




**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE October 12, 2010

TO Robert Baldwin, City Manager

FROM: Robert Daniels, Director 

SUBJECT **10-Year Water Supply Plan Stipulated Agreement and Remedial Amendments**
DCA Amendment No. 09-RWSP1
DOAH Case No. 09-3596GM

BACKGROUND

On April 28, 2009 the City of Dania Beach amended its comprehensive plan to incorporate its 10-Year Water Supply Plan. On July 6, 2009 the City was notified by the Florida Department of Community Affairs (DCA) that the City's comprehensive plan amendment #09-RWSP1, the amendment package that contained the City's adopted 10-Year Water Supply Plan, had been found "not in compliance" with the requirements of Chapter 163, Part 2, Florida Statutes. This "not in compliance" finding resulted in the scheduling of hearing with an administrative law judge by the Florida Department of Management Services' Division of Administrative Hearings (DOAH).

RECOMMENDED ACTIONS AND REPONSES

Four recommended remedial actions were recommended by DCA in the finding.

1. Revise the City's projections of population for the City's water supply service area based upon a professionally accepted and applied methodology.
2. Based upon the revised projections of population within the City's water service area, revise the projections of water supply demand through the year 2028 using a professionally accepted and applied methodology.
3. Revise the data and analysis to explain how the City will meet projected water demand and identify the alternative water supply sources that will be used to meet the projected demand, accounting for expected water losses that will result from the nanofiltration treatment process.
4. Revise Policies 4.1, 4.2, 4.3, and 4.5 in the Potable Water Sub-element, Policies 5.1, 5.2, and 5.5 in the Intergovernmental Coordination Element and Policies 7.1, 7.2 and 7.3 in the Conservation Element to include the specific programs and activities to be undertaken by the City to implement the alternative water supply projects that will be used by the City to meet future water supply needs. Include any water supply projects that will be implemented by the City in the next five years in the City's Five-Year Schedule of Capital Improvements.

The City has worked closely with DCA, the South Florida Water Management District (SFWMD), Broward County and others to address the required remedial actions. On March 19, 2010 the City's consultant, Keith & Schnars, P.A. completed *The City of Dania Beach Water Supply Report*, which considered all available options and recommended that the City pursue (1) purchase of raw water from Broward County; or if that fails (2) purchase of finished water from the City of Hollywood. On the strength of this report and

the continued coordination among all appropriate parties DOAH issued an order continuing the City's case in abeyance until December 30, 2010. On August 13, 2010 the City received confirmation from Broward County that raw water in an amount sufficient to meet the City's short-term and long-term needs would be provided. City staff and consultants immediately revised the comprehensive plan data and analysis and goals, objectives and policies to reflect this commitment and coordinated with DCA and the SFWMD.

STIPULATED SETTLEMENT

The City and DCA have coordinated to prepare a stipulated settlement agreement in which the City agrees to take all remedial actions and adopt and transmit all remedial comprehensive plan amendments within 60 days.

REMEDIAL AMENDMENTS

The DCA has provided remedial amendments consistent with the recommended actions and responses discussed above. These include amendments to the goals, objectives and policies of the Potable Water Sub-element and the Conservation and Intergovernmental Coordination Elements of the City's comprehensive plan.

STAFF RECOMMENDATION

Stipulated Settlement Resolution: Approve

Remedial Amendment Ordinance: Adopt