

RESOLUTION 2011 - 042

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTED PURSUANT TO SECTION 164.1052, FLORIDA STATUTES, DECLARING THE INTENT OF THE TOWN COUNCIL TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE SHERIFF OF BROWARD COUNTY, ARISING FROM ACTIONS THAT HAVE BEEN TAKEN TO INVALIDATE THE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES, THE SHERIFF OF BROWARD COUNTY, AND COOPER CITY FOR THE DELIVERY OF EMERGENCY MEDICAL FIRE PROTECTION AND FIRE PREVENTION SERVICES; DIRECTING THE TOWN ADMINISTRATOR TO PREPARE AND TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION AND THE REQUIRED CERTIFIED LETTER TO THE SHERIFF OF BROWARD COUNTY AND TO OTHER GOVERNMENTAL UNITS PURSUANT TO SECTION 164.1052, FLORIDA STATUTES; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 17, 2010 the Town of Southwest Ranches ("Town") entered into an Agreement with the Sheriff of Broward County ("BSO") and Cooper City for the Delivery of Emergency Medical Fire Protection and Fire Prevention Services; and

WHEREAS, while guaranteeing the same response times, Southwest Ranches' new Agreement saves Southwest Ranches approximately \$700,000 annually through the utilization of a multi-purpose "hybrid" vehicle and the sharing with Cooper City of a new ALS Rescue Transport unit to be stationed in Cooper City; and

WHEREAS, shortly after entering into the new Agreement it became readily apparent that BSO may have taken certain actions to rescind the Agreement; and

WHEREAS, these actions include BSO's failure to timely issue a purchase order relating to the lease of the hybrid vehicle, its apparent efforts to derail the Correction Corporation of America's delegation request, its apparent efforts in

working with the City of Weston to terminate its Automatic Aid Agreement with the Town, its apparent efforts in working with the Town of Davie to cancel its Automatic Aid Agreement with Cooper City, and its apparent efforts in working with Cooper City to terminate its Agreement with the Town; and

WHEREAS, as a direct result of BSO's intentional actions Southwest Ranches has been financially impacted; and

WHEREAS, Chapter 164, Florida Statutes, entitled the "Florida Governmental Conflicts Resolution Act," ("Act") provides that governmental entities in dispute must attempt to negotiate their differences pursuant to the procedures outlined in the Act prior to commencing litigation regarding the conflict; and

WHEREAS, Section 164.1052, Florida Statutes, requires the governing body of the government entity initiating the conflict resolution procedures to adopt a resolution expressing its intent to initiate such procedure; and

WHEREAS, this Resolution seeks to comply with the statutory requirements.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above referenced "WHEREAS" clauses are true and correct and are incorporated herein by reference.

Section 2. The Town Council of the Town of Southwest Ranches, Florida, hereby expresses its intent to initiate the conflict resolution procedure pursuant to section 164.1052, Florida Statutes, with the Sheriff of Broward County concerning the Sheriff of Broward County's intentional conduct to force the rescission of the Agreement with the Sheriff of Broward County and Cooper City for the Delivery of Emergency Medical Fire Protection and Fire Prevention Services.

Section 3. The Town Council of the Town of Southwest Ranches finds that it has a conflict with the Sheriff of Broward County. The issues in conflict include actions taken by BSO to cause the rescission of its Agreement with the Town.

Section 4. The Town Council of the Town of Southwest Ranches, Florida, hereby directs the Town Administrator through coordination with the Town Attorney, to forward a certified copy of this Resolution, as well as the required Conflict Resolution Letter, to the Sheriff of Broward County, within five (5) days, by certified mail, return receipt requested, pursuant to Section 164.1052(1), Florida Statutes. The Conflict Resolution Letter shall include all items required by Section 164.1052(1), Florida Statutes, including without limitation:

- a. Description of the conflict between Southwest Ranches and BSO;
- b. List of governmental entities with which the Town has a conflict;
- c. The Town's justification for initiating the conflict resolution procedures of this Act;
- d. Suggestions as to which individuals should be in attendance at the Conflict Assessment Meeting.

The Town Administrator is directed to also send a copy of the letter to any other state, county or other local governmental entity that may be affected by BSO's actions or by a settlement arising out of the Conflict Assessment Meeting, or whose interests may be substantially affected by the resolution of the conflict, or any other governmental entity the Town Administrator seems appropriate.

Section 5. The appropriate Town officials are hereby authorized and directed to take all steps necessary to effectuate this Resolution.

Section 6. All Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

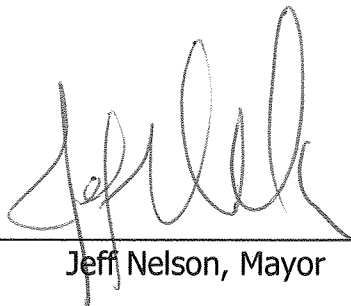
Section 7. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 8. Effective Date. This Resolution shall be effective immediately upon its adoption.

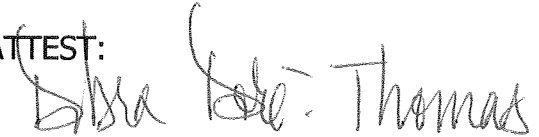
PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 10th day of March, on a motion by Vice Mayor Fisikelli and seconded by Council Member Breitzkreuz.

Nelson	<u>AYE</u>
Fisikelli	<u>AYE</u>
Breitzkreuz	<u>AYE</u>
Jablonski	<u>AYE</u>
McKay	<u>AYE</u>

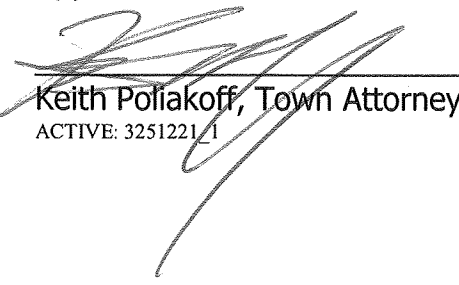
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



Jeff Nelson, Mayor

ATTEST:


Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, Town Attorney
ACTIVE: 3251221/1