

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE SETTLEMENT OF THE LITIGATION STYLED *CITY OF SUNRISE, ET. AL. VS. BROWARD COUNTY*; APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT WITH BROWARD COUNTY; AND APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED SETTLEMENT PROCEEDS DISTRIBUTION AGREEMENT WITH THE SETTLING MUNICIPALITIES.

WHEREAS, the City of Hollywood (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 HOLLYWOOD:

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

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

Section 3: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the Settlement Agreement with Broward County, attached hereto as Exhibit "A," together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

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

Section 4: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the Settlement Proceeds Distribution Agreement with the Settling Municipalities, attached hereto as Exhibit "B" together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

Section 5: That 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 6: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
PETER BOBER, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only

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JEFFREY P. SHEFFEL, CITY ATTORNEY