



Legislation Text

File #: R-2024-175, **Version:** 1

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request Of The City Of Dania Beach, Florida, To Toll All Limitations Periods Associated With Dania Beach's Ability To Sue The City Of Hollywood For Issues Pertaining To The Large User Agreements As Litigated In The Broward Circuit Court Case Styled *City Of Pembroke Pines v. City Of Hollywood*.

Financial Management & Administration

Staff Recommends: Consideration of the attached Resolution.

Explanation:

The City of Hollywood provides wastewater services to several "large users," including the Cities of Pembroke Pines ("Pines"), Dania Beach, Hallandale Beach, Miramar, and Broward County, pursuant to agreements that were negotiated and have been in place since the 1990s, called the "Large User Agreements."

Pines later sued Hollywood, in actions consolidated in Broward Circuit Court Case Number CACE 18-015330, asserting, among other things, that Hollywood had improperly calculated true-up payments under the Large User Agreements. A trial was concluded in 2023, resulting in a Final Judgment in favor of Hollywood on a number of issues, and in favor of Pines on a number of issues ("2023 Litigation"). Both Pines and Hollywood have appealed the Final Judgment, and the appeals remain pending.

Dania Beach did not join with Pines in the underlying court action, and thus, the Final Judgment does not apply to nor inure to the benefit of Dania Beach. Dania Beach has requested that Hollywood agree to toll the statute of limitations for Dania Beach to potentially bring action against Hollywood on the Large User Agreement if Pines prevails on appeal on some or all of the issues in the Final Judgment that could potentially affect Dania Beach.

Dania Beach may request, if Hollywood agrees to the requested tolling, that the courts take judicial notice of its claim based upon allegedly identical facts and circumstances as was litigated with Pines, and if the courts agreed, would then only be required to establish any damages that Dania Beach asserts it may have suffered, payable by Hollywood. Should Hollywood not agree to toll the limitations period pending the outcome of the Pines' appeal as

requested by Dania Beach, then Dania Beach will be required to presently sue Hollywood and assert its potential claims based under the Large User Agreement as applied to Dania Beach.

Fiscal Impact:

There is no fiscal impact associated with this Resolution.

Recommended for inclusion on the agenda by:

Damaris Y. Henlon, Deputy City Attorney

Douglas R. Gonzales, City Attorney