

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE SETTLEMENT OF THE LITIGATION STYLED *CITY OF SUNRISE, ET. AL. VS. BROWARD COUNTY*; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT WITH BROWARD COUNTY; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A SETTLEMENT PROCEEDS DISTRIBUTION AGREEMENT WITH THE SETTLING MUNICIPALITIES.

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WHEREAS, the City of Fort Lauderdale, Florida (the "City") was a party to the November 1986 Interlocal Agreement with Broward County (the "County") for Solid Waste Disposal Service, as amended (the "Interlocal Agreement"); and

WHEREAS, the Interlocal Agreement provided for the creation of the Broward Solid Waste Disposal District (the "District") and required the participating governmental entities to send the solid waste generated within their boundaries to be transported, delivered and disposed of at designated District waste disposal facilities; and

WHEREAS, the participating governmental entities directed solid waste generated within their boundaries to be disposed of at the designated District waste disposal facilities;

WHEREAS, the Interlocal Agreement expired on July 2, 2013; and

WHEREAS, Section 15.2 of the Interlocal Agreement provided for the equitable distribution of the assets and liabilities of the District to the participating governmental entities and the County upon the expiration of the Interlocal Agreement; and

WHEREAS, the participating governmental entities and the County disagreed as to the identification and distribution of the assets and liabilities of the District; and

WHEREAS, the City, together with seventeen other participating governmental entities, are plaintiffs (the "Plaintiff Municipalities") in the litigation styled *City of Sunrise et. al. v Broward County*, 17th Judicial Circuit Court Case No. CACE-013-015660 (the "Litigation"), which seeks a declaration regarding the assets and liabilities subject to equitable distribution; and

WHEREAS, on January 17, 2014, the parties to the Litigation held a joint public meeting of elected officials pursuant to Chapter 164, Fla. Stat., and agreed to proceed with mediation; and

WHEREAS, the Plaintiff Municipalities and the County participated in the mediation process and initially reached an impasse; and

WHEREAS, thereafter, representatives of the parties to the Litigation entered into negotiations regarding the terms of a possible settlement; and

WHEREAS, the Plaintiff Municipalities and the County have negotiated a Settlement Agreement, attached as Exhibit "A", (the "Settlement Agreement") to settle the Litigation under the terms and conditions set forth in the Settlement Agreement; and

WHEREAS, the Settlement Agreement provides for the County to make certain payments into a trust account designated by the Plaintiff Municipalities (the "Trust Account"), and funds deposited into the Trust Account by the County (the "Trust Account Funds") are to be distributed to the Settling Municipalities pursuant to an agreement among the Settling Municipalities that provides for pro rata allocation of expenses and pro rata distribution of funds based upon the 2012 Tonnage Schedule; and

WHEREAS, in order to implement the Settlement Agreement, the City and the other participating governmental entities that approve and execute the Settlement Agreement (collectively, the "Settling Municipalities") have negotiated a Settlement Proceeds Distribution Agreement, attached as Exhibit "B", (the "Settling Municipalities Agreement") to provide for the pro rata allocation of expenses and pro rata distribution of Trust Account Funds under the terms and conditions set forth in the Settling Municipalities Agreement.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Fort Lauderdale, Florida:

Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2: The City Commission authorizes the settlement of the Litigation under the terms and conditions set forth in the Settlement Agreement.

Section 3:The Mayor and City Manager are authorized to execute the Settlement Agreement with the County, attached as Exhibit "A," and the Settling Municipalities Agreement with the Settling Municipalities, attached as Exhibit "B", together with such non-substantial changes as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4:The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the settlement authorized in this Resolution and the intent of this Resolution.

Section 5:This Resolution shall take effect upon its adoption.

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2015.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH

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