



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
CONFERENCE MEETING

#22-0666

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager

DATE: August 16, 2022

TITLE: Resolution Approving the Third Amendment to the Settlement Agreement
Among the Settling Municipalities Relating to the Resource Recovery Board
Asset Litigation Settlement Proceeds - (**Commission Districts 1, 2, 3 and
4**)

Recommendation

Staff recommends the City Commission adopt a resolution authorizing execution of the Third Amendment to the Settlement Agreement among the Settling Municipalities relating to the Resource Recovery Board Asset Litigation Settlement proceeds ("Settlement Agreement"), in substantially the form attached, with Broward County, Florida, as it relates to the sale of the parcel of land known as Alpha 250.

Background

The City of Fort Lauderdale was a party to the November 1986 Interlocal Agreement with Broward County for Solid Waste Disposal Service, as amended (the "ILA"). The ILA provided for the creation of the Broward Solid Waste Disposal District (the "District") and required participating governmental entities to transport, deliver, and dispose solid waste generated within their boundaries at designated District waste disposal facilities. Section 15.2 of the ILA 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 ILA July 2, 2013. On June 28, 2013, the Plaintiff Municipalities filed a lawsuit against the County in the litigation styled *City of Sunrise et al., v. Broward County*, 17th Judicial Court Case No. CACE13-015660 (the "Litigation") which resulted in a declaration regarding the assets and liabilities subject to equitable distribution. The Plaintiff Municipalities and the County participated in a mediation process, resulting in the Settlement Agreement.

The City entered into the Settlement Agreement on June 1, 2015, which provided, among other conditions, for the removal of deed restrictions and the sale of the Alpha 250 property, an asset of the District. Proceeds of the sale of the property would then be distributed to the Plaintiff Municipalities, including the City of Fort Lauderdale, per the Settlement Agreement.

Subsequently, Broward County had proposed to hire a consultant to evaluate the possible uses of Alpha 250 towards meeting the County's goal of achieving a 75% recycling goal by 2020. This is in support of the State of Florida's statewide recycling goal as established in House Bill 7135, enacted in 2008. It is the County's position that this property can be an integral part of a countywide comprehensive solid waste disposal strategy.

On September 7, 2016, City Commission approved the First Amendment to the Settlement Agreement which delayed the sale of Alpha 250 for one year from the effective date of the First Amendment, with an additional one-year delay as approved by the County Administrator and the Mayors of Coconut Creek, Fort Lauderdale, Hollywood, Miramar, Sunrise and Weston ("Mayors"). This allowed the County to conduct a study lead by consultant Arcadis U.S., Inc., Kessler Consulting, Inc., Total Municipal Solutions, L.L.C. and GMAC Consulting, L.L.C. ("Arcadis Team") and coordinated by a working group of three municipal staff members and three County staff members. The time frame for the sale of Alpha 250 was set to expire on October 11, 2018.

On October 9, 2018, City Commission approved the Second Amendment to the Settlement Agreement to further delay the time period for the sale of Alpha 250 to enable the County and the Settling Municipalities to adequately analyze the Arcadis Team's findings and to allow for additional study and consideration of remaining issues. This extended the deadline for sale of Alpha 250 to October 11, 2019, with the possibility of extending for three additional one-year terms through October 11, 2022, if approved by the County Administrator and the Mayors.

On June 14, 2022, Broward County Commission approved the Third Amendment to the Settlement Agreement to further delay the time period for the sale of Alpha 250 to enable the County and the Settling Municipalities, through the Solid Waste Working Group, to formalize a regional solid waste management system and to make recommendations regarding the most beneficial use of the Alpha 250 site. This would extend the deadline for sale of Alpha 250 to October 11, 2023, with the possibility of extending for three additional one-year terms if approved by the County Administrator and the Mayors.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community
- Objective: Effectively manage solid waste

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Ready*.

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan specifically advancing:

- The Infrastructure Focus Area
- Solid Waste Management Element
- Goal 1: The City of Fort Lauderdale shall provide or maintain solid waste management and collection programs to serve current and future needs.
- Goal 2: The City of Fort Lauderdale shall promote and implement best practices for solid waste management.

Attachments

Exhibit 1 – Third Amendment to the RRB Settlement

Exhibit 2 – Resolution

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