

RESOLUTION NO. 2014 – 012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA REPEALING AND REPLACING RESOLUTION NO. 2013-062; APPROVING, UNDER DURESS AND WITHOUT A MEETING OF THE MINDS, AN AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF SOUTHWEST RANCHES FOR PARTICIPATION IN THE CONSOLIDATED REGIONAL E-911 SYSTEM; AUTHORIZING EXECUTION; TERMINATING THE CONFLICT RESOLUTION PROCEDURES INITIATED BY THE TOWN RELATING TO THIS MATTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Broward County, (the "County") created the Broward County Consolidated Communication Implementation Advisory Board (the "I-Board") consisting of municipal managers/administrators from all County municipalities, the County Administrator, the Sheriff or designee, a representative from the County Chiefs of Police Association, and a representative from the Fire Chiefs Association of the County, to review, to consider, and to make recommendations to the County relating to the creation, governance, funding and operations of a regional and cooperative consolidated E-911 communications system; and

WHEREAS, the I-Board issued a final report in February 2013 which contained a series of recommendations which included a recommendation that the County create and wholly-fund a cooperative countywide consolidation of E-911 communications to be operated, or contracted for operation by the County; and

WHEREAS, the City Commissions of 23 of Broward County's 31 cities, including the Town of Southwest Ranches, passed resolutions requesting the County to fund the cooperative countywide consolidation of E-911 wholly funded through Broward County ad valorem taxes; and

WHEREAS, the County has determined that the current fragmented system of emergency call-processing and dispatching is inefficient, costly, and may result in delays involving the transfer of calls among numerous dispatch centers; and

WHEREAS, the County has determined that it is in the interest of the public health, safety, and welfare of its residents, and those visitors that travel through or spend time within the County boundaries to create a Consolidated Regional E-911 Communications System ("System") to provide call-taking, teletype (queries only), and dispatching services which the County shall operate or contract to operate; and

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 clear and unambiguous language in the County's Charter, the County has placed a clause in its E-911 participation agreement, which requires all municipalities to agree that the County is not required to fund such service; and

WHEREAS, although the County has currently agreed to provide funding, such agreement by the County to fund this service may be terminated by the County at any time; and

WHEREAS, as a result of the clear violation of the County's Charter language, 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, the County further advised the Town that if it does not pay the County for this service, that it would prohibit the Town from participating in the Countywide system, thereby threatening the health, safety and welfare of the Town's residents; and

WHEREAS, on September 26, 2013, pursuant to Resolution No. 2013-075, the Town initiated conflict resolution proceedings with County in an effort to amicably resolve this issue; and

WHEREAS, on December 3, 2013, the Town Council met with the County Commission concerning this item; and

WHEREAS, at the December 3, 2013 meeting, the County Commission confirmed that it was not willing to revise its language, but that it was willing to accept the executed agreement with a cover letter from the Town objecting to this language, and placing the County on notice that this language specifically violates the County

Charter, asserting that there is no meeting of the minds, that the Agreement is being entered into duress, and that upon termination, this agreement and its objectionable clause is of no further force and effect; and

WHEREAS, as a result of the County's willingness to accept the Agreement with the associated cover letter, the Town is willing to enter into the Agreement as written and it is willing to terminate the Conflict Resolution proceedings that it had initiated relating to this matter.

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

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

Section 2: The Town Council hereby repeals and replaces Resolution No. 2013-062 in its entirety.

Section 3: The Town Council hereby approves, under duress and without a meeting of the minds, the Agreement between the County and the Town for Participation in the Consolidated Regional E-911 Communication System, with an associated cover letter as specifically delineated herein, in substantially the same form as that attached hereto, and incorporated herein by reference, as Exhibit "A".

Section 3: Authorization. The Mayor, Town Administrator, and Town Attorney, are hereby authorized to enter into the Agreement and to make any changes that may be necessary to effectuate the intent of this Resolution.

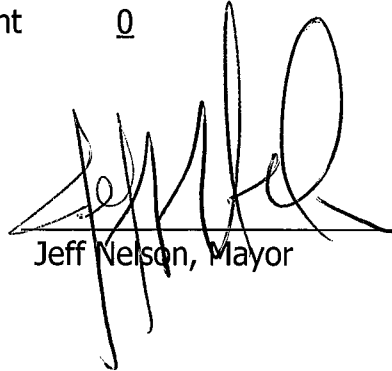
Section 4: The Town Council hereby terminates the Conflict Resolution Proceedings initiated pursuant to Resolution No. 2013-075, relating to this matter; and

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

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 12th day of December, 2013 on a motion by Council Member McKay and seconded by Council Member Fisikelli.

Nelson	<u>YES</u>
Jablonski	<u>YES</u>
Fisikelli	<u>YES</u>
Breitkreuz	<u>YES</u>
McKay	<u>YES</u>

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



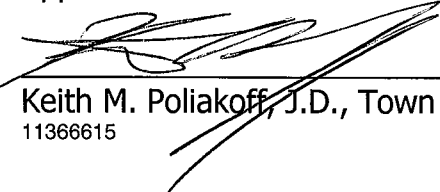
Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



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