

PROPOSED

ORDINANCE NO. 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO NATURAL RESOURCE PROTECTION CODE SETTLEMENT REPORTING; AMENDING SECTION 27-34 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") REGARDING SETTLEMENTS; AMENDING REPORTING OF SETTLEMENTS TO BE CONSISTENT WITH QUARTERLY REPORTING AS PROVIDED FOR IN SECTION 1-51.3 OF THE CODE; CLARIFYING THE ACCEPTANCE OF SETTLEMENT TERMS IN ACCORDANCE WITH SECTION 1-51.3 OF THE CODE; CLARIFYING THE PROCESS FOR OBTAINING FINAL ORDERS AFTER VIOLATIONS OF SETTLEMENTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Section 1-51.3 of the Broward County Code of Ordinances ("Code") provides for quarterly reporting of the settlement of claims by the County Attorney and County Administrator to the Broward County Board of County Commissioners ("Board"); and

WHEREAS, Section 27-34 of the Code provides that the County Attorney report settlement of claims arising under Chapter 27, the Natural Resource Protection Code, to the Board on a monthly basis; and

WHEREAS, the Board believes that the settlement and reporting of claims under Chapter 27 should be consistent with the process established by Section 1-51.3,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

1 Section 1. Section 27-34 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 27-34. Settlement.**

4 . . .

5 (c) The County Attorney ~~shall~~ and County Administrator have the authority to
6 settle, ~~adjust, compromise, and report on settlement of~~ claims as provided for in
7 Subsection 1-51.3 of the Broward County Code of Ordinances. ~~The County Attorney shall~~
8 ~~submit a monthly report of the settled claims to the Board of County Commissioners. The~~
9 ~~terms of~~ Any agreement reached between the responsible party or parties and the
10 ~~director of EPGMD, or the director's designee, must be approved by either the Board or~~
11 ~~the County Attorney as set forth above~~ as provided for in Section 1-51.3 of the Broward
12 County Code of Ordinances before it is considered to be accepted by Broward County.
13 The failure of a responsible party to comply with an approved settlement ~~approved by the~~
14 ~~Board or the County Attorney shall~~ agreement for violations of this Chapter can result in
15 the rendition of the settlement into a final order by the hearing examiner upon a motion
16 by Broward County and finding by the hearing examiner of noncompliance.

17 Section 2. SEVERABILITY.

18 If any portion of this Ordinance is determined by any Court to be invalid, the invalid
19 portion shall be stricken, and such striking shall not affect the validity of the remainder of
20 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot
21 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
22 circumstance(s), such determination shall not affect the applicability hereof to any other
23 individual, group, entity, property, or circumstance.

Section 3. INCLUSION IN CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Broward County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. EFFECTIVE DATE.

PROPOSED

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Michael C. Owens 05/01/18
Michael C. Owens (date)
Senior Assistant County Attorney

By /s/ Maite Azcoitia 05/01/18
Maite Azcoitia (date)
Deputy County Attorney

MCO/gmb
05/01/18
Ch27 NOV Approval of Settlements Ordinance
#41027-0001

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.