**BEFORE THE CITY COMMISSION**
**CITY OF STUART, FLORIDA**

**RESOLUTION NUMBER 67-2020**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A LETTER TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT CLARIFYING THE POSITION OF THE CITY ON THE "SAVINGS CLAUSE" IDENTIFIED IN THE WATER RESOURCES DEVELOPMENT ACT OF 2000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

* * * * *

**WHEREAS**, the Water Resources Development Act (WRDA) of 2000 was a significant congressional action providing for the conservation and development of water and water related resources including improvements to water management throughout the Lake Okeechobee system and the Everglades; and

**WHEREAS**, WRDA 2000 authorized the Comprehensive Everglades Restoration Plan (CERP) which is a programmatic system for collaborative capital project development with the inclusion of adaptive management processes modeled by the best available data and science; and

**WHEREAS**, Title VI of WRDA (Comprehensive Everglades Restoration) included a "Savings Clause" which enshrined into law, the protection of water supply sources for existing legal water users at that time in the design, planning and development of any future capital projects associated with CERP implementation; and

**WHEREAS**, private actors in agricultural industries in addition to other municipal water supply users around Lake Okeechobee are requesting the South Florida Water Management District and the U.S. Army Corps of Engineers to apply the CERP "Savings Clause" to future lake regulation schedules and water management decisions as a means of ensuring the failed status quo remains unaltered, inuring to their sole benefit; and

**WHEREAS**, the "Savings Clause" exists exclusively within Title VI of WRDA as a component of CERP project implementation and is neither guaranteed by nor affirmed within any other general or special law enacted by Congress; and

**WHEREAS**, it was never the intent of Congress for the "Savings Clause" to be wielded as a supreme doctrine over and as a constraint on the very adaptive management processes outlined within WRDA, in addition to those historic measures Congress introduced earlier in the National Environmental Policy Act of 1970 and the Clean Water Act of 1972; and

**WHEREAS**, the City of Stuart has transcribed a letter to the South Florida Water Management District Governing Board in response to various claims that are inconsistent with federal law and were made in bad-faith during public comment at the May 14th, 2020 Governing Board meeting, including a demand for the Governing Board to require the CERP "Savings Clause" be applied to all future water management decisions made by the District.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

**SECTION 1:** The foregoing precatory language is adopted as being true and correct and is incorporated herein.

**SECTION 2**: The City Commission of the City of Stuart, Florida authorizes this Resolution and the enclosed letter to be executed by the clerk upon signature by the city commission and then transmitted to the South Florida Water Management District Governing Board.

**SECTION 3**: This Resolution shall become effective upon its adoption.

Resolution No. 67-2020
Resolution authorizing a letter to the SFWMD stating the city position on the CERP "Savings Clause"

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

| | YES | NO | ABSENT | ABSTAIN |
|---|---|---|---|---|
| MICHAEL J. MEIER, MAYOR | | | | |
| EULA R. CLARKE, VICE MAYOR | | | | |
| BECKY BRUNER, COMMISSIONER | | | | |
| VACANT, COMMISSIONER | | | | |
| MERRITT MATHESON, COMMISSIONER | | | | |

ADOPTED this ___ day of _____, 2020.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY