

RESOLUTION NO. 2015 - 079

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND WASTE MANAGEMENT INC. OF FLORIDA, WHICH SUPERSEDES AND REPLACES THE SETTLEMENT AGREEMENT BETWEEN THE PARTIES DATED SEPTEMBER 13, 2010 AND FIRST AMENDMENT THERETO DATED DECEMBER 14, 2011 RELATING TO THE OPERATION OF MONARCH HILL LANDFILL AND THE NORTH BROWARD WASTE-TO-ENERGY PLANT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, starting in January 2009, the City initiated conflict resolution procedures set forth in the Florida Governmental Conflict Resolution Act, pursuant to Chapter 164 of Florida Statutes, regarding actions taken by Broward County with regard to the variances granted at the 500-acre Class I solid waste facility known as the Central Disposal Sanitary Landfill or Monarch Hill Landfill (herein after referred to as “Landfill”); and

WHEREAS, in 2010, the City and Broward County reached an understanding wherein the City would attempt to resolve the issues raised during the Chapter 164 proceeding directly with Waste Management Inc. of Florida (hereinafter referred to as “WMIF”), the entity operating the Landfill; and

WHEREAS, in September 2010, the City and WMIF reached a settlement agreement, which was amended in December 2011, regarding WMIF’s operation of Monarch Hill Landfill. That Settlement Agreement contained certain limitations on the disposal of solid waste and promoted recycling and waste-to-energy programs; and

WHEREAS, on November 18, 2014, the City became aware of WMIF/Wheelabrator's intent to cease operation of the North Broward Waste-to-Energy Plant (hereinafter "North Plant") at the Landfill; and

WHEREAS, on January 16, 2015, the City provided WMIF with a pre-suit notice as required under the 2010 Settlement Agreement; and

WHEREAS, in early 2015, WMIF responded to the City's pre-suit notice denying the allegations set forth by the City;

WHEREAS, in early 2015, the City and WMIF engaged in pre-suit mediation regarding the 2010 Settlement Agreement in connection with the general operations of the Landfill and the proposed closure of the North Plant; and

WHEREAS, the City and WMIF have agreed upon terms and conditions as set forth in said attached Settlement Agreement, attached hereto and made a part hereof as Exhibit "A," wherein WMIF shall not exceed certain tonnage limitations on specified types of waste deposited in the Landfill; and

WHEREAS, the City Commission finds and determines that entering into the attached Settlement Agreement is in the best interests of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2: Review. That the City Commission has reviewed and hereby acknowledges and ratifies the Settlement Agreement between the City of Coconut Creek and WMIF, attached hereto and made a part hereof as Exhibit "A."

Section 3: Directions to City Manager. The City Commission shall direct the City Manager to execute the attached Settlement Agreement between the City of Coconut Creek and Waste Management Inc. of Florida, attached hereto and made a part hereof as Exhibit "A."

Section 4: Effective Date. That this Resolution shall be in full force and effect immediately upon its passage and adoption.

Adopted this _____ day of _____, 2015.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

Tooley _____
Belvedere _____
Sarbone _____
Welch _____
Rydell _____