

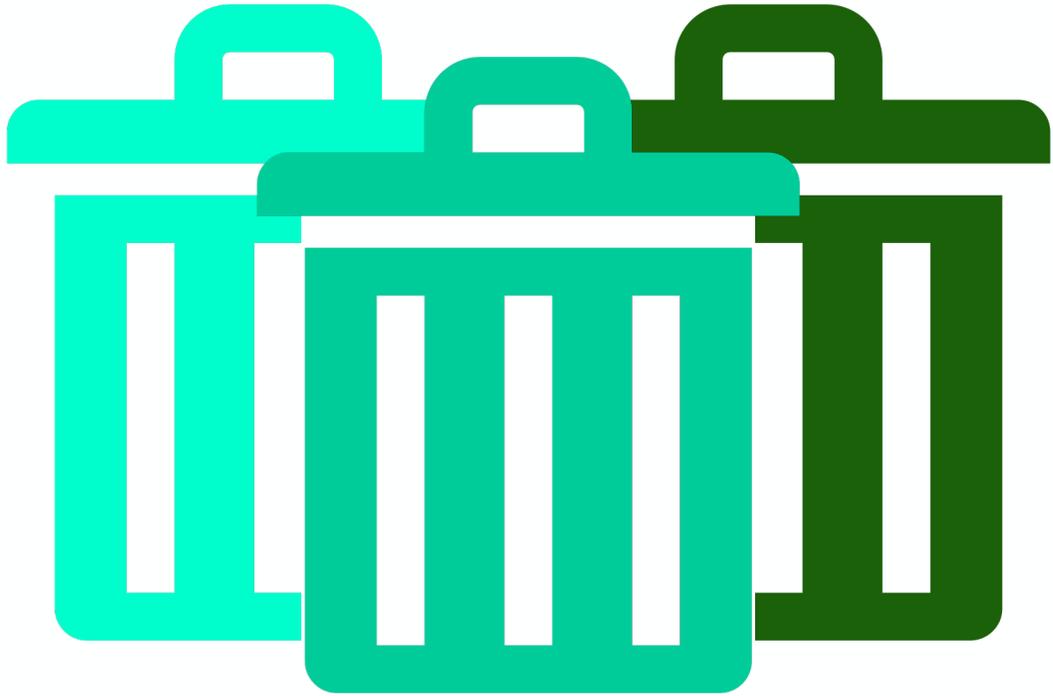
**ITEM #58**

(Exhibit 2)

**ADDITIONAL MATERIAL  
REGULAR MEETING**

**OCTOBER 11, 2022**

**SUBMITTED AT THE REQUEST OF  
COMMISSIONER BEAM FURR**



# **SOLID WASTE + RECYCLING**

## **INTERLOCAL AGREEMENT**

# REGIONAL SOLID WASTE HISTORY

**THE RESOURCE RECOVERY BOARD (RRB)** oversaw solid waste and recycling regionally for the County and 26 municipalities.

**GLOBAL AMENDMENT** to County's disposal agreement with Win-Waste is signed, which recently was extended for a 5-year option through July 2028.

**COLLABORATIVE STUDY**  
The County and several municipalities agreed to explore regional management of solid waste disposal and reaching Florida's 75% recycling goal.

**PRE-2013**

**2013**

**2015**

**2017**

**AGREEMENT CREATING THE RRB EXPIRED**, resulting in a contentious lawsuit between many municipalities and the County regarding distribution of assets (i.e., cash and solid waste properties/facilities).

**LITIGATION SETTLED**  
Cash reserves went to the municipalities, which also gained the right to sell Alpha 250 and keep the proceeds. At the County's insistence, the Broward County Landfill was retained by the County rather than sold to distribute the proceeds (as had been proposed).

# **ADDITIONAL HISTORY**

## **ARCADIS STUDY**

In 2018, the Arcadis team conducted a comprehensive study reviewing:

**ATTAINING  
FLORIDA'S 75%  
RECYCLING GOAL**

**CONTINUED PUBLIC  
OWNERSHIP OF  
ALPHA 250**

**GOVERNANCE  
STRUCTURE**

**FINANCIAL MODELS**

# ADDITIONAL HISTORY

## SOLID WASTE WORKING GROUP

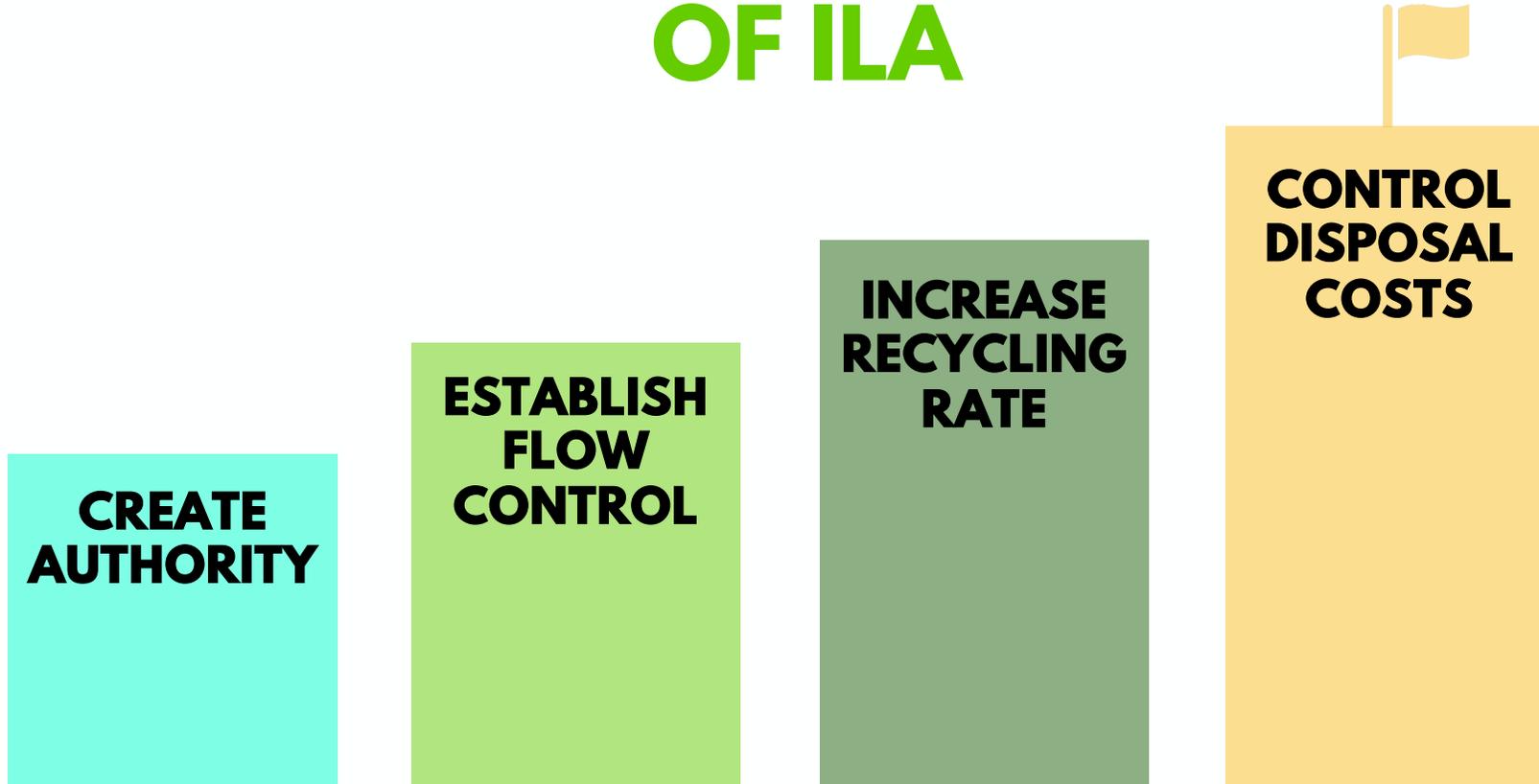
In 2019, the results of the Arcadis Study led the County and all municipalities (except Lazy Lake) to enter the Memorandum of Understanding (MOU).

The MOU states, “there is a critical need to develop robust recycling programs,” and “collaboration would enable the development of a regional solid waste management system that would serve the needs of all residents . . . [and take] advantage of purchasing economies and other economies of scale.”

The MOU also established the Solid Waste Working Group (SWWG) to collaborate on solid waste and recycling issues, including continued studies, and recommend a governance structure for a new regional solid waste management system.

Discussions conducted through the SWWG resulted in the current draft of the ILA.

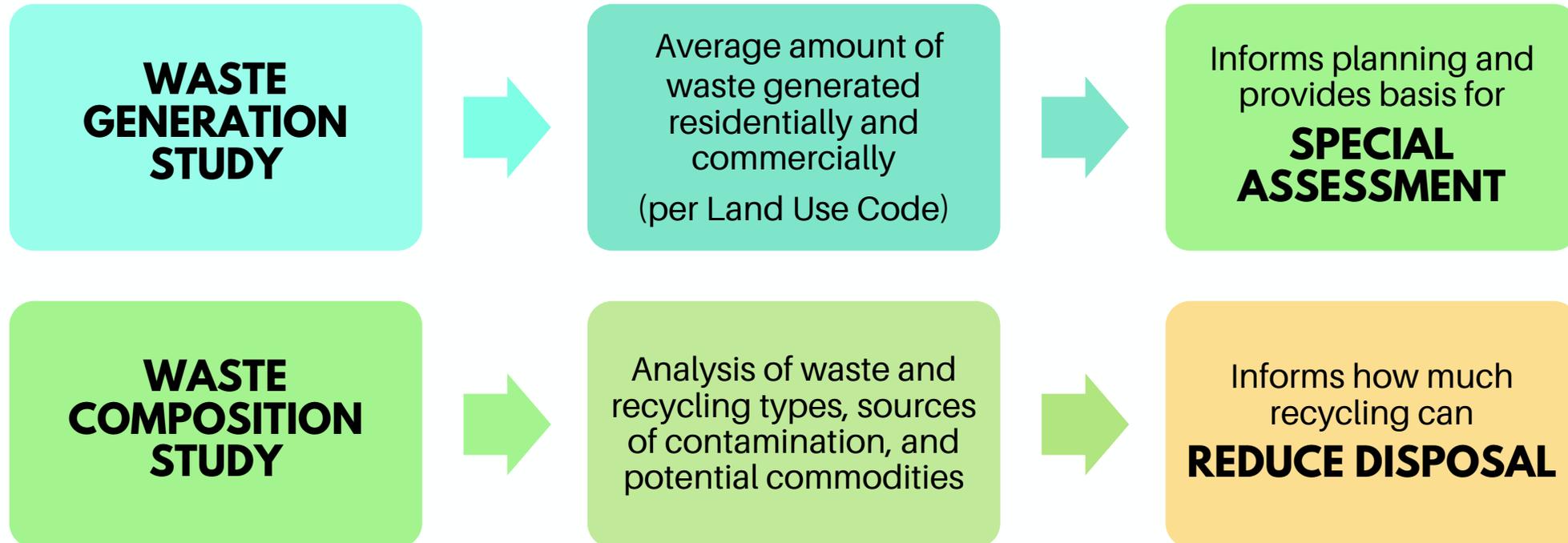
# PURPOSE + BENEFITS OF ILA



**Mission Statement:** To protect the long-term public health, safety, and welfare of the residents of the Municipal Parties and County, the Parties commit to working together collaboratively through the creation of an independent legal entity known as the "Broward County Solid Waste Disposal and Recyclable Materials Processing Authority" (the "Authority"), the purpose of which is to develop and implement a long-term, environmentally sustainable, transparent, innovative, and economically efficient plan and approach to disposal, reduction, recycling, and reuse of waste generated in Broward County. - *Section 1.1 of draft ILA*

# ONGOING COLLABORATION: WASTE STUDIES

In 2022, a consultant (SCS) was engaged to conduct a waste generation and characterization study. Studies are currently in the data gathering stage (anticipated to be completed by March 2023).



# POWERS OF AUTHORITY

**SPECIAL  
ASSESSMENTS**

**SET TIPPING  
FEES**

**DIRECT THE  
FLOW OF  
WASTE**

**RECYCLING  
PROGRAMS**

**RECYCLING  
STANDARDS**

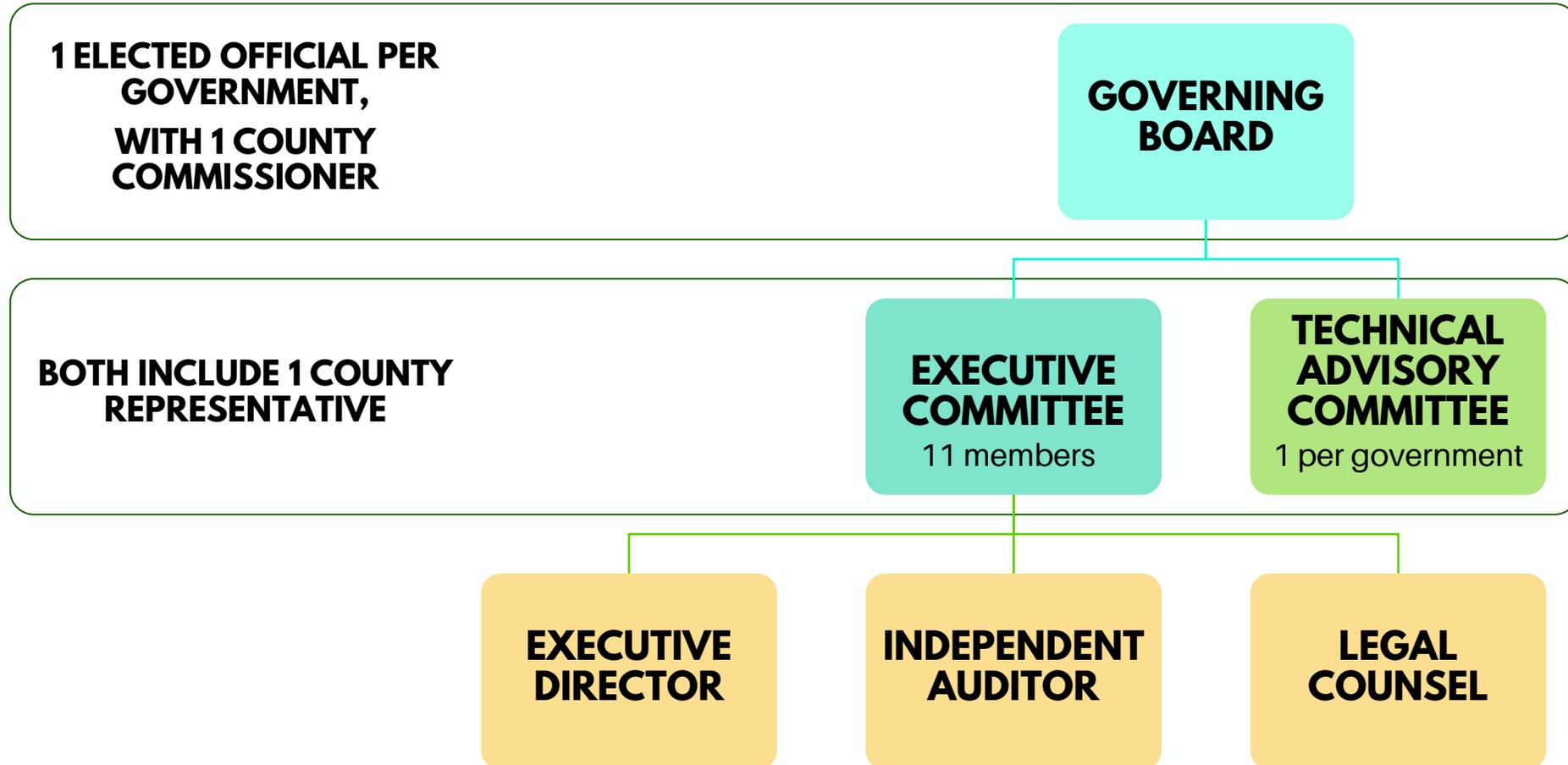
**RECYCLING  
FACILITIES**

**OFFER WASTE  
COLLECTION**

**STUDIES +  
RESEARCH**

**PUBLIC  
EDUCATION**

# STRUCTURE OF AUTHORITY

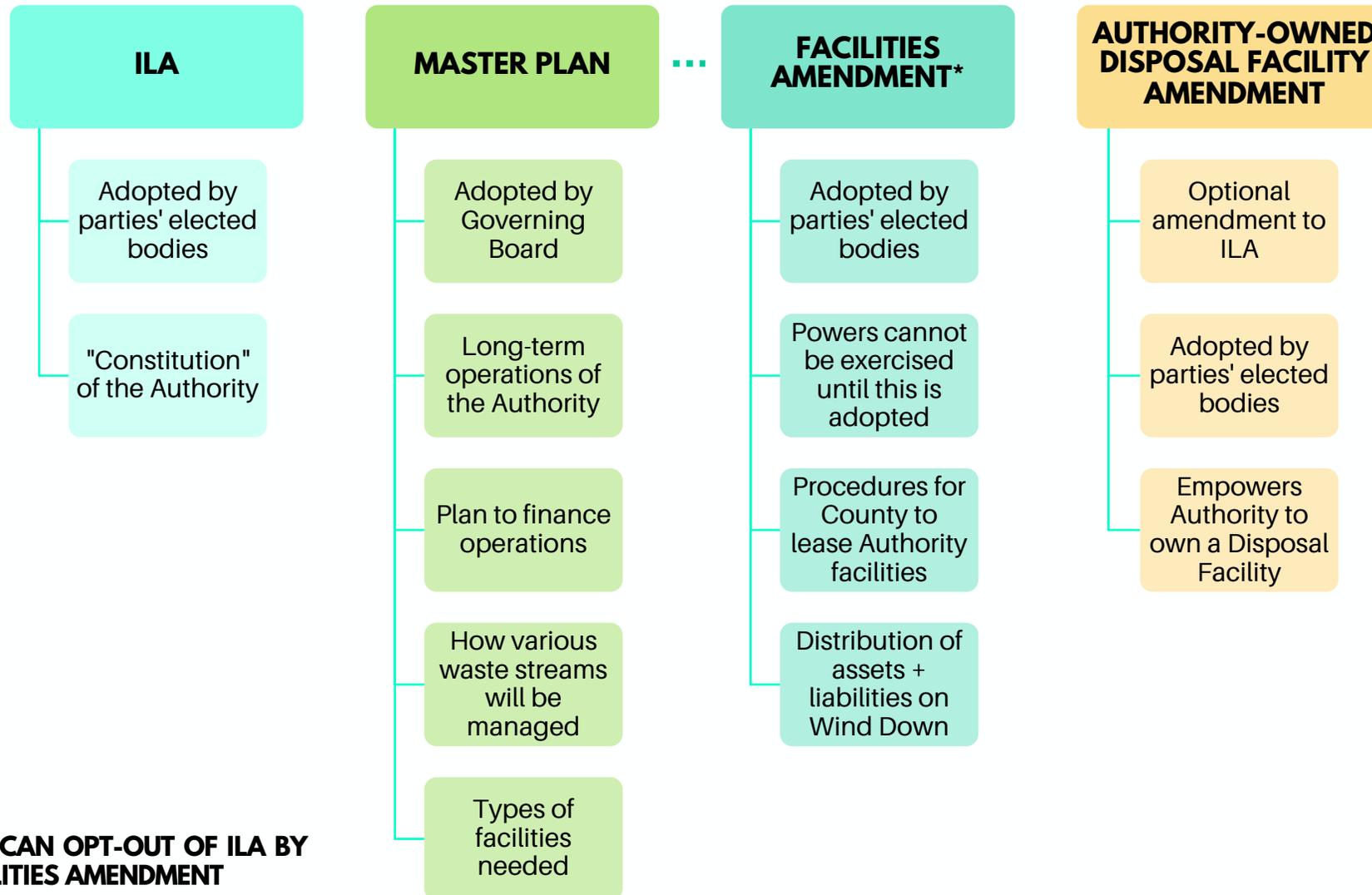


# DURATION OF ILA

Under the current draft, parties are only able to leave the ILA between each term.

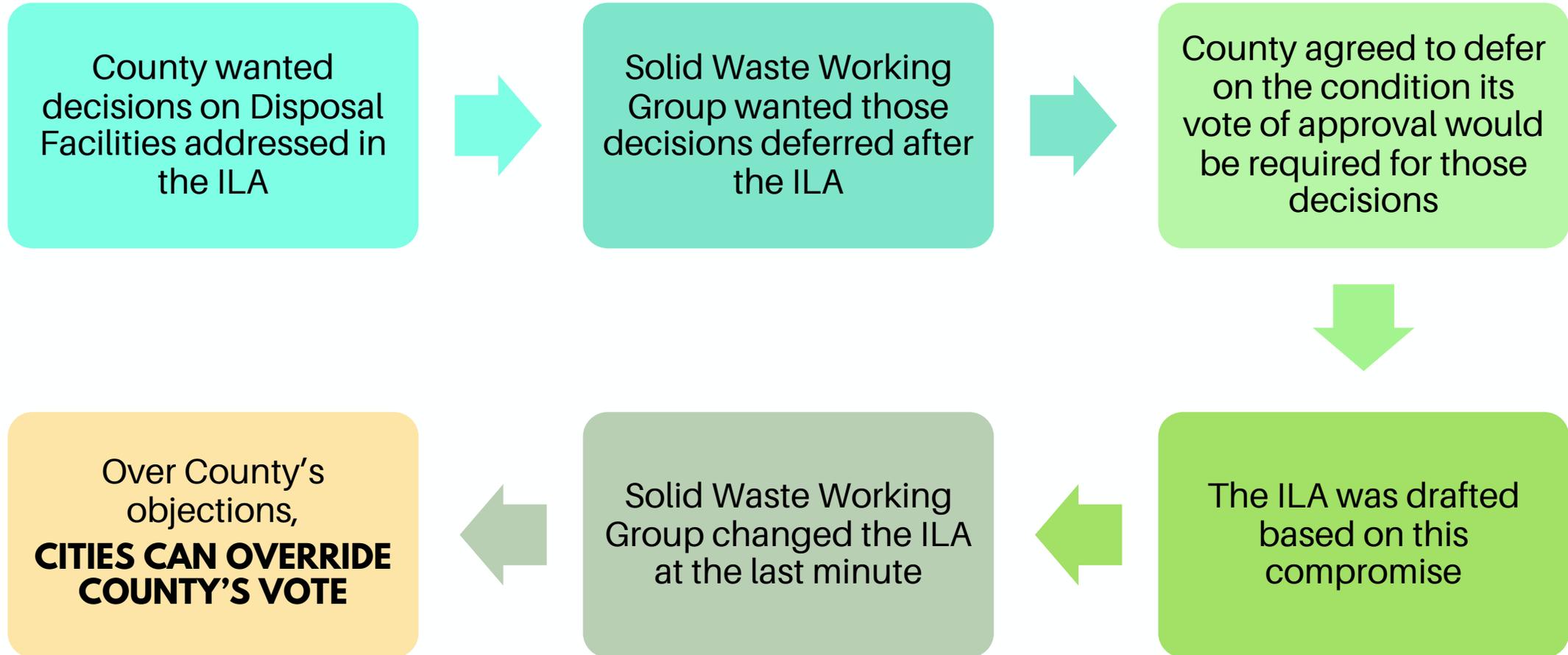


# AUTHORITY GOVERNING DOCUMENTS



**\* MUNICIPAL PARTIES CAN OPT-OUT OF ILA BY REJECTING THE FACILITIES AMENDMENT**

# CURRENT DISPUTE



# COUNTY HAS **UNIQUE OBLIGATIONS**

Only the County has  
**STATUTORY OBLIGATIONS**  
to provide all residents with access  
to Disposal Facilities

The draft ILA allows cities to  
**OVERRIDE COUNTY'S VOTE**  
concerning Disposal Facilities

*See Sections 3.3.3.2, 7.1.2.1, and 8.1.8 of draft ILA.*  
As currently drafted, the County could void a municipal override by a supermajority vote of the County Commission.

# CONSEQUENCES OF OVERRIDING COUNTY'S VOTE

## EXAMPLES INCLUDE

If the Authority sold disposal facility assets to distribute the proceeds to its members, failed to maintain its disposal facilities, etc.,

**COUNTY AND ALL RESIDENTS COULD BE EXPOSED TO FINANCIAL RISK**

County could be obligated to locate new disposal sites for any excess waste



County could be left to repair the Authority's disposal facilities



County could be alleged to have violated its statutory obligations



County could be forced to contract for disposal capacity at higher rates for all Broward residents



# SWWG DELEGATES MEETING + REQUEST FOR FEEDBACK

**9/13/22**

Current draft of ILA  
presented to  
municipalities

**10/14/22**

Deadline for  
elected officials to  
provide feedback  
to SWWG