in competing municipal priorities; and  
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38           **WHEREAS**, in explicit recognition of the burden of these costs USEPA developed a policy  
39 allowing local governments to create Integrated Plans through which a local government can  
40 coordinate competing and sometimes conflicting actions, prioritize actions that will provide the  
41 greatest environmental benefits for the funds expended, and evaluate progress and the need for  
42 further actions to meet water quality standards through adaptive management processes; and  
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44           **WHEREAS**, because USEPA currently interprets the CWA to require immediate  
45 compliance with any pre-1977 water quality standards, it has relied on aggressive enforcement  
46 tools such as consent decrees and orders as its principal method of interacting with municipalities,  
47 resulting in overly costly and overly prescriptive mandates that often yield negligible public  
48 benefits, and precluding opportunities for flexibility by preempting the use of permits and adaptive  
49 management processes to comply with the CWA obligations, and  
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51           **WHEREAS**, in tandem with these decrees and orders, USEPA and DOJ have adopted  
52 policies on penalties and fines that treat local governments as polluters, rather than as partners  
53 and stewards in improving our environment; and  
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55           **WHEREAS**, the Mayors Water Council has engaged for more than seven (7) years in  
56 intensive dialogue with USEPA, the White House, and with House and Senate legislators on the  
57 topics of Integrated Planning, green infrastructure, affordability and the over-reliance consent  
58 decrees and penalties to address the need for water quality improvements; and  
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60           **WHEREAS**, the Mayors Water Council has published policy papers, conducted cost  
61 studies relating to the impacts unfunded federal mandates on poor and middle income  
62 households, and prepared draft legislation proposals to make Integrated Planning a part of the  
63 CWA in order to assure all the nation's cities the flexibility and affordability which such a  
64 mechanism can provide; and  
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66           **WHEREAS**, on April 7, 2016, the Senate Environmental and Public Works (EPW)  
67 Committee held hearings on these long-standing concerns of cities and others regarding the costs  
68 of unfunded mandates, the often hostile approaches taken by USEPA in its enforcement  
69 relationships with local governments, and the affordability issues for poor and middle income  
70 households for water and sewer services; and the US Conference of Mayors provided in-depth  
71 testimony on those issues; and

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73           **WHEREAS**, on April 26, 2016, the Senate EPW Chairman Inhofe and Ranking Member  
74 Boxer introduced the bi-partisan Water Resources Development Act 2016 which included many  
75 of the recommendations which had been articulated by the US Conference of Mayors, including  
76 incorporating Integrated Planning into the CWA, authorizing the flexible achievement of long term  
77 control plans via permits rather than consent decrees, discouraging a primary reliance on median  
78 household income as defining affordability, encouraging green infrastructure and providing for  
79 grants to local governments to address affordability concerns, creating an Ombudsman to  
80 facilitate the relationships between the regional offices and local governments; and

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82           **WHEREAS**, on April 28, 2016 the Senate EPW Committee reported the Water Resources  
83 Development Act of 2016 (WRDA) (S 2848) out of committee with a bi-partisan vote of 19-1; and

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85           **WHEREAS**, the WRDA (S 2848) establishes Integrated Planning and Affordability Issues  
86 more formally in the development and implementation of federal and state water policy; local  
87 government gets a greater say in selecting solutions based on local priorities and local financial  
88 conditions.

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90           **NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION**  
91 **OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

92           **SECTION 1. Support of the Water Resources Development Act of 2016.**

93 The Mayor and City Commission state their support for Integrated Planning and Affordability  
94 Measures incorporated in the Water Resources Development Act of 2016, S. 2848 and ask for  
95 urgent Congressional action on the following:

- 96           1. Codification of Integrated in the Clean Water Act.
- 97           2. Recognition that a joint environmental stewardship must be re-established
- 98           between the federal, state and local governments.

- 99 3. Assurances that the costs of sustaining the infrastructure and operations of water  
100 and wastewater systems of cities do not unjustly burden low and moderate income  
101 households nor create burdensome costs for business enterprises.
- 102 4. Congressional authorization for and appropriation of capital grants to assist cities  
103 in meeting mandates imposed under the Clean Water Act and the Safe Drinking  
104 Water Act, thereby assuring the public of the health and safety of drinking water  
105 and the nation's rivers and streams.
- 106 5. Without regard to the actual availability of federal grants or loans for addressing  
107 Clean Water Act and Safe Drinking Water Act mandates, increased flexibility for  
108 municipalities seeking to comply with the mandates and with this being achieved  
109 through permits based upon integrated plans developed by municipalities to  
110 prioritize actions providing the greatest environmental benefits for the funds  
111 expended, and to allow municipalities to evaluate their progress and any need for  
112 further actions to meet water quality standards through adaptive management  
113 processes.
- 114 6. The removal of regulatory barriers to the use of adaptive management and permits  
115 to implement integrated plans by specifically determining that a municipality  
116 implementing an integrated plan will be in compliance with its permit as long as it  
117 is making reasonable progress towards achieving Clean Water Act goals.
- 118 7. Prohibit USEPA from imposing civil or administrative penalties on a municipality  
119 for past violations if the municipality agrees to implement a plan to come into  
120 compliance with Clean Water Act obligations.
- 121 8. Require USEPA to update its affordability guidance to provide a more realistic and  
122 complete review of the all financial burdens on municipalities and their ratepayers,  
123 including burden imposed by other federal laws and policies, and to justify flexible  
124 approaches to meeting all federal and state water-related mandates.
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126 **SECTION 2. Directions to the City Manager and City Clerk.** The Mayor and City  
127 Commission direct the City Manager to take all necessary steps to effectuate this resolution and  
128 direct the Clerk to cause a copy of this resolution to be forwarded to all appropriate parties.

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130 **SECTION 3. Effective Date.** This Resolution shall take effect immediately upon its  
131 passage and adoption.

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APPROVED AND ADOPTED this \_\_\_\_ day of March, 2017.

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JOY F. COOPER  
MAYOR

SPONSORED BY: MAYOR JOY F. COOPER

ATTEST:

\_\_\_\_\_  
MARIO BATAILLE, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND  
FORM

\_\_\_\_\_  
JENNIFER MERINO  
CITY ATTORNEY