



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#16-0948

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: September 7, 2016

TITLE: Resolution to Approve the First Amendment to the Agreement among the
Settling Municipalities relating to the Resource Recovery Board Asset
Litigation Settlement Proceeds

Recommendation

It is recommended that the City Commission adopt a resolution authorizing execution of the First Amendment to the 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 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. CACE-013-015660 (the "Litigation"). This 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 site, 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.

Broward County has proposed to hire a consultant to evaluate the possible uses of the Alpha 250 site towards meeting the County's goal of achieving a 75% recycling rate 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 May 10, 2016, Broward County Commission approved the First Amendment to the Settlement Agreement which would delay the sale of Alpha 250 for one year from the effective date of the First Amendment, with a potential additional one-year delay if approved by the County Administrator and the Mayors of Fort Lauderdale, Coconut Creek, Hollywood, Miramar, Sunrise and Weston. This would allow the County to conduct a study, coordinated by a working group of three municipal staff members and three County staff members. The cost of this study, not to exceed \$200,000 would be shared, with the County responsible for 50% and the Plaintiff Municipalities responsible for 50% up to \$100,000. On June 14, 2016, Broward County Commission voted to assume the full cost of this study up front, with the Plaintiff Municipality share being deducted from their proceeds of the sale.

Resource Impact

There is no current fiscal year impact to the City. There will be a future fiscal impact to the City in the estimated amount of \$20,000 for the shared cost of the property use evaluation. The actual shared cost will be applied to the final proceeds from the future sale of the Alpha 250 site.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 2: Be a sustainable and resilient community.
Objective 4: Reduce solid waste disposal and increase recycling.

and the Internal Support Cylinder of Excellence, specifically advancing:

- Goal 12: Be a leading governmental organization, managing our resources wisely and sustainably.
Objective 1: Ensure sound fiscal management.

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

Attachments

Exhibit 1 – First Amendment to RRB Settlement
Exhibit 2 – Resolution

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