

RESOLUTION NO. 2016-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE ET. AL. V BROWARD COUNTY*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 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”); 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, the County and the Settling Municipalities desire to amend the Settlement Agreement to delay the sale of Alpha 250 while a joint independent study is performed regarding the following issues:

- (i) How a 75% countywide recycling goal may be reached;
- (ii) Whether retaining public ownership of Alpha 250 would facilitate the meeting of that recycling goal or would provide other benefits in connection with solid waste disposal within Broward County; and
- (iii) General solid waste disposal issues as determined by the Working Group (as defined in the First Amendment), which may include options regarding flow control and potential governance or contractual structures for collaborative management of solid waste disposal.

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

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

Section 2: Approval of First Amendment to the Settlement Agreement. That the First Amendment to Settlement Agreement, attached as Exhibit "I", is hereby approved.

Section 3: Authorization to Execute First Amendment. That the Mayor and City Manager, or designee, are authorized to execute the First Amendment to Settlement Agreement, attached as Exhibit "I", together with such non-substantive changes as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

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

Section 5: Severability. That if any provision of this Resolution or the application thereof 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.

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

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

Adopted this 14th day of July, 2016.

Mikkie Belvedere, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

Belvedere _____

Rydell _____

Sarbone _____

Tooley _____

Welch _____