

SWWG POLICY QUESTIONS FOR DRAFT ILA

POLICY QUESTION	ANSWER
ARTICLE 3 – DURATION	
Master Plan Approval/Deadline: Master Plan must be approved by supermajority of 80% of the Governing Board (based on Broward population) plus County.	
Any Party to the ILA whose representative on the Governing Board doesn't approve the Master Plan may withdraw from the ILA within [N] days after the Master Plan is adopted.	
<ul style="list-style-type: none"> • If Party doesn't give written notice of withdrawal (based on vote of its commission/council), it remains a party to the ILA. 	
<ul style="list-style-type: none"> • If Master Plan has not been approved within [N] years after Authority is formed, 	
<ul style="list-style-type: none"> • the Authority is automatically dissolved and the ILA is terminated. <ul style="list-style-type: none"> ○ Ability to extend this deadline without supermajority? 	
<ul style="list-style-type: none"> • Does this only apply to an <u>initial</u> Master Plan? 	
<ul style="list-style-type: none"> • Amendments to Master Plan only require approval by [N]% of Governing Board? <ul style="list-style-type: none"> ○ Higher supermajority approval of material changes? ○ All other amendments. 	
Renewal: What percentage of Parties must agree to exercise a renewal term for the Authority to continue?	
ARTICLE 4 – MEMBERSHIP; MEMBERSHIP OBLIGATIONS	
Ongoing Contributions of Parties Prior to Special Assessment: Each Party will contribute on a pro-rata basis based on [population/tonnage].	
<ul style="list-style-type: none"> • Used towards Authority staff salaries, legal expenses, office space, etc. 	
Late-joining Parties: Executive Board will recommend, and Governing Board will approve, required contributions by late-joining municipalities.	
ARTICLE 5 – FORMATION; GOVERNANCE	

<p>Voting/Required Abstention: If the Authority is voting on an agreement between the Authority and up to 3 Parties, those Parties’ representatives on the Governing Board shall not participate in Governing Board debate or vote (they may still vote as an elected official for their appointing body).</p>	
<p>ARTICLE 6 – POWERS</p>	
<p>Rates: Rates to be uniform for all Parties except for late-joining parties or other Parties that made additional/exceptional contributions (e.g., a city that allows Authority to operate a recycling facility on city property at reduced/nominal rent may receive a credit against tipping fees, etc.).</p>	
<p>“Major Decision Voting” (Section 6.5): What types of votes of the Governing Board require supermajority and what will supermajority be (e.g., 2/3 plus 1 vote, 80% based on population, etc.)?</p> <ul style="list-style-type: none"> • Distribution of cash or property to a Party; • Beginning or ending lawsuits against a Party; • What else? 	
<p>ARTICLE 7 – REVENUE, BORROWING, AND BUDGET</p>	
<p>Executive Committee Debt Authority: Executive Committee has authority to approve revolving debt agreements (e.g., credit cards or short-term obligations for supplies/equipment, etc.) up to \$[N] in the aggregate.</p> <ul style="list-style-type: none"> • Any amounts exceeding this threshold must be approved by the Governing Board. 	
<p>ARTICLE 8 – AUDITING</p>	
<p>Auditor is selected by a Standing Audit Committee?</p>	
<p>ARTICLE 9 – FACILITIES AND COMMITMENT OF WASTE STREAM</p>	
<p>Authority may not infringe on contracts (e.g., municipal hauler agreements) that predate the creation of the Authority.</p>	
<p>Parties must ensure all agreements entered into after creation of Authority and adoption of Master Plan are consistent with the ILA and Master Plan.</p>	

<p>Flow Control Ordinances:</p> <ul style="list-style-type: none"> • Parties must adopt flow control ordinances requiring delivery to the System? 	
<ul style="list-style-type: none"> • Should Authority be able to enforce Parties' flow control ordinances? 	
<ul style="list-style-type: none"> • Should there be a provision that Parties may appoint Authority as agent for enforcing hauler and related agreements? 	
<ul style="list-style-type: none"> • Will Authority have the ability to recoup costs of enforcement via fines to haulers under Parties' ordinances? 	
ARTICLE 16 – AMENDMENTS	
<p>Executive Committee proposes Amendments to the ILA, which must be approved by the Governing Board before distribution to the Parties for legal approval.</p>	
<p>Certain ILA Amendments (including but not limited to Powers of the Authority, Debt, Termination of ILA, Assets, Term of Agreement, etc.) must be affirmatively approved by 100% of the Parties.</p> <ul style="list-style-type: none"> • Via formal vote of their governing bodies. 	
<p>All other Amendments to the ILA require [N] (80%, greater than 2/3, etc.) of the Parties to approve.</p>	
<ul style="list-style-type: none"> • Failure to convey formal rejection within [N] days is deemed approval of the Amendment. 	
ARTICLE 17 – TERMINATION; ABANDONMENT; DISPOSITION OF ASSETS	
<p>Issues relating to termination of ILA, dissolution of Authority, deadlock of Governing Board, material breaches of ILA by a Party, failure of Authority to perform under the Master Plan, distribution of assets, liabilities of the Authority, etc., still being reviewed by counsel.</p>	