

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Susan Dean, 954-797-1042

PREPARED BY: Susan Dean

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE NINTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT

REPORT IN BRIEF: Amendment Nine pertains to the twenty year term of the Interlocal Agreement which began when the resource recovery system became operational, that date being March 22, 1992. In 1993, the County and Contract Communities passed the third Amendment which extended the date from July 2, 2012, to July 2, 2013 to provide for the final maturity of revenue bonds. It is now anticipated that all bond indebtedness secured by the County will mature no later than December 1, 2011 however, the number of years or the term of the ILA cannot be changed from twenty to nineteen. Therefore this Amendment would allow the date to be amended to March 23, 2012 as originally intended. Amendment Nine needs 100% of the Contract Communities to pass the amendment or it cannot be enacted.

PREVIOUS ACTIONS: Passage of Interlocal Agreement, June 25, 1986

CONCURRENCES: N/A

FISCAL IMPACT:

Has request been budgeted? N/A

RECOMMENDATION(S):

Motion to Approve

ATTACHMENT(S):

Interlocal Agreement may be made available on request

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE NINTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT.

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 that 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, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 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.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004

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