

**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.

PRE-2013

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

2013

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

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

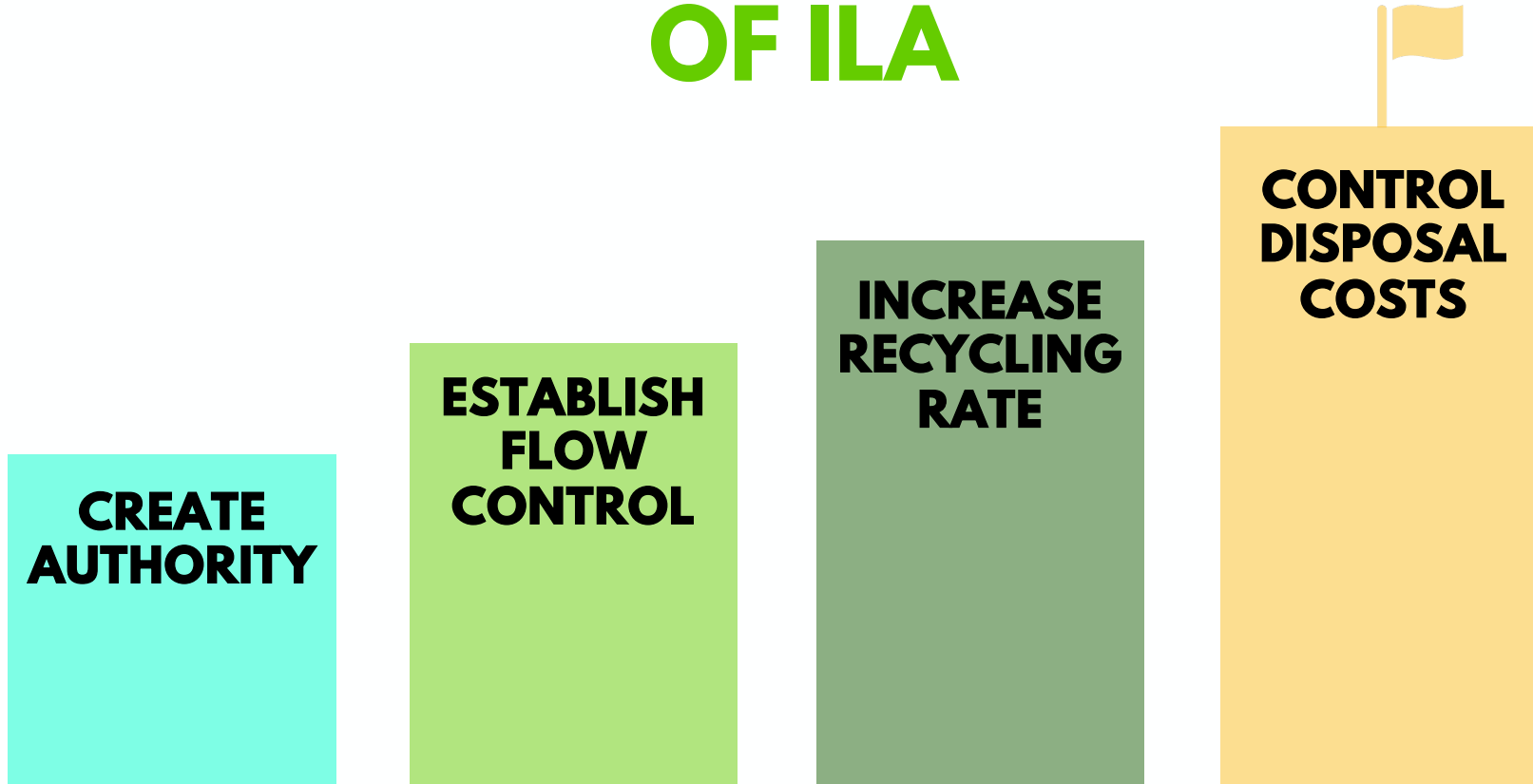
In 2019, the results of the Arcadis Study led the County and all municipalities (except Lazy Lake) to enter the Memorandum of Understanding (MOU).

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.

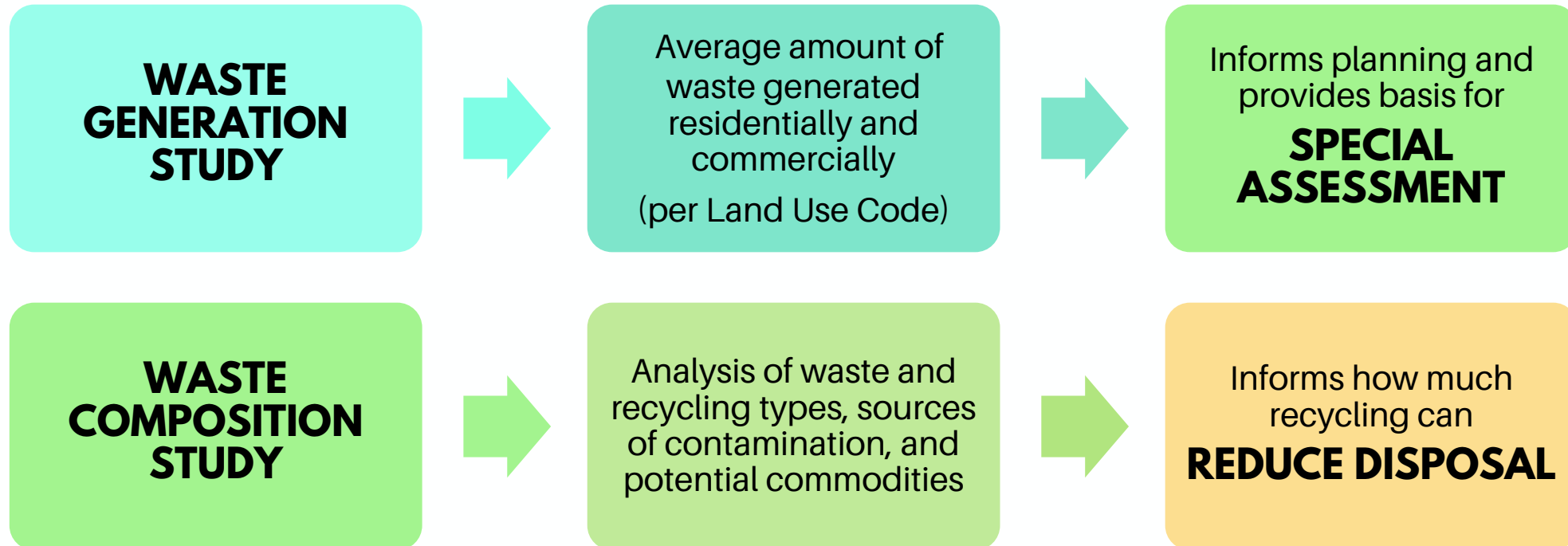
PURPOSE + BENEFITS OF ILA



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**

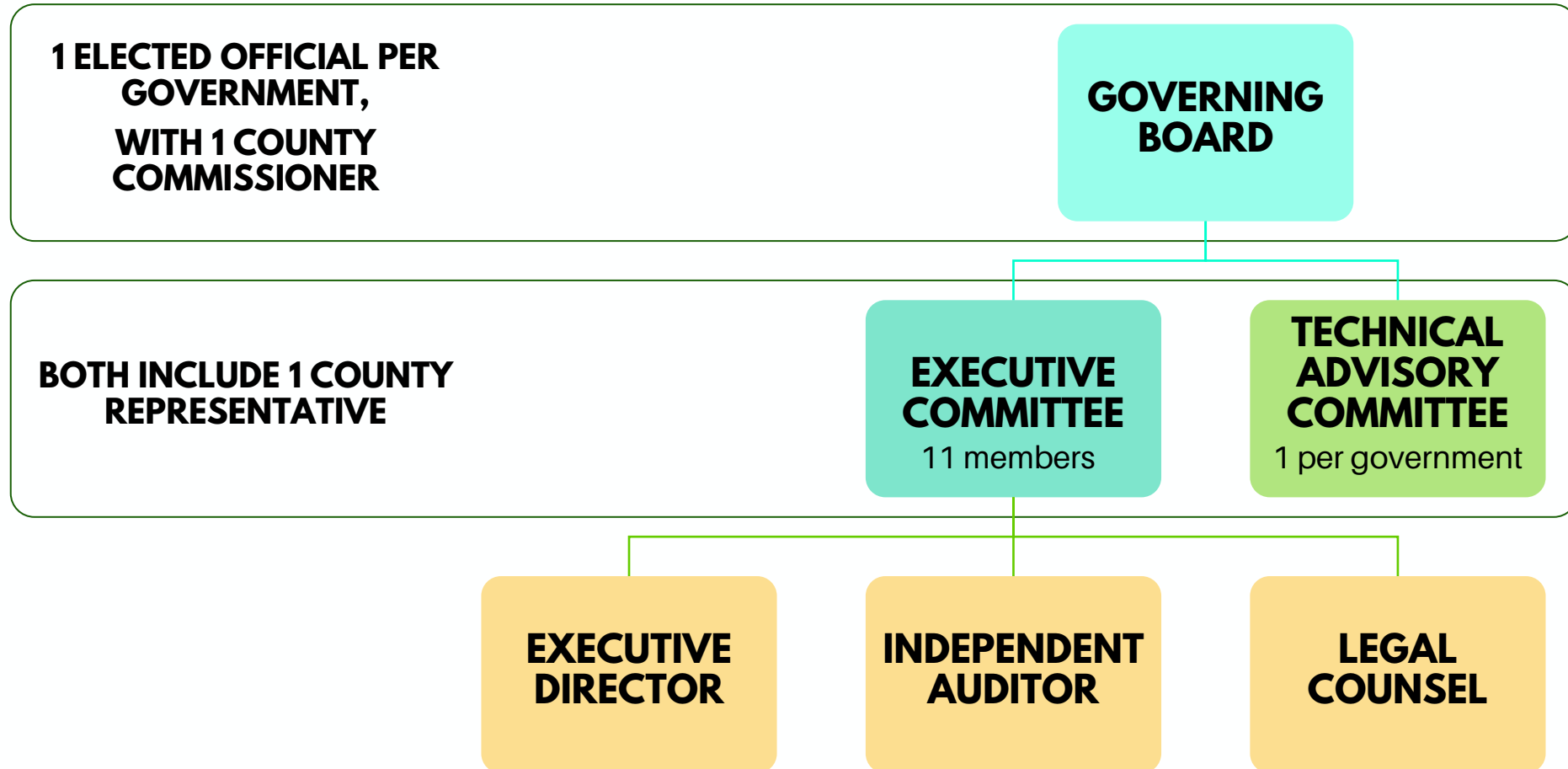
**RECYCLING
FACILITIES**

**OFFER WASTE
COLLECTION**

**STUDIES +
RESEARCH**

**PUBLIC
EDUCATION**

STRUCTURE OF AUTHORITY

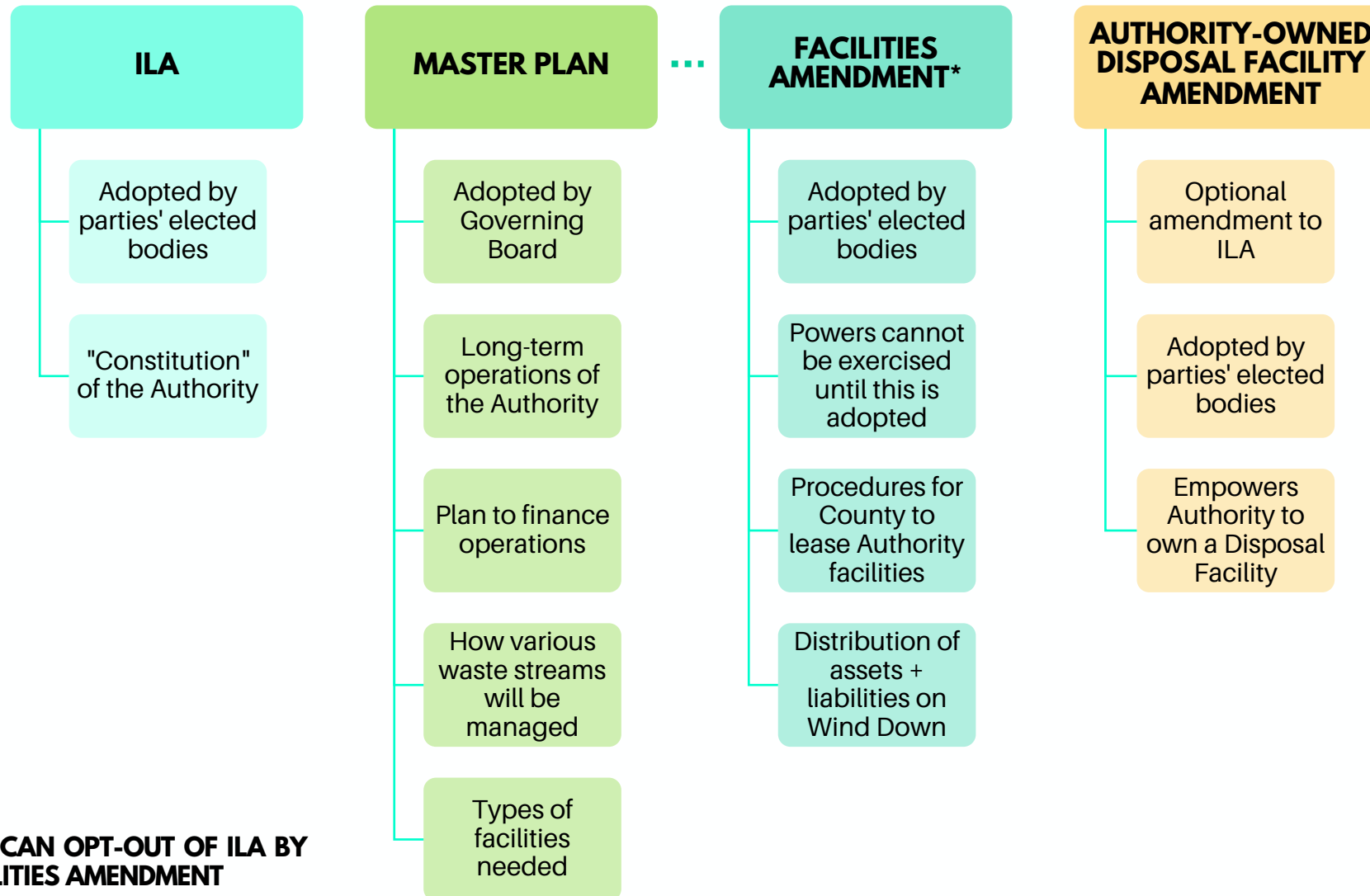


DURATION OF ILA

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

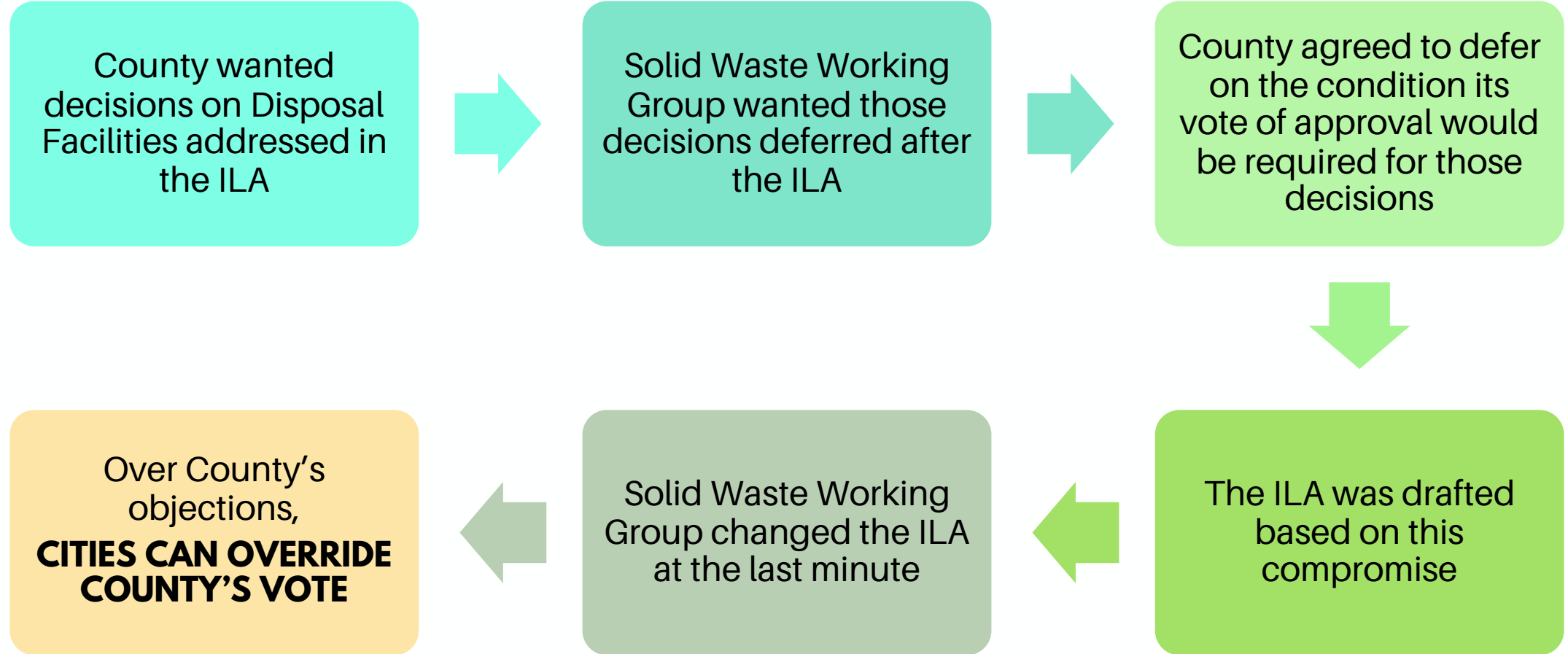


AUTHORITY GOVERNING DOCUMENTS

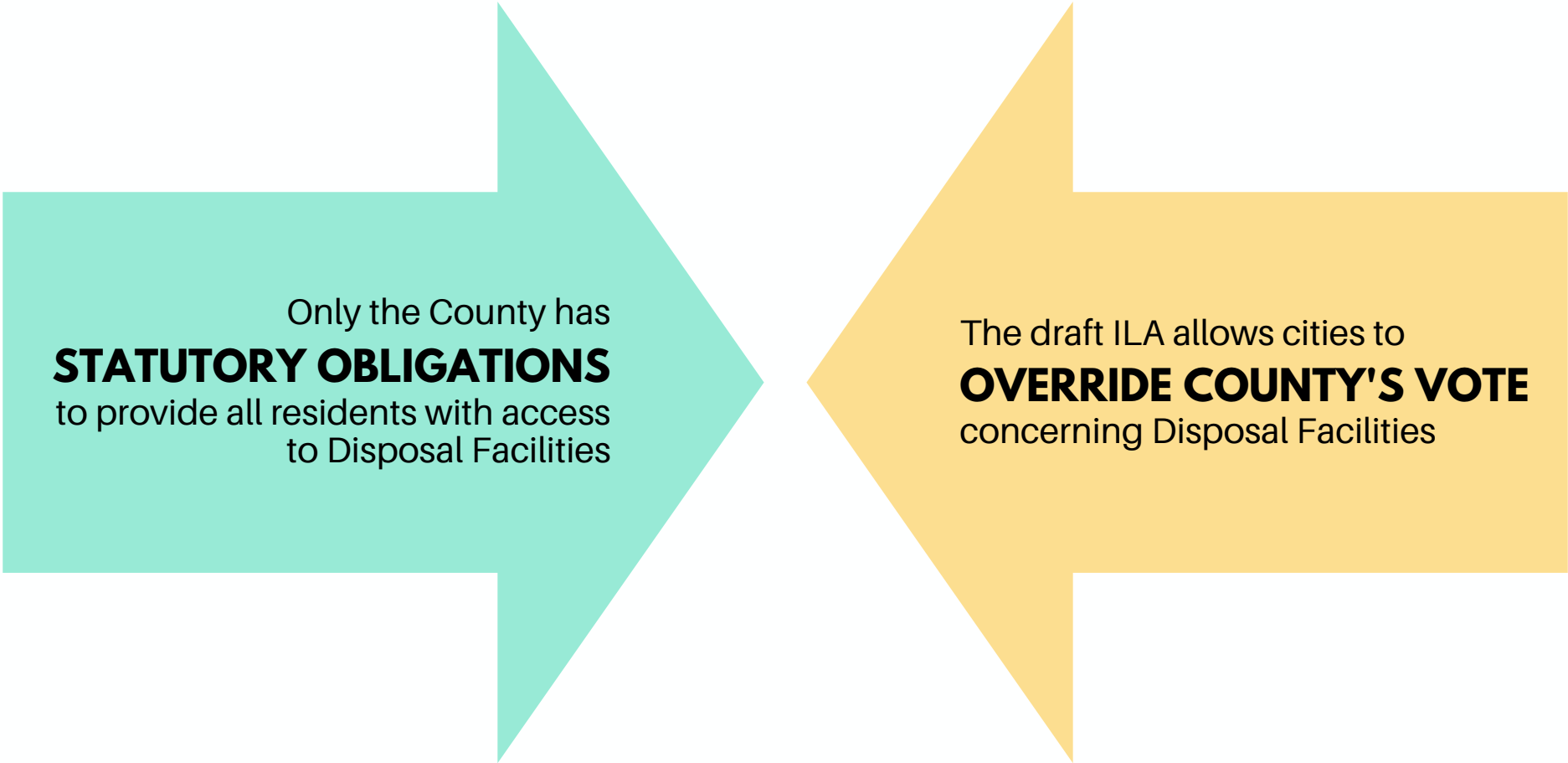


* MUNICIPAL PARTIES CAN OPT-OUT OF ILA BY REJECTING THE FACILITIES AMENDMENT

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