

RESOLUTION NO. 2013 - 075

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 COUNTY'S LEGAL OBLIGATION TO PROVIDE COUNTYWIDE FUNDING FOR E911 COMMUNICATIONS INFRASTRUCTURE PURSUANT TO SECTION 5.03 OF THE BROWARD COUNTY CHARTER; 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, Section 5.03(A) of the Broward County Charter expressly provides:

The County Commission with cooperation from Municipalities shall establish a countywide communications infrastructure for fire and emergency medical services. The County *shall* provide funding for the communications infrastructure and all service providers will utilize the elements of the communications infrastructure. The communications infrastructure shall facilitate closest unit response for life-threatening emergencies and support for regional specialty teams. [emphasis added]; and

WHEREAS, despite this unambiguous language in the County's Charter, and the clear language in the Florida Emergency Communications Number E911 State Plan Act, the County has recently proposed an Agreement for participation in the consolidated regional E-911 communications system, wherein it required all participants to agree that the County does not have the legal obligation to provide such services; and

WHEREAS, on August 22, 2013, the Town Council approved Resolution No. 2013-062, wherein it approved the County's participation Agreement subject to the removal of this objectionable clause; and

WHEREAS, on September 19, 2013, the County Administrator sent the Town a letter advising that if the Town was not willing to sign the Agreement "as is", that the County would charge the Town for E-911 services; and

WHEREAS, as a result of the Town not agreeing that the County should be permitted to violate its Charter, the County seeks to charge the Town for a service that the County is required to fund and to provide; 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 refusal to remove this clause the Town will be 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 the County's refusal to recognize its legal obligation to fund and to provide E911 services to the Town, and its refusal to provide such service to the Town unless the Town consents today that the County is entitled to violate its Charter by charging for such services in the future.

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.

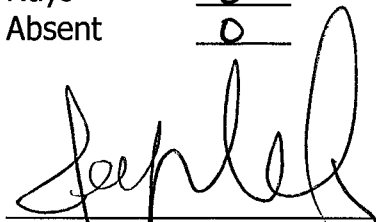
Section 6. All Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

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 26th day of September 2013, on a motion by Council Member Fisikelli and seconded by Council Member McKay.

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>		



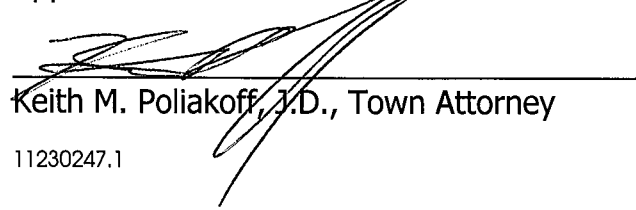
Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney

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