

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO SETTLE AND RELEASE CERTAIN CODE ENFORCEMENT LIENS AND DELEGATING TO THE CITY MANAGER THE AUTHORITY TO EXECUTE ADMINISTRATIVE RELEASES OF CERTAIN RECORDED LIENS.

WHEREAS, code enforcement liens imposed pursuant to Chapter 162, Florida Statutes and Chapter 11, Code of Ordinances of the City of Fort Lauderdale, run in favor of the City of Fort Lauderdale; and

WHEREAS, the City Commission has the authority to execute a satisfaction or release of such a lien; and

WHEREAS, on November 18, 2003 by adopting Resolution No. 03-176, the City Commission delegated to the City Manager the authority to settle and release liens having a face value of \$5,000.00 or less; and

WHEREAS, on November 18, 2003 by adopting Resolution No. 03-177, the City Commission delegated to the City Manager the authority to settle and release unenforceable code enforcement liens; and

WHEREAS, on July 20, 2004 by adopting Resolution No. 04-137, the City Commission delegated to the City Manager the authority to settle and release liens in lieu of litigation for no less than 75% or 85% of the face value of the lien, depending on the circumstances of the pending or proposed litigation; and

WHEREAS, on March 15, 2005 by adopting Resolution 05-50, the City Commission delegated to the City Manager the authority to settle and release certain unenforceable municipal liens for services and settle and release those liens that do not meet the criteria for settlement in Resolution Nos. 03-176, 03-177 and 04-137; and

WHEREAS, the costs have increased in the time necessarily spent reviewing requests for administrative releases of liens by City staff; and

WHEREAS, the City Commission has determined that the authority granted to the City Manager to settle and release liens should be increased from \$5,000 to \$25,000 and the City Manager should provide policy guidelines for reductions of code enforcement liens; and

WHEREAS, the City Commission desires to amend and combine the above mentioned Resolutions into one resolution for uniformity and clarity; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the authority to settle and execute a release of any code enforcement liens having a face value of \$25,000.00 or less is delegated to the City Manager, provided that he not release any such lien for less than the cost of the City's expenditure in the underlying enforcement.

SECTION 2. That for code enforcement liens having a face value of more than \$25,000.00, the City Manager shall present a report of the proposed settlements to the City Attorney each month for review. If the City Attorney concurs with the City Manager's proposed settlement, the City Manager shall present the report to the City Commission at a regular City Commission conference meeting. Each Commissioner or the Mayor may call up a proposed settlement for review either by advising the City Manager at the meeting or by filing a statement of intent with the City Clerk within 15 days of the date the Manager presented the report; a copy of the statement of intent shall also be provided to the City Manager. Upon receiving the request for Commission review, the City Manager shall place the request for review on the next available regular meeting agenda as a Motion for Discussion. If the City Commission approves the proposed settlement by Motion, or if a proposed settlement is not called for review within the 15-day period, the City Manager shall accept payment and shall execute a release of lien and cause the release of lien to be recorded in the Public Records of Broward County.

SECTION 3. That the authority to execute a partial release of any unenforceable code enforcement lien is delegated to the City Manager, who shall execute such release in exchange for the administrative fee of \$500 per release, or for the value of the lien, whichever amount is less, plus the County's fee for recording the release, if not already included in the face value of

the lien.

SECTION 4. That the authority to settle code enforcement liens, which the City Attorney has proceeded to commence foreclosure action on outstanding liens, for 75% of the face value thereof of each is delegated to the City Manager, provided that (1) he not consider for settlement any lien that has been turned over to special counsel for foreclosure; (2) he consider the advice regarding settlement provided by the City Attorney and/or Special Counsel; and (3) that he not settle any lien eligible for settlement for less than the cost of the City's expenditure in the underlying enforcement.

SECTION 5. That the authority to settle code enforcement liens, which the City Attorney has commenced foreclosure on outstanding liens, for 85% of the face value thereof of each is delegated to the City Manager, provided that (1) he consider for settlement only those liens that have been turned over to Special Counsel for foreclosure; and (2) he consider the advice regarding settlement provided by the City Attorney and/or Special Counsel; and (3) that he not settle any lien eligible for settlement for less than the cost of the City's expenditure in the underlying enforcement and the litigation.

SECTION 6. That the office of the City Attorney shall review and approve as to form all documents prior to their execution by City officials.

ADOPTED this the _____ day of _____ 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH