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EXHIBIT 1

RESOLUTION NO. 2017-

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, DECLARING UNIQUE CIRCUMSTANCES PURSUANT TO SECTION 23-8(5) OF THE HALLANDALE BEACH CODE OF ORDINANCES, AUTHORIZING THE CITY MANAGER TO NEGOTIATE SERVICES FOR A UTILITY RATE STUDY; WAIVING THE CONE OF SILENCE PURSUANT TO SECTION 23-14 TO PERMIT EXPANSION OF ADVERTISED SCOPE TO INCLUDE THE UTILITY RATE STUDY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's water and sewer financing includes rate covenants that currently require our water, wastewater and storm drainage (WWS) rates to be set at an amount sufficient to pay 115% of the annual debt service on all senior debt; and

WHEREAS, a review of our bonds and financing agreements revealed that the City is currently in default of the rate covenants due to historically inadequate rates. Once the debt service covenant is not met, the City is required to conduct a study of the rates in order to cure the technical default created by not setting adequate rates in the past; and

WHEREAS, the utility rate study is mandatory and must be conducted quickly to resolve the concerns of loan trustees. However, some preliminary research indicated that the cost of the necessary study may exceed the City Manager's delegated spending authority; and

WHEREAS, on August 10, 2016, the City issued a Request for Proposals (RFP) for complete Development Impact Fee Calculation Reports (DIFCR), received a single proposal, and, although the contract has not been awarded, there is an opportunity to potentially negotiate the utility rate study as an expansion of the solicited scope which will potentially result in a savings to the City as the studies are interrelated to a degree; and

WHEREAS, pursuant to Chapter 23-8(5), the City Commission may declare a finding of unique circumstances where competitive bidding may not be in the best interest of the City; and

39
40 **WHEREAS**, the City Administration recommends finding unique circumstances to
41 exempt the instant procurement from the Procurement Code and authorize the City
42 Manager to negotiate and procure the necessary rate study services in an amount
43 exceeding fifty thousand (\$50,000) dollars, subject to approval of a formal written contract
44 by the City Commission; and
45

46 **WHEREAS**, pursuant to Section 23-14(c), the cone of silence does not apply to
47 communications relating to purchases exempted pursuant to Section 23-8, and the City
48 Administration recommends the City Commission further waive the cone of silence with
49 respect to any ongoing procurements which may be expanded to include the rate study
50 scope discussed herein; and
51

52 **WHEREAS**, the Mayor and City Commission have determined that the City
53 Administration's recommendations are in the best interest of the City and its residents.
54

55 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**
56 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**
57

58 **SECTION 1.** The foregoing "whereas" clauses are confirmed as true and
59 adopted herein.

60 **SECTION 2. Mayor and City Commission finding of unique circumstances.**
61 The Mayor and City Commission declare a finding of Unique Circumstances pursuant to
62 Chapter 23, Section 23-8 (5) of the City of Hallandale Beach Code of Ordinances.
63

64 **SECTION 3. Waiver of Cone of Silence.** The Mayor and City Commission find it
65 is in the best interest of the City to waive the Cone of Silence, Chapter 23, Section 23-14
66 of the City of Hallandale Beach Code of Ordinances, with respect to any ongoing
67 procurements which may be expanded to include the Utility Rate Study scope.
68

69 **SECTION 4. Authorization of City Manager.** The Mayor and City Commission
70 hereby authorize the City Manager to negotiate and procure the necessary Utility Rate

71 Study services in an amount exceeding fifty thousand (\$50,000) dollars, subject to
72 approval of a formal written contract by the City Commission.

73
74 **SECTION 4. Effective Date.** This resolution shall be effective immediately
75 upon its adoption.

76
77 APPROVED and ADOPTED this ____ day of May, 2017.

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82 _____
83 JOY F. COOPER
84 MAYOR

85 SPONSORED BY: CITY ADMINISTRATION

86 ATTEST:

87
88
89
90 _____
91 MARIO BATAILLE, CMC
92 CITY CLERK

93
94 APPROVED AS TO LEGAL SUFFICIENCY
95 FORM

96
97
98
99 _____
100 JENNIFER MERINO
101 CITY ATTORNEY