



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#18-1052

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

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

DATE: October 9, 2018

TITLE: Resolution to Approve the Second Amendment to the Settlement
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 Second 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 party to the November 1986 Interlocal Agreement with Broward County for Solid Waste Disposal Service, as amended (ILA). The ILA provided for the creation of the Broward Solid Waste Disposal District (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 on 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 Circuit Court Case No. CACE-013-015660 (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 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, the 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 extension allowed the County to conduct a study led 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 is set to expire on October 11, 2018.

On September 13, 2018, Broward County Commission approved the Second Amendment to the Settlement Agreement to further extend 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. The Second Amendment extends the deadline for sale of Alpha 250 to October 11, 2019, with the option to further extend for three additional one-year terms, as approved by the County Administrator and the Mayors.

Resource Impact

The adoption of this resolution has no direct fiscal impact on the City of Fort Lauderdale.

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.
- 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 – Second Amendment to Settlement Agreement

Exhibit 2 – Resolution

Prepared by: Todd Hiteshew, Public Works Department, Sustainability

Department Director: Paul Berg, ICMA-CM, Public Works Department