

RESOLUTION NO. 06-122

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 MUNICIPAL LIENS.

WHEREAS, a schedule for service fees for responses to alarms is established by Section 4-9 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the schedule provides that the service fees escalate for repeat alarms at the same premises within a twelve-month period and so, sets forth penalties rather than user fees; and

WHEREAS, when recorded, an unpaid alarm responses fee becomes a lien upon the subject property that runs in favor of the City of Fort Lauderdale, pursuant to Section 4-9 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, from time to time a property owner or his/her successor-in-interest desires to settle the unpaid fee or lien at less than the face value and wants to provide evidence of circumstances in support of a payment of a lesser penalty than the ordinance provides; and

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

WHEREAS, the City Commission desires to enable the City Manager to negotiate settlement and release of such unpaid fees and liens when circumstances warrant; and

WHEREAS, on November 18, 2003 by adopting Resolution 03-176, the City Commission delegated to the City Manager the authority to settle and release code enforcement liens having a face value of \$5,000.00 or less; and

WHEREAS, on November 18, 2003 by adopting Resolution 03-177, the City Commission delegated to the City Manager the authority to settle and release certain unenforceable code enforcement liens; and

WHEREAS, on July 20, 2004 by adopting Resolution 04-137, the City Commission delegated to the City Manager the authority to settle and release code enforcement 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 unenforceable municipal liens for services and code enforcement liens having a face value of more than \$5,000,

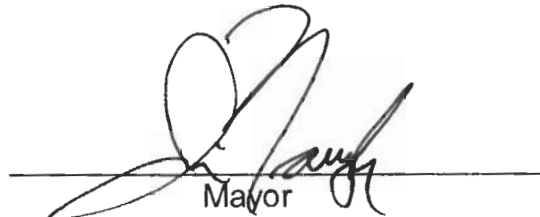
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the authority to settle and execute a release of any lien or debt arising from unpaid alarm response fees 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 response and provided that he follow the procedure set forth in Section 2 of this resolution.

SECTION 2. That the City Manager shall present a report of the proposed settlements to the City Attorney each month, or when necessary, for review. If the City Attorney finds that the City Manager's proposed settlement is lawful, 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 30 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 30-day period, the City Manager shall accept payment and, when necessary, shall execute a release of lien and cause the release of lien to be recorded in the Public Records of Broward County.

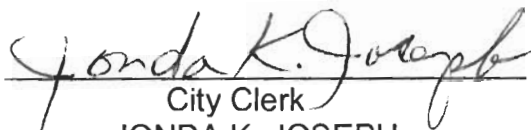
SECTION 3. That the office of the City Attorney shall review and approve as to form all documents prior to their execution by City officials.

ADOPTED this the 18th day of July 2006.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
JONDA K. JOSEPH

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