

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration/
 _____ _____ _____ Discussion _____
 Presentation


SHORT TITLE

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, OPPOSING THE OIL DRILLING PERMIT APPLICATION SUBMITTED BY KANTER REAL ESTATE LLC, A FLORIDA FOR PROFIT LIMITED LIABILITY CORPORATION, TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SEEKING OIL DRILLING RIGHTS ON PROPERTY LOCATED IN THE FLORIDA EVERGLADES IN BROWARD COUNTY, AND SUPPORTING EFFORTS OPPOSING EXTREME WELL STIMULATION, HYDRAULIC FRACTURING, ACID FRACTURING, AND ANY FORM OF EXTREME WELL STIMULATION FOR PURPOSES OF RESOURCE EXTRACTION; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

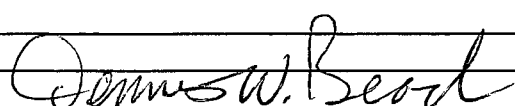
Opposing Oil Drilling Permit Application Submitted by Kanter Real Estate Seeking Oil Drilling Rights In Broward County

- (1) Origin of request for this action: Lamar Fisher
- (2) Primary staff contact: Mark E. Berman, Assistant City Attorney Ext. 4614
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: _____

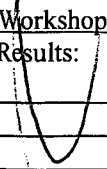
DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
City Attorney	8/21/15		See City Attorney's Comm. #2015-1460



City Manager



ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 st Reading	1 st Reading	Results:	Results:
			
2 nd Reading			



City Attorney's Communication #2015-1460

August 21, 2015


TO: Dennis W. Beach, City Manager
FROM: Mark E. Berman, Assistant City Attorney
RE: Resolution – Drilling Permit (Kanter Real Estate LLC)

Attached please find the following captioned Resolution addressing the above-referenced matter:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, OPPOSING THE OIL DRILLING PERMIT APPLICATION SUBMITTED BY KANTER REAL ESTATE LLC, A FLORIDA FOR PROFIT LIMITED LIABILITY CORPORATION, TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SEEKING OIL DRILLING RIGHTS ON PROPERTY LOCATED IN THE FLORIDA EVERGLADES IN BROWARD COUNTY, AND SUPPORTING EFFORTS OPPOSING EXTREME WELL STIMULATION, HYDRAULIC FRACTURING, ACID FRACTURING, AND ANY FORM OF EXTREME WELL STIMULATION FOR PURPOSES OF RESOURCE EXTRACTION; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Please place this matter on the September 8, 2015 City Commission Agenda. I have attached a Commission Agenda Cover Sheet for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.



MARK E. BERMAN

MEB/ds
l:cor/manager/2015-1460
Attachments

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, OPPOSING THE OIL DRILLING PERMIT APPLICATION SUBMITTED BY KANTER REAL ESTATE LLC, A FLORIDA FOR PROFIT LIMITED LIABILITY CORPORATION, TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SEEKING OIL DRILLING RIGHTS ON PROPERTY LOCATED IN THE FLORIDA EVERGLADES IN BROWARD COUNTY, AND SUPPORTING EFFORTS OPPOSING EXTREME WELL STIMULATION, HYDRAULIC FRACTURING, ACID FRACTURING, AND ANY FORM OF EXTREME WELL STIMULATION FOR PURPOSES OF RESOURCE EXTRACTION; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City recently learned that Kanter Real Estate LLC, a Florida for profit limited liability corporation (“Kanter”), has submitted an application for an oil drilling permit to the Florida Department of Environmental Protection seeking authorization to conduct exploratory oil well drilling operations on property in the Florida Everglades owned by Kanter and located approximately twelve (12) miles from the City of Sunrise’s city limits, and six miles west of Miramar’s city limits; and

WHEREAS, if granted, the oil drilling is anticipated to exceed 11,000 feet in depth, well below the area known as the Biscayne Aquifer, which provides the water supply for many residents of Broward County; and

WHEREAS, the City, along with many local agencies, have expressed substantial concerns about the potential harmful effects of the proposed drilling, including potential adverse environmental impacts such as the degradation and possible contamination of the Biscayne Aquifer,

the substantial impact that such drilling operations will have on the Florida Everglades fragile ecosystem comprised of water supplies, plant and vegetation, as well as the possible harm and injury to wildlife; and

WHEREAS, extreme well stimulation such as hydraulic and acid fracturing (also known as “fracking”) is the process of pumping a complex mix of fluids and chemicals, including large volumes of water, under very high pressure into or below the surface of the ground to create fractures in oil – or gas-bearing geologic formations for the purpose of producing or recovering oil or gas; and

WHEREAS, many of the chemical constituents injected during fracturing have documented adverse effects on human health and the environment; and

WHEREAS, after being injected into the ground, the chemicals used in the fracking process can leach into groundwater supplies, contaminating drinking water for local residents; and

WHEREAS, there have been more than 1,000 documented cases of water contamination near fracking sites; and

WHEREAS, use of these well stimulation fracturing mixes exposes adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development such as the exploratory well sought by Kanter; and

WHEREAS, in parts of the United States where hydraulic fracturing has occurred, including California, Texas, Colorado, Pennsylvania and Wyoming, there have been numerous complaints and legal actions because of contamination of drinking water with arsenic, methane, neurotoxins, and other proven and suspected carcinogens; and

WHEREAS, as with oil and gas wells, the material used for the pipelines will age and degrade over time, increasing the likelihood of leaks. Pipeline accidents are a regular occurrence nationwide. Legislation or regulations will not stop these leaks and spills as history has clearly shown; and

WHEREAS, after decades of work on an Everglades restoration plan with billions of dollars invested, it would be unacceptable and hazardous to allow drilling and fracking for oil in the Everglades, Big Cypress, and other nearby ecosystem areas. Accidents, spills, and releases of air and water pollutants, such as benzene, metals and hydrogen sulfide, will likely occur; and

WHEREAS, a spill, leak or other accident in Big Cypress or the Everglades would create a nightmare scenario for water supplies, wildlife and drinking water, including the ecosystem, which feeds the spawning grounds of Ten Thousand Islands, affecting much of the state's fishing industry; and

WHEREAS, as we have seen in the Deepwater Horizon disaster, regulation and potential penalties will have not meaningfully prevent catastrophic accidents involving drilling; and

WHEREAS, the wise stewardship of our natural resources involves protection of Florida's water supplies, wildlife and water resources for generations to come; and

WHEREAS, as a result of Amendment One, the Florida Constitution now requires that the legislature take immediate and certain steps to protect, restore and preserve Florida's lands and water resources by preventing contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments, which may not be possible, after the fact; and

WHEREAS, Florida's water supplies and resources are better protected through the prevention of contamination and environmental degradation from the outset, rather than the cleanup of contamination and restoration of degraded environments after the fact; and

WHEREAS, the City Commission deems it to be in the best interest of the residents of the City of Pompano Beach to present its vehement opposition to the Kanter oil drilling permit application and resultant operations, since the City of Pompano Beach is located in Broward County and may suffer substantial adverse impacts associated with the exploratory oil drilling sought by Kanter.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Resolution.

Section 2. That the City of Pompano Beach hereby publicly expresses its vehement opposition to the exploratory oil drilling operations sought by Kanter Real Estate LLC in the area located approximately six miles west of Miramar's city limits, and twelve miles from the City of Sunrise, and urges Broward County and all municipalities in Broward County to consider similar legislation opposing the efforts of Kanter.

Section 3. The City hereby supports a statewide ban on the use of extreme well stimulation, hydraulic fracturing, acid fracturing, and any form of extreme well stimulation for purposes of resource extraction as well as a prohibition on the disposal or related materials and byproducts anywhere within the State of Florida or in the waters adjacent to the State.

Section 4. The City hereby opposes any legislation that would allow or authorize more permits to allow fracking to expand in Florida and/or keeping secret from the public (in

effect a public record “gag order,”) health authorities, physicians or governmental entities, the use, type and amount of any hazardous chemicals, or substances used in fracking or other oil or gas extraction methods

Section 5. The City Attorney is hereby authorized to consult with other City Attorneys on strategies and/or options available to the City with regard to the opposition to the Kanter application as well as the expansion of drilling activities in the Everglades.

Section 6. The City Clerk is directed to send a copy of this Resolution to Broward County and all cities within Broward County.

Section 7. This Resolution shall effective immediately upon its passage.

PASSED AND ADOPTED THIS ____ day of September, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/ds
8/21/15
l:reso/2015-459