

EXHIBIT 1
RESOLUTION 2020-

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO AGREEMENT WITH PALM BEACH AGGREGATES, LLC TO EXTEND CERTAIN MILESTONE DATES SPECIFIED IN THE ORIGINAL AGREEMENT FOR THE CAPACITY ALLOCATION OF ONE MILLION GALLONS OF WATER PER DAY FROM PHASE 1 OF THE C-51 RESERVOIR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hallandale Beach has endeavored to protect the City's Biscayne Aquifer water supply since the initial drilling of water supply wells in the City. As a coastal community, the movement of the saltwater front into the Biscayne Aquifer is a constant and continuing threat to the City's water supply; and

WHEREAS, Palm Beach Aggregates will be constructing a series of interconnected reservoirs (collectively, the "C-51 Reservoir") capable of receiving and storing water from areas under the jurisdiction of the SFWMD in South Florida ("Region"), and discharging that water back to the Region as an alternative water supply; and,

WHEREAS, the C-51 Reservoir will be constructed in two phases. Phase 1 of the C-51 Reservoir will consist of a reservoir with 14,000 acre-feet of storage capacity and appurtenant facilities and works (the "Phase 1 Reservoir"). The Second Phase, if developed, will consist of an anticipated additional 46,000 acre-feet of reservoir storage capacity and appurtenant facilities and works (the "Phase 2 Reservoir"); and

WHEREAS, on June 20, 2018 the City Commission, in Resolution 2018-055, authorized the city to enter into an agreement with Palm Beach Aggregates for an apportionment of the water supply from the C-51 Reservoir; and

WHEREAS, on August 7, 2019, the City Commission, in Resolution 2019-061, authorized the city to enter into a first amendment to extend certain milestone dates set forth in section 3.2.1 and section 11.1.2; and

39 **WHEREAS**, Palm Beach Aggregates, LLC is requesting a second amendment to sections
40 3.2.1 and 11.1.2 as amended via Resolution 2019-061 as follows:

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- 42 • Section 3.2.1 If Company fails to notify Participant, on or before ~~November 30,~~
43 ~~2019~~ May 31, 2020, that it has sufficient permits, commitments, and financing to
44 commence the construction of the Phase 1 Reservoir;
 - 45 • Section 11.1.2 Company's securing full Construction Financing for the Phase 1
46 Reservoir on or before ~~November 30, 2019~~ May 31, 2020, with a closing date within
47 ninety (90) days thereafter (the "Phase 1 Construction Finance Date"). On or before
48 the tenth (10th) day after the Phase 1 Construction Finance Date, and at least sixty
49 (60) days before the closing date for Construction Financing, Company shall notify
50 Participant in writing of the Phase 1 Construction Finance Date, as well as the
51 anticipated closing date for Construction Financing.

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53 **WHEREAS**, City Administration recommends that the City Commission authorize the City
54 Manager and City Attorney to negotiate and approve the Second Amendment to Agreement for
55 Capacity Allocation with Palm Beach Aggregates, LLC to extend certain milestone dates
56 approved via Resolution 2019-061 to the original Agreement for the allocation of one million
57 gallons a day of raw water from Phase 1 of the C-51 Reservoir; and

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59 **WHEREAS**, the Mayor and City Commission have determined that the City
60 Administration's recommendations are in the best interest of the City and its residents.

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

64

65 **SECTION 1.** The foregoing "Whereas" clauses are incorporated herein.

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67 **SECTION 2. City Manager Authorization.** The Mayor and City Commission hereby
68 authorize the City Manager to negotiate and approve a Second Amendment to Agreement for
69 Capacity Allocation with Palm Beach Aggregates, LLC to extend certain milestone dates, as
70 indicated above.

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

74 APPROVED AND ADOPTED this _____ day of _____, 2019.

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81 _____
82 JOY F. COOPER
83 MAYOR
84

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN M. GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

FINAL VOTE ON ADOPTION

Mayor Cooper	_____
Vice Mayor Javellana	_____
Commissioner Butler	_____
Commissioner Lazarow	_____
Commissioner Lima-Taub	_____

JENNIFER MERINO
CITY ATTORNEY