

CITY OF MARGATE, FLORIDA
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE ET. AL. VS. BROWARD COUNTY*; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, First, in 2013, following the expiration of the Resource Recovery Board, the City of Margate and numerous municipalities sued Broward County seeking an equitable distribution of the remaining assets of the Resource Recovery Board, in the case styled *City of Sunrise et. al. vs. Broward County*, 17th Judicial Circuit Court Case No. CACE-013-015660 (the "RRB Litigation"); and

WHEREAS, Second, on April 15, 2015, the City Commission of the City of Margate adopted Resolution No. 15-033, which authorized the settlement of the RRB Litigation and, among other things, authorized the City Manager to execute a Settlement Agreement with Broward County (the "Settlement Agreement"); and

WHEREAS, Third, by June 2015, the County and all of the other plaintiff municipalities in the RRB Litigation had also approved the Settlement Agreement and it became effective; and

WHEREAS, Fourth, under the Settlement Agreement, the County paid \$32 million to the municipalities distributed pro rata based upon tonnage, and also agree to sell a parcel of land known as Alpha 250, as further described in the Settlement Agreement ("Alpha 250"), the proceeds of which would also be distributed, pro rata, to the municipalities; and

WHEREAS, Fifth, on August 24, 2016, the City Commission adopted Resolution No. 16-262, approving the First Amendment to the Settlement Agreement, agreeing to delay the sale of Alpha 250 while a joint independent study would be performed regarding the future of recycling and solid waste disposal in Broward County (the "Study"); and

WHEREAS, Sixth, 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; and

WHEREAS, Seventh, consistent with the First Amendment to the Settlement Agreement, the County Administrator and six designated mayors (the "Mayors") provided Written Approvals of Extension of Sale Delay Period Under First Amendment to Settlement Agreement until October 11, 2018; and

WHEREAS, Eighth, in August 2018, the Arcadis Team concluded the Study and issued its Solid Waste and Recycling Issues Study Interim Final Report (the "Interim Final Report"); and

WHEREAS, Ninth, in order to analyze and implement the Interim Final Report, the County and the Settling Municipalities entered into a Second Amendment to the Settlement Agreement, which was approved by the City of Margate on December 5, 2018 through adoption of Resolution No. 18-158, which further extended the Sale Delay Period until October 11, 2019, which period could be further extended for up to three additional periods, provided that any such additional extension be approved in writing by the County Administrator and the Mayors; and

WHEREAS, Tenth, in late 2019, the County, the Settling Municipalities, and other municipalities established a Solid Waste Working Group ("SWWG"), a group of elected municipal and county officials, to jointly develop recommendations for a regional solid waste management system based on shared principles and commitments, including a mutually agreed governance structure; and

WHEREAS, Eleventh, consistent with the Second Amendment to the Settlement Agreement, the County Administrator and the Mayors provided Written Approvals of Extension of Sale Delay Period Under Second Amendment to Settlement Agreement until October 11, 2022; and

WHEREAS, Twelfth, the SWWG continues to work collaboratively to develop a governance structure for solid waste disposal and recycling and expects to present a proposed Interlocal Agreement later this year to all municipalities in Broward County for consideration; and

WHEREAS, Thirteenth, the County and the Settling Municipalities desire to further amend the Settlement Agreement through the attached Third Amendment to Settlement Agreement to further extend the Sale Delay Period for Alpha 250 to provide the SWWG additional time to conduct its work.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Margate, Florida:

Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by referenced herein.

Section 2: The City Commission approves the Third Amendment to the Settlement Agreement, attached as Exhibit "A".

Section 3: The City Manager is authorized to execute the Third Amendment to the Settlement Agreement with the County, together with such non-substantial changes as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4: The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 5: This Resolution shall take effect upon its adoption.

PASSED, ADOPTED AND APPROVED THIS _____ day of _____ 2022.

ATTEST:

JENNIFER M. JOHNSON
CITY CLERK

MAYOR ANTONIO V. ARSERIO

RECORD OF VOTE

Simone	_____
Schwartz	_____
Ruzzano	_____
Caggiano	_____
Arserio	_____