

RESOLUTION NO. 26R-06-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT; AUTHORIZING THE CITY OF LAUDERHILL CITY CLERK TO PROVIDE A COPY OF THIS RESOLUTION AND THE EXECUTED SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY COMMISSIONER MELISSA P. DUNN).

WHEREAS, the City of Lauderhill, has previously entered into the Interlocal Agreement for Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida (the "ILA") among Broward County, Florida (the "County") and twenty-eight municipalities in Broward County (each, individually, a "Municipal Party" and collectively, the "Municipal Parties") (collectively with the County, the "Parties," and each individually a "Party") effective as of August 16, 2023 ("ILA Effective Date"), that created the Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County (the "Authority"); and

WHEREAS, in order for the Authority to continue in existence, the ILA requires the adoption of a First Amendment to the ILA (the "Facilities Amendment") within thirty-six months of the ILA Effective Date as part of the Formation Conditions of the Authority, all as defined in the ILA; and

WHEREAS, as part of the Formation Conditions, each Municipal Party's elected body has one hundred twenty days to adopt and deliver to the Authority a resolution approving the Facilities Amendment; and

WHEREAS, in order for the Facilities Amendment to be effective, it must be approved by the elected bodies of: (a) Municipal Parties representing at least eighty percent (80%) of the total population of the Municipal Parties; and (b) the County by August 15, 2026; and

WHEREAS, the City of Lauderhill has approved the Facilities Amendment; and

WHEREAS, the Executive Committee and Governing Board have each unanimously also recommended this further amendment to the ILA, to be effective after the Facilities Amendment is effective, that would provide for two separate options for Parties to withdraw from the ILA, the first option to be exercised by the governing body of the Party adopting a resolution approving the withdrawal of such Party from the ILA and it is delivered to the Authority within 45 days after the Executive Committee recommends the award of contracts resulting from the

RFP process for yard trash processing, recyclable material processing and municipal solid waste disposal, which recommendations shall be made no earlier than October 1, 2027 and no later than November 15, 2027 (which dates may be extended by majority vote of the Governing Board) and a second option for Parties to withdraw on the date that is twenty five (25) years after the Effective Date (August 16, 2048), provided that such withdrawing Party's governing body adopts a resolution approving the withdrawal of such Party from the ILA and it is delivered to the Authority prior to August 16, 2047; and

WHEREAS, those Parties, including the County, that timely delivery to the Authority a resolution adopted by its elected body approving the Facilities Amendment are hereinafter referred to as the "Remaining Parties"; and

WHEREAS, the ILA provides in Section 16.1.3. that any amendment to the ILA that substantively modifies any of the provisions, or that concerns any of the subjects listed in such section, will not be effective unless approved by every Party's elected body; and

WHEREAS, Section 16.1.3.2 lists Article 4 (Duration) as one of the provisions that require approval of every Party to the ILA;

WHEREAS, the Parties intend for the Second Amendment to be effective after the Facilities Amendment is effective and thus requires approval by the elected bodies of all of the Remaining Parties, including the County; and

WHEREAS, the City Commission, deems it to be in the best interest of the City of Lauderhill to support providing two separate options for Parties to withdraw from the ILA, that would provide for two separate options for Parties to withdraw from the ILA, the first option to be exercised by the governing body of the Party by adopting a resolution approving the withdrawal of such Party from the ILA and it is delivered to the Authority within 45 days after the Executive Committee recommends the award of contracts resulting from the RFP process for yard trash processing, recyclable material processing and municipal solid waste disposal, which recommendations shall be made no earlier than October 1, 2027 and no later than November 15, 2027 (which dates may be extended by majority vote of the Governing Board) and a second option for Parties to withdraw on the date that is twenty-five (25) years after the Effective Date (August 16, 2048), provided that such withdrawing Party's governing body adopts a resolution approving the withdrawal of such Party from the ILA and it is delivered to the Authority prior to August 16, 2047.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, THAT:

SECTION 1. The foregoing WHEREAS clauses are hereby ratified and incorporated as the legislative intent of this resolution.

SECTION 2. The Second Amendment to the ILA, attached hereto as **Exhibit "A"** is

approved.

SECTION 3. The appropriate City officials are authorized and directed to execute the Second Amendment and to send a copy of this Resolution and the executed Second Amendment to the Authority.

SECTION 4. The appropriate City officials are further authorized to execute a revised version of the Second Amendment, if requested by the Authority, so long as the revised Second Amendment is substantively the same as **Exhibit "A"** and includes only non-substantive changes that are acceptable to the City Manager and approved as to form and legality by the City Attorney, and to send such revised Second Amendment to the Authority.

SECTION 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. The City Clerk is authorized to send this Resolution to the appropriate officials at the Authority.

SECTION 7. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this _____ day of _____, 2026.

DENISE D. GRANT, MAYOR
PRESIDING OFFICER

ATTEST:

ANDREA M. ANDERSON, MMC
CITY CLERK

MOTION _____
SECOND _____

R. CAMPBELL _____
M. DUNN _____
D. GRANT _____
J. HODGSON _____
S. MARTIN _____

Approved as to Form

Hans Ottinot
City Attorney