

**RESOLUTION NO. 2008 - 015**

**A RESOLUTION OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE NINTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICES; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Interlocal Agreement between the Board of County Commissioners, ("County") and the Municipalities who are parties to the Interlocal Agreement ("Contract Communities") provided in section 16.1 for its term to be "twenty (20) years from the date the initial northern or southern resource recovery facility or contingency landfill becomes operational..." (said date being March 22, 1992) or the maturity of indebtedness secured by the Resource Recovery system; and

**WHEREAS,** the term of the Interlocal Agreement between the County and the Contract Communities was extended in its Third Amendment to the date of July 02, 2013, to provide for the final maturity of revenue bonds issued in 1993 secured by the resource recovery system; and

**WHEREAS,** all County indebtedness secured by the resource recovery system shall mature no later than December 01, 2011; and

**WHEREAS,** the Resource Recovery Board as governing body of the Broward County Solid Waste District believes that the Interlocal Agreement between Broward County and the Contract Communities should terminate as expeditiously as legally feasible; and

**WHEREAS,** the Interlocal Agreement provides for a method of amendment in 12.6 of the agreement, but that said method specifically excludes reduction in the term of the agreement; and

**WHEREAS,** the Town is desirous of entering into this agreement with Broward County for Solid Waste Disposal Services.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1:** The above referenced recitals are true and correct and are incorporated herein by reference.

**Section 2:** The Town Council hereby approves the Agreement, attached hereto as Exhibit "A", between the Town of Southwest Ranches and Broward County for Solid Waste Disposal Services.

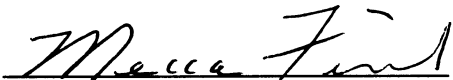
**Section 3:** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into an Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary to effectuate the intent of this Resolution.

**Section 4:** This Resolution shall become effective immediately upon its adoption.

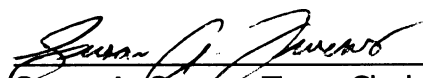
**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 8<sup>th</sup> day of November, 2007, on a motion by Vice Mayor Jeff Nelson seconded by Council Member Don Maines.

Fink	<u>Y</u>
Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Knight	<u>ABSENT</u>
Maines	<u>Y</u>

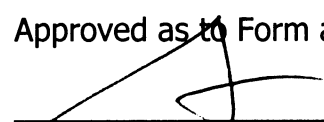
Ayes	<u>4</u>
Nays	<u>0</u>
Absent	<u>1</u>
Abstaining	<u>0</u>

  
Mecca Fink, Mayor

Attest:

  
Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

  
Gary A. Poliakoff, J.D., Town Attorney  
FTL\_DB: 1079454\_1

## NINTH AMENDMENT

This Ninth Amendment is dated for convenience as May 27, 2004 to the Interlocal Agreement with Broward County for Solid Waste Disposal Services ("Interlocal Agreement"), dated for convenience November 25, 1985, by and between Broward County, a political subdivision of the State of Florida, by and through its Board of County Commissioners, ("COUNTY") and the Municipalities who are parties to the Interlocal Agreement ("CONTRACT COMMUNITIES").

### WITNESSETH

WHEREAS, the Interlocal Agreement between the County and the Contract Communities provided in section 16.1 for its term to be "twenty (20) years from the date the initial northern or southern resource recovery facility or contingency landfill becomes operational..." (said date being March 22, 1992) or the maturity of indebtedness secured by the Resource Recovery system and,

WHEREAS, the term of the Interlocal Agreement between the County and the Contract Communities was extended in its Third Amendment to the date of July 2, 2013, to provide for the final maturity of revenue bonds issued in 1993 secured by the resource recovery system and,

WHEREAS, in 2001 the above 1993 Revenue Bonds were refunded and defeased, and

WHEREAS, all County indebtedness secured by the resource recovery system shall mature not later than December 1, 2011 and,

WHEREAS, the Resource Recovery Board as governing body of the Broward County Solid Waste District believes that the Interlocal Agreement between Broward County and the Contract Communities should terminate as expeditiously as legally feasible and,

WHEREAS, the Interlocal Agreement provides for a method of amendment in 12.6 of the agreement, but that said method specifically excludes reduction in the term of the agreement.

Now therefore in consideration of the mutual terms, conditions, provisions, covenants and payments hereinafter set forth, the parties agree as follows:

(1). Article 16, section 16.1 of the Interlocal Agreement between Broward County and the Contract Communities shall be amended to read as follows:

This agreement shall be effective for each Contract Community and unincorporated County from the date of execution until March 23, 2012.

(2). This amendment shall become effective only upon approval of Broward County and each Contract Community which is a party to the Interlocal Agreement.

IN WITNESS WHEREOF, the parties have hereto made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, SIGNING BY AND THROUGH ITS Mayor or Vice Mayor, authorized to execute the same by Board action of the \_\_\_\_ day of \_\_\_\_\_, 2004, and by the CONTRACT COMMUNITIES signing by and through official(s) duly authorized to execute the same.

COUNTY

BROWARD COUNTY, through its BOARD  
OF COUNTY COMMISSIONERS

ATTEST:

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
County Administrator and Ex-Officio  
Clerk of the Board of County  
Commissioners of Broward County, Florida

Approved as to form by  
Office of the County Attorney  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301

By: \_\_\_\_\_  
(Print Name)  
\_\_\_\_\_ County Attorney

NINTH AMENDMENT TO INTERLOCAL AGREEMENT WITH BROWARD  
COUNTY FOR SOLID WASTE DISPOSAL SERVICE

CONTRACT COMMUNITY

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Name of Contract Community  
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Executed this \_\_\_\_ day of \_\_\_\_\_, 200\_.

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney