

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE, ET. AL. V. BROWARD COUNTY*; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE SECOND AMENDMENT IN ORDER TO EXTEND THE SALE DELAY PERIOD FOR THE ALPHA 250 PARCEL TO OCTOBER 11, 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Broward County ("County") and several Broward municipalities entered into a Settlement Agreement to settle the litigation styled *City of Sunrise, et. al. v. Broward County*, 17th Judicial Circuit Court Case No. CACE-013-015660 (the municipalities defined in the Settlement Agreement as the Settling Municipalities shall be collectively referred to as the "Settling Municipalities"); and

WHEREAS, the Settlement Agreement provides for the County and the Settling Municipalities to agree to use their best efforts (and to take all reasonable steps) to sell the parcel of land known as Alpha 250, as further described in the Settlement Agreement ("Alpha 250"); and

WHEREAS, a First Amendment to the Settlement Agreement, dated June 6, 2016, was entered into by the County and the Settling Municipalities in which the parties agreed to delay the sale of Alpha 250 for one year from the effective date of the First Amendment to allow the County to procure a study for an evaluation and recommendations regarding how to reach a 75% County-wide recycling goal, determining the impact retaining public ownership of Alpha 250 would have on that recycling goal and County-wide solid waste disposal, and other general solid waste issues that might be identified through the study; and

WHEREAS, the First Amendment provided that the Settlement Agreement may be further amended based upon the results of the study. In addition, the First Amendment allowed the County and Settling Municipalities to further extend the Sale Delay Period for an additional period of up to one year upon written approval of the County Administrator and the Mayors of Coconut Creek, Fort Lauderdale, Hollywood, Miramar, Sunrise, and Weston (collectively, the "Mayors"); and

WHEREAS, in June 2017, the County retained Arcadis, U.S., Inc., Kessler Consulting, Inc., Total Municipal Solutions, L.L.C., and GMAC Consulting, L.L.C. (collectively, the "Arcadis Team") to conduct the study, which commenced in October

2017; and

WHEREAS, thereafter, consistent with the First Amendment, the County Administrator and the Mayors provided written approval of an extension of the Sale Delay Period under the First Amendment to the Settlement Agreement until October 11, 2018, which further extended the Sale Delay Period until October 11, 2018; and

WHEREAS, in August 2018, the Arcadis Team concluded the study and issued its Solid Waste and Recycling Issues Study Interim Final Report, which summarizes the Arcadis Team's findings based on the study and includes its final evaluations and recommendations; and

WHEREAS, in order to analyze the Interim Final Report and address the final evaluations and recommendations, the County and the Settling Municipalities desire to amend the Settlement Agreement to further extend the Sale Delay Period under the terms and conditions set forth in the attached Second Amendment; and

WHEREAS, on September 13, 2018, Broward County approved the attached Second Amendment to the Settlement Agreement and executed same, which now requires all of the Settling and Consenting Municipalities to approve and execute the attached Second Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, THAT:

Section 1: Legislative Findings/Recitals. The above recitals are adopted by the City of Hollywood as its legislative findings relative to the subjects and matters set forth in this Resolution.

Section 2: Approval of Second Amendment to the Settlement Agreement. The Second Amendment to Settlement Agreement, attached as Exhibit "A", is approved.

Section 3: Authorization to Execute Second Amendment. The appropriate City officials are authorized to execute the Second Amendment to Settlement Agreement, attached as Exhibit "A", together with such non-substantive changes as may subsequently be agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4: Implementing Actions. The City Manager and the City Attorney are authorized to take any actions necessary to implement the terms of this Resolution.

Section 5: Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, it is the intent of the City Commission that such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application and, to this end, the provisions of this Resolution are declared severable.

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Section 6: Conflicts. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are repealed.

Section 7: Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on the _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST

PATRICIA A. CERNY, MMC, CITY CLERK

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

DOUGLAS R. GONZALES, CITY ATTORNEY