

**PROPOSED**

RESOLUTION NO. 2019-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, INITIATING THE CONFLICT RESOLUTION PROCEDURES PRESCRIBED IN CHAPTER 164, FLORIDA STATUTES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Broward County (the "County") is undertaking an extensive upgrade of the public safety regional communications system in order to improve the system's capacity to facilitate critical radio communications for first responders and other public safety officials;

WHEREAS, the upgrade of the radio communications system, including construction of additional radio communication towers, is critical and time-sensitive in light of the fact that critical components of the system have reached end-of-life, meaning technical expertise and spare parts necessary to resolve issues will not be guaranteed, and maintenance and support will be provided only on a "best efforts" basis;

WHEREAS, based upon extensive coverage analyses and in coordination with vendors, consultants, and other industry professionals, the County has identified the most appropriate locations for additional communication towers that must be sited and built to support the upgraded communications system, and one of those locations is certain County-owned property within West Lake Park, 1200 Sheridan Street, Hollywood, Florida;

WHEREAS, on August 21, 2018, the County submitted an application to the Planning and Development Board of the City of Hollywood (the "City") for site plan approval for the proposed communication tower and associated compound ("Site Plan Application"), and upon review, the City Planning Administrator recommended the City

1 Planning and Zoning Board forward a recommendation of approval to the City  
2 Commission with only minor conditions related to unity of title and certain tree mitigation;

3 WHEREAS, on September 6, 2018, the City Planning and Development Board  
4 recommended the City Commission deny the Site Plan Application despite the lack of any  
5 factual or legal basis for such denial and contrary to the recommendation of approval by  
6 the City Planning Administrator;

7 WHEREAS, on three occasions to date, namely October 17, 2018,  
8 November 7, 2018, and December 19, 2018, the City Commission considered the Site  
9 Plan Application and postponed its decision on the Site Plan Application, suggesting  
10 repeatedly in conjunction with such consideration that the County consider other sites for  
11 placement of the communication tower. The City's suggested locations have been  
12 determined by the County to be unsuitable based upon the location, timing, and  
13 engineering requirements for the radio communication system; and

14 WHEREAS, the County's existing radio infrastructure is outdated and will not be  
15 fully supported after December 31, 2018, and the ongoing delay caused by the City's  
16 refusal to approve the Site Plan Application is negatively affecting the public safety of the  
17 entire county and the implementation of the upgraded radio communication system,  
18 NOW, THEREFORE,

19  
20 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
21 BROWARD COUNTY, FLORIDA:

22  
23 Section 1. The above-stated recitals are true and correct and incorporated  
24 herein by reference.

1           Section 2.    It is the intention of the Board of County Commissioners to initiate  
2 the conflict resolution procedures provided by Chapter 164, Florida Statutes, prior to the  
3 initiation of any litigation that may be required to obtain the City’s decision on and approval  
4 of the County’s Site Plan Application.

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6           Section 3.    The issue in conflict involves the prompt and timely consideration  
7 and approval of the County’s Site Plan Application for a radio communication tower on  
8 certain County-owned property located within West Lake Park, 1200 Sheridan Street,  
9 Hollywood, Florida, and any appeal, other review proceeding, or judicial relief in  
10 connection with any unfavorable determination of same.

11  
12          Section 4.    The current conflict is between Broward County and the City of  
13 Hollywood.

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15          Section 5.    Severability.

16          If any portion of this Resolution is determined by any court to be invalid, the invalid  
17 portion will be stricken, and such striking will not affect the validity of the remainder of this  
18 Resolution. If any court determines that this Resolution, in whole or in part, cannot be  
19 legally applied to any individual, group, entity, property, or circumstance, such  
20 determination will not affect the applicability of this Resolution to any other individual,  
21 group, entity, property, or circumstance.

