

SWWG POLICY QUESTIONS FOR DRAFT ILA

POLICY QUESTION	ANSWER
ARTICLE 3 – DURATION	
Master Plan Approval/Deadline: Master Plan must be approved by 80% supermajority of the Governing Board (based on Broward population) plus County.	Yes
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.	90 days
<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. 	Yes
<ul style="list-style-type: none"> • If Master Plan has not been approved within [N] years after Authority is formed, the Authority is automatically dissolved and the ILA is terminated. <ul style="list-style-type: none"> ○ Ability to extend this deadline without supermajority? 	18 months; a 6-month extension by EC; GB can extend for additional 12 months by simple majority
<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. 	50% + 1 for amendments, except for following [redacted], which require the same approval threshold as the adoption of Master Plan
Renewal: What percentage of Parties must agree to exercise a renewal term for the Authority to continue?	5 years before end of term, GB or EC will determine funding needed for next renewal term. GB establishes % required for renewal.

	Parties that do not renew can opt out.
ARTICLE 4 – MEMBERSHIP; MEMBERSHIP OBLIGATIONS	
<p>Ongoing Contributions of Parties Prior to Special Assessment: Each Party will contribute on a pro-rata basis based on [population/tonnage].</p> <ul style="list-style-type: none"> Used towards Authority staff salaries, legal expenses, office space, etc. 	Population (and tonnage if data available)
<p>Late-joining Parties: Executive Board will recommend, and Governing Board will approve, required contributions by late-joining municipalities.</p>	Yes
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>	Yes
ARTICLE 6 – POWERS	
<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>	Make it flexible
<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.) of those voting?</p> <ul style="list-style-type: none"> Distribution/acquisition of cash or real property in excess of \$2 million to/by a Party or distribution/acquisition of any real property to/by a Party; Beginning or ending lawsuits against a Party. 	\$2 million dollar threshold for property; 2/3 +1 for supermajority
ARTICLE 7 – REVENUE, BORROWING, AND BUDGET	
<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>	Established by GB

<ul style="list-style-type: none"> Any amounts exceeding this threshold must be approved by the Governing Board. 	
ARTICLE 8 – AUDITING	
Auditor is selected by a Standing Audit Committee?	Yes (Standing Audit Committee selected from the EC. Full EC ratifies Standing Audit Committee’s recommendation for Auditor)
ARTICLE 9 – FACILITIES AND COMMITMENT OF WASTE STREAM	
Authority may not infringe on contracts (e.g., municipal hauler agreements) that predate the creation of the Authority.	Approved
Parties must ensure all agreements entered into after creation of Authority and adoption of Master Plan are consistent with the ILA and Master Plan.	Approved (where appropriate, make Authority a third-party beneficiary)
Flow Control Ordinances:	Approved (Exceptions for out of state disposal)
<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? 	Approved (Coordination between Party and Authority)
<ul style="list-style-type: none"> Should there be a provision that Parties may appoint Authority as agent for enforcing hauler and related agreements? 	Approved (Coordination between Party and Authority)
<ul style="list-style-type: none"> Will Authority have the ability to recoup costs of enforcement via fines to haulers under Parties’ ordinances? 	Approved
ARTICLE 16 – AMENDMENTS	
Executive Committee proposes Amendments to the ILA, which must be approved by the Governing Board before distribution to the Parties for legal approval.	Approved

<p>Certain ILA Amendments (including but not limited to Powers of the Authority, Debt, Termination of ILA, Assets, Term of Agreement, Composition of EC and GB, 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>Approved</p>
<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. 	<p>Approved (Threshold consistent with Major Decision votes) 90 days</p>
<p>ARTICLE 17 – TERMINATION; ABANDONMENT; DISPOSITION OF ASSETS</p>	
<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>	