

MEMORANDUM

DATE: March 13, 2023

TO: Mary Lou Tighe, President, Broward League of Cities

CC: Broward County Solid Waste and Recycling Working Group

FROM: Beam Furr, Broward County Commissioner District Six, Vice Chair of Solid Waste and Recycling Working Group

RE: **Proposed Motion for Next Solid Waste Working Group Meeting on Wednesday, March 15, 2023**

At the Broward League of Cities Solid Waste and Recycling Working Group (SWWG) meeting on March 10, there was a lengthy and sometimes spirited discussion about the draft Interlocal Agreement (ILA), which the SWWG has been working on for many months. Prior to the conclusion of the SWWG meeting, there was discussion about my potential motion to go back to language that had been negotiated in the ILA before the inclusion of “municipal override” and “County veto override” language last fall. The meeting was concluded and a special meeting of the SWWG was scheduled for March 15, 2023, to provide time to further discuss and provide language for the proposed motion. The specific Motion I plan to make on this issue is attached to this memorandum.

In addition, there was much discussion on and apparent misunderstanding about what I intended to convey when I raised the need to work on “parallel tracks.” To clarify, when I referred to “parallel tracks,” I meant that the SWWG continue to work to finalize an ILA establishing a governance structure for the Authority (which I hope and trust will not include terms that preclude the County from participating in the Authority) and, at the same time, the County, in partnership with the SWWG and Technical Advisory Committee (TAC), would begin taking steps to potentially procure a new Waste-to-Energy (WTE) facility that I, and others expect will be needed to efficiently and safely dispose of waste within Broward County.

I suggest that this process be handled the same way that the selection of the consultant for the waste generation study was made, with the TAC and County staff developing a scope for an appropriate solicitation that is then brought back to the SWWG and Board of County Commissioners for review and approval, with a representative of the SWWG (presumably the Chair) participating in the solicitation process. As we all know, public procurements are a lengthy process, and by starting this process now while we finalize the ILA, there will be two potential outcomes, both of which are positive for the residents

of Broward County: (1) the Authority will have the benefit of the work done in that solicitation, where the Authority can choose to work with the company that comes forward with the best facility option; or (2) if the Authority is not in a position to finance the construction of a WTE or other facilities that are being proposed, the County may be in a position to facilitate the construction and operation of these facilities through a further agreement with the Authority and the participating municipalities to commit to direct waste flow. In either scenario, whether the Authority decides to construct a facility based on this solicitation if it fits within the Authority's plans or by contracting with the County to direct waste flow to a County-provided facility (whether County-owned, developed through a P3, or otherwise, and presumably operated by an experienced private operator), the disposal needs of our residents will be met. Conversely, if the Authority elects not to construct a facility and its members do not want to contract for the utilization of a County-provided WTE, the Authority has not lost any time in its planning process and can proceed with another alternative.

In light of recent events in Miami-Dade County and recognizing that the County's sole WTE facility is 30+ years old, we no longer have the luxury of time. Even if the SWWG finalizes a draft ILA and presents it to the municipalities on March 30, it will still take many months before the ILA is reviewed and approved by the requisite number of municipalities, plus additional time for the Governing Board to be established and meet, appoint the Executive Board, hire an Executive Director, and begin the process of retaining its own staff and consultants to begin its work. By the County and the municipalities working collaboratively now to see what options may exist for the construction of a WTE facility, we will be able to jump start the work of the Authority once it is formed.

My comments at our meeting should not be misconstrued to say that the County is backing out of the ILA because it disagrees with its governance structure, that it is "doing its own thing," or "taking on the entire responsibility of constructing a WTE." As I said several times during our meeting on the 10th, the County does not intend on going its own separate way. It is the County's intent to continue working collaboratively with SWWG as we develop countywide strategies and solutions to address short- and long-term opportunities and challenges associated with providing cost-effective solid waste and recyclables processing and disposal services. Of course, at some point, if we remain at impasse on key issues, as a matter of last resort, it would not be unreasonable for any of us to question whether our current course can produce the results required by our mutual constituents.

It is my hope that with this clarification, and the passage of my motion, we can move forward to finalizing the ILA and begin the process to find options to replace or supplement

the 30+ year old WTE facility and provide the necessary disposal capacity for the betterment of all residents of Broward County.