Broward County

Legislation Details (With Text)

File #:	22-1022 **Version:** 1		
		Status:	Agenda Ready
		In control:	COUNTY ADMINISTRATION
On agenda:	6/14/2022	**Final action:**	6/14/2022
Title:	MOTION TO AUTHORIZE County Administrator to approve and execute a Third Amendment to Settlement Agreement in City of Sunrise, et al. v. Broward County, 17th Judicial Circuit Court Case No. CACE-013-015660 (“Resource Recovery Board Asset Litigation”) on behalf of the County, for the sole purpose of extending the deadline to sell the “Alpha 250” property for a period of at least one year, provided that the Third Amendment does not impose any financial obligations on the County other than those related to ongoing maintenance of the property, and subject to review of the Third Amendment for legal sufficiency by the Office of the County Attorney.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit 1 - 2015 Settlement Agreement Between the County and the Settling Municipalities, 2. Exhibit 2 - 2016 First Amendment to the Settlement Agreement, 3. Exhibit 3 - 2018 Second Amendment to the Settlement Agreement		

Date	Ver.	Action By	Action	Result

Broward County Commission Regular Meeting
Director's Name: Monica Cepero
Department: County Administration

Information

Requested Action
MOTION TO AUTHORIZE County Administrator to approve and execute a Third Amendment to Settlement Agreement in *City of Sunrise, et al. v. Broward County,* 17th Judicial Circuit Court Case No. CACE-013-015660 (“Resource Recovery Board Asset Litigation”) on behalf of the County, for the sole purpose of extending the deadline to sell the “Alpha 250” property for a period of at least one year, provided that the Third Amendment does not impose any financial obligations on the County other than those related to ongoing maintenance of the property, and subject to review of the Third Amendment for legal sufficiency by the Office of the County Attorney.

Why Action is Necessary
Board action is required to authorize the County Administrator to engage in the referenced actions.

What Action Accomplishes
Authorizes the County Administrator to approve and execute a Third Amendment to Settlement Agreement in the Resource Recovery Board Asset Litigation, extending the deadline to sell the “Alpha 250” property.

Is this Action Goal Related
No

Previous Action Taken
None

Summary Explanation/Background
In June 2015, the County and various Broward County municipalities entered into a Settlement Agreement (Exhibit 1) that resolved Resource Recovery Board Asset Litigation related to the 1986 Interlocal Agreement for Solid Waste Disposal Services ("ILA"). The Settlement Agreement included a process for the sale of "Alpha 250," a vacant parcel of land not being used for any current solid waste disposal purposes, with the net proceeds from that sale to be distributed, pro rata, to the municipalities that were parties to the ILA.

In a 2016 First Amendment to the Settlement Agreement (Exhibit 2), the parties to the Settlement Agreement agreed to extend the deadline to sell the "Alpha 250" property for one year to enable a study to be conducted to evaluate and provide recommendations on various matters related to solid waste and recycling.

In a 2018 Second Amendment to the Settlement Agreement (Exhibit 3), the parties to the Settlement Agreement agreed to additional extensions to sell the "Alpha 250" property. Each of the extensions lasted for a single year and required approval from the County Administrator and the mayors of the Settling Municipalities. The final extension on the Second Amendment has been exercised and the current deadline to sell the "Alpha 250" property is October 11, 2022.

At the present time, County Administration does not believe that a sale of the "Alpha 250" property would be beneficial to the parties to the Settlement Agreement, and it is expected that the municipalities who are parties to the Settlement Agreement are amenable to a further extension of the sale deadline. Further extension of the sale deadline is beneficial to all parties and collaborations continue via the Solid Waste Working Group on the development of regional authority to coordinate solid waste and recycling.

If this item is approved, the County Administrator will be authorized to approve and execute a Third Amendment to the Settlement Agreement for the sole purpose of further extending the deadline to sell the "Alpha 250" property for one or more periods of at least one year and provided that the amendment does not impose any financial obligations on the County other than those related to ongoing maintenance of the property. The substance of the proposed amendment will be subject to review for legal sufficiency by the Office of the County Attorney prior to execution by the County Administrator and the municipal parties to the Settlement Agreement.

Source of Additional Information
Kevin Kelleher, Assistant County Administrator, (954) 357-7320

Fiscal Impact

Fiscal Impact/Cost Summary
None