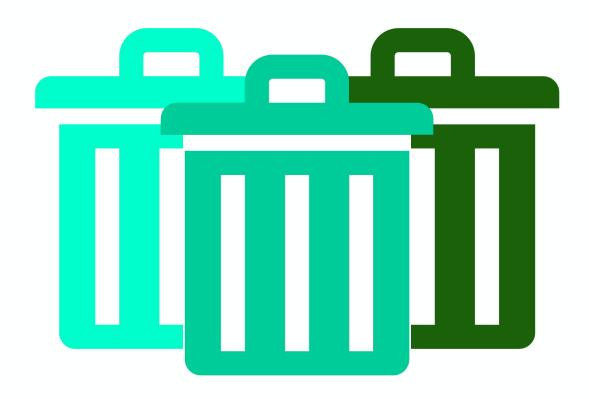
ADDITIONAL MATERIAL REGULAR MEETING

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 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

CONTROL DISPOSAL

COSTS

CREATE AUTHORITY

FLOW CONTROL

INCREASE RECYCLING RATE

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).

WASTE GENERATION STUDY



Average amount of waste generated residentially and commercially

(per Land Use Code)



Informs planning and provides basis for

SPECIAL ASSESSMENT

WASTE COMPOSITION STUDY



Analysis of waste and recycling types, sources of contamination, and potential commodities



Informs how much recycling can

REDUCE DISPOSAL



POWERS OF AUTHORITY

SPECIAL ASSESSMENTS

SET TIPPING FEES

DIRECT THE FLOW OF WASTE

RECYCLING PROGRAMS

RECYCLING STANDARDS

RECYCLING FACILITIES

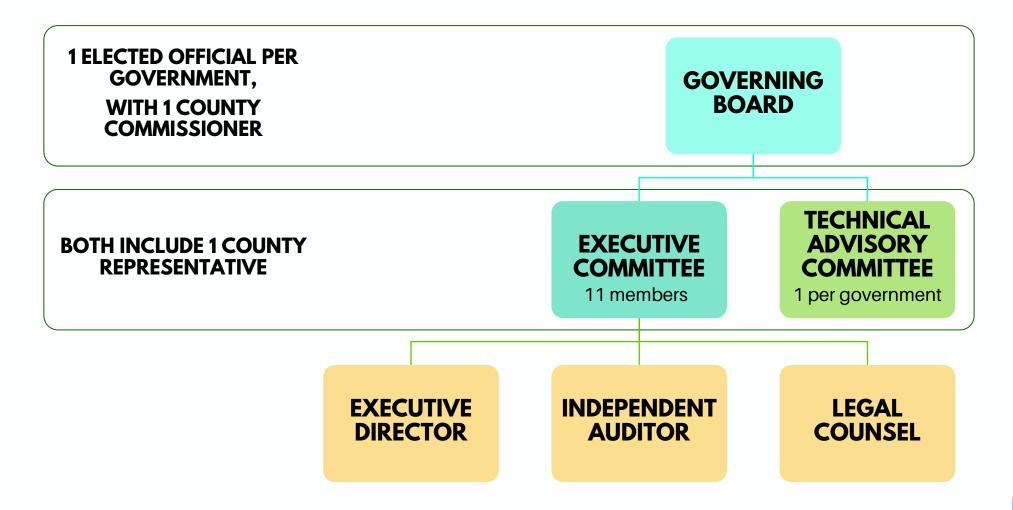
OFFER WASTE COLLECTION

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

...

ILA

Adopted by parties' elected bodies

"Constitution" of the Authority

MASTER PLAN

Adopted by Governing Board

Long-term operations of the Authority

Plan to finance operations

How various waste streams will be managed

Types of facilities needed

FACILITIES AMENDMENT*

Adopted by parties' elected bodies

Powers cannot be exercised until this is adopted

Procedures for County to lease Authority facilities

Distribution of assets + liabilities on Wind Down AUTHORITY-OWNED DISPOSAL FACILITY AMENDMENT

Optional amendment to ILA

Adopted by parties' elected bodies

Empowers Authority to own a Disposal Facility

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



CURRENT DISPUTE

County wanted decisions on Disposal Facilities addressed in the ILA



Solid Waste Working
Group wanted those
decisions deferred after
the ILA



County agreed to defer on the condition its vote of approval would be required for those decisions



Over County's objections,

CITIES CAN OVERRIDE COUNTY'S VOTE



Solid Waste Working
Group changed the ILA
at the last minute



The ILA was drafted based on this compromise



COUNTY HAS UNIQUE OBLIGATIONS

Only the County has

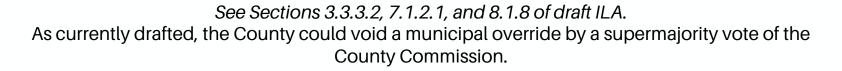
STATUTORY OBLIGATIONS

to provide all residents with access to Disposal Facilities

The draft ILA allows cities to

OVERRIDE COUNTY'S VOTE

concerning Disposal Facilities





CONSEQUENCES OF OVERRIDING COUNTY'S VOTE

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

EXAMPLES INCLUDE

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

