



## Legislation Details (With Text)

<b>File #:</b>	R-2018-325	<b>Version:</b>	1	<b>Name:</b>	The Second Amendment To The Settlement Agreement
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	10/1/2018	<b>In control:</b>	Office of the City Attorney		
<b>On agenda:</b>	10/17/2018	<b>Final action:</b>	10/17/2018		
<b>Title:</b>	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 Until October 11, 2019; Providing For Severability; Providing For Conflicts; And Providing For An Effective Date.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. RESORRBSECONDAMENDMENTSETTLEMENTAGREEMENT2018 DOC.pdf, 2. Exhibit A Second Amendment to Settlement Agreement.pdf, 3. Solid Waste and Recycling Issues Study Interim Final Report.pdf, 4. termsecondamendmentRRBlitigation.pdf				

Date	Ver.	Action By	Action	Result
10/17/2018	1	Regular City Commission Meeting	adopt	Pass

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 Until October 11, 2019; Providing For Severability; Providing For Conflicts; And Providing For An Effective Date.

### Explanation:

Broward County (the "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 herein as the "Settling Municipalities"). 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").

A First Amendment to the Settlement Agreement, dated June 6, 2016, was entered into by the County and the Settling Municipalities 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, what 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.

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”).

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. Thereafter, consistent with the First Amendment, the County Administrator and the Mayors provided written approval of extension of 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.

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. 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.

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

Recommended for inclusion on the agenda by:  
Douglas R. Gonzales, City Attorney