

RESOLUTION NO. 2013 - 064

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 BROWARD COUNTY AS IT RELATES TO THE PERCENTAGE ASSIGNED TO THE TOWN WHEN CALCULATING THE DISTRIBUTION OF THE RESOURCE RECOVERY BOARD ASSETS; DIRECTING THE TOWN ADMINISTRATOR TO PREPARE AND TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION AND THE REQUIRED CERTIFIED LETTER TO BROWARD COUNTY AND OTHER GOVERNMENTAL UNITS (NAMELY THE 25 OTHER CONTRACT COMMUNITIES) 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 AND EFFECTIVE DATE.

WHEREAS, the Contract Communities (26 municipalities) and Broward County ("County") are parties to an Interlocal Agreement for Solid Waste Disposal Services, as amended, ("Interlocal Agreement"); and

WHEREAS, the Interlocal Agreement expired on July 2, 2013; and

WHEREAS, Section 15.2 of the Interlocal Agreement provides for the equitable distribution of the assets and liabilities of the Broward Solid Waste Disposal District ("District") to the Contract Communities, unincorporated County and County at expiration of the Interlocal Agreement, and further provides that any perpetual maintenance responsibilities of the County should be considered; and

WHEREAS, although the Town, and most of the other Contract Communities, have contested the distribution amount, the Town also believes that the percentages used by the County to make the distributions are inaccurate; and

WHEREAS, the County is required to utilize the most current data when determining the distribution percentages; and

WHEREAS, when the County first made its distribution list, it properly utilized its 2012 data when assigning its distribution percentages; and

WHEREAS, when the distributions were made, however, the County amended its distribution percentages list and improperly utilized its 2011 numbers; and

WHEREAS, the Town's 2011 waste numbers were nearly 50% less than its 2012 waste numbers; and

WHEREAS, as a result, the Town is owed nearly 100% more than it is currently being allotted; and

WHEREAS, the Town has previously placed Broward County on notice of this issue, to no avail; and

WHEREAS, as a direct result of the County's inaccurate distribution percentages the Town 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 Broward County concerning its distribution percentage of the Resource Recovery Board's assets.

Section 3. The Town Council of the Town of Southwest Ranches finds that it has a conflict with Broward County. The issues in conflict include those delineated in Section 2, above.

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 County Manager 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 Broward County;
- b. List of governmental entities with which the Town has a conflict (namely the 25 other Contract Communities);
- 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 the County'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.

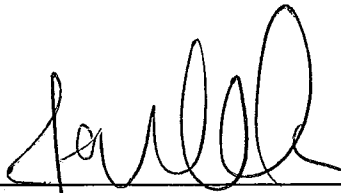
Section 7. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

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 22nd day of August, on a motion by Council Member McKay and seconded by Vice Mayor Breitkreuz.

Nelson	<u>YES</u>	Ayes	<u>5</u>
Breitkreuz	<u>YES</u>	Nays	<u>0</u>
Fisikelli	<u>YES</u>	Absent	<u>0</u>
Jablonski	<u>YES</u>		
McKay	<u>YES</u>		

[Signatures on Following Page]



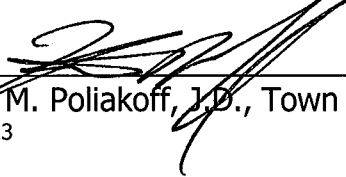
Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
11002-13