

FEEDBACK TO INTERLOCAL AGREEMENT FOR SOLID WASTE AND RECYCLING AUTHORITY

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This table contains summaries of the primary modifications requested by participating governments to the draft interlocal agreement (“ILA”). The Solid Waste Working Group considered each requested change, accepting certain modifications and rejecting others. For full details of the SWWG discussion and votes on various changes, please review the recordings of the SWWG meetings since October 2022, available from the Broward League of Cities.

GOVERNMENT	ILA SECTION	COMMENT SUMMARY	INCORPORATED INTO ILA
Sunrise	Preamble	Requested changes to the preamble and The Effective Date	✓
Oakland Park	Section 1.2	The Authority will (a) encourage recycling, reduction, and reuse, diverting Authority Solid Waste <u>produced in Broward County</u> (defined below) from landfills, seeking...	✗
Oakland Park	Section 1.2	The Authority may offer the Parties collection and hauling services for Authority Solid Waste and Recyclable Materials; however, ultimate responsibility for providing such services shall remain with each local government in Broward County.	✗
Oakland Park	Section 1.3, 2.1	Oakland Park maintains its consensus vote to create an independent special district. NOT creating an authority through an ILA	✗
Oakland Park	Section 1.4	This agreement does not become in effect until the Master Plan is approved by amendment to this agreement	✗
Davie	Section 2.2	Add manure as an acceptable collectable waste	✓
Dania Beach, Coral Springs	Section 2.3	The amount of Solid Waste should be determined in accordance with the Arcadis report.	✗
Coconut Creek	Sections 2.3, 6.2.3	Follow population instead of tonnage in the same way Local Option Gas Tax is distributed from Broward County to the Cities.	✗

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Dania Beach, Coral Springs	Section 2.7	Subsections (e) and (f) be stricken as these categories are overly broad.	
Sunrise	Section 2.7	Hazardous Materials – typo last sentence: subsection (e) should read “an Authority” not “a Authority.	
Sunrise	Section 2.7	In Sections 2.7(c) and (d), the word “hazardous” is capitalized. This word is not defined and, therefore, it should not be capitalized.	
Sunrise	Section 2.9	Issue relating to “Recovered Materials” not being included in definition of “Authority Solid Waste. Issues relating to statutory provision prohibiting control of Recovered Material (Section 403.7046(2), F.S.)	
Dania Beach, Fort Lauderdale, Davie, Plantation, Lauderdale Lakes, Tamarac, Coconut Creek, Plantation, Lauderhill, Southwest Ranches, Hollywood, Weston, Margate, Parkland, Hallandale Beach, Lauderdale-by-the-Sea	Sections 3.3, 3.3.2, 3.3.3, 3.3.3.2.4, 4.2, 6.3.1.6, 7.1.2.1, 8.1.8, Article 4,	Various provisions that include potential Municipal and County vote overrides. Some municipalities requested supermajority County Commission vote or unanimous County Commission vote.	
Tamarac	Section 3.3.1	Requesting the SWWG develop the master plan prior to ILA and creation of Authority.	
Davie	Section 3.3.2	Replace 90 days with 120 days	
Fort Lauderdale	Section 3.3.2	This could be a tight timeline depending upon the time of year; the City of Fort Lauderdale suggests 120 days.	

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GOVERNMENT	ILA SECTION	COMMENT SUMMARY	INCORPORATED INTO ILA
Coral Springs	Section 3.3.3	Fifth line should read "Master Plan" and there is a period missing at the end of that sentence.	✓
Davie	Section 3.3.3.2	Participating Municipalities need to have an ownership stake in the Authority assets.	✗
Oakland Park	Section 3.3.3.3	Should be clear that County use needs to be related to Solid Waste and not other County operations.	✓
Dania Beach	Section 3.11 (3.3.2)	"Withdrawal", change 90 days to 120 days.	✓
Sunrise	Section 3.3.4	Modification to title placement. Add a 3.3.4.7 citing to Section 11.1.	✓
Sunrise	Section 3.3.4	Section 3.3.4 should be amended to include two new subsections. Add subsection 3.3.4.7, which should cite to Section 11.1 Commitment of System Waste, to make clear that the Authority may not exercise any of its powers or enforce requirements until Formation Conditions are met.	✓
Coconut Creek	Section 3.3.4	Start New Section 3.3.5 beginning with "Condition of Exercise of Powers" and correct numbering below from 3.3.4.1 through 3.3.4.6 to 3.3.5 1 through 3.3.5 6.	✓
Southwest Ranches	Section 4.1	Request shortening of 40-year initial term.	✗
Sunrise	Section 4.2.1	Punctuation issue	✓
Wilton Manors	Section 5.1	Request inclusion of language requiring delivery of annual municipal contributions prior to adoption of each year's city budget.	✗

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Dania Beach, Coral Springs	Section 5.4	Ongoing contributions should be based on tonnage, not on population.	
Oakland Park	Section 5.4	Request monthly versus quarterly payments in advance.	
Tamarac	Section 5.4	Prior to requesting municipal approval of the ILA, a draft budget should be developed.	
Dania Beach, Coral Springs	Article 6	Municipalities should have a right of first refusal by population within each of the 1/3 of municipal parties by population groups for Executive Committee members.	
Pembroke Pines	Article 6	Proposed revisions to governance structure, including having city managers instead of elected officials serve on the Executive Committee. Increase 2-year term of Executive Committee members for institutional knowledge.	
Plantation	Article 6	Requested language to provide for regular updates to the municipalities from the Executive Committee.	
Plantation	Article 6	Requested language to allow municipalities to appoint citizens to TAC instead of just employees of the municipality.	
Lauderdale Lakes	Section 6.3	Criteria to designate Large, medium and small municipalities should be more clearly defined.	
Tamarac	Section 6.3	Requested increase in Executive Committee to 13 Municipal representatives and 2 County representatives (including 1 selected by the League of Cities).	
Dania Beach, Lauderdale Lakes, Fort Lauderdale, Southwest Ranches	Section 6.3.1.1, 6.3.1.6	Various requested modifications to Governing Board override of Executive Committee decisions. Eliminate second vote of Governing Board to overturn decisions of Executive Committee and eliminating any requirement of County member to agree when 90% of municipal Governing Board members vote to overturn Executive Committee decision.	







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Lauderdale Lakes	Section 6.3.1.2.1	Large municipalities should have 4 members. Increase number of Executive Committee members from smaller municipalities to 3.	
Oakland Park	Section 6.3.3	Executive Committee meeting should be scheduled at least 1 per month.	
Tamarac	Section 6.4	Various requests for clarification of intended staffing/support for the Authority.	
Sunrise	Section 6.6.2	Deletion of "as part of" from section.	
Lauderdale Lakes	Section 6.8	Change to have Major Decisions approved by 2/3 vote of the Governing Board regardless of the Broward Tonnage.	
Pembroke Pines	Section 6.8	How were the \$2,000,000.00 thresholds determined? The Master Plan could develop the means to identify possible additional major decisions, and could provide a basis for setting dollar thresholds for those decisions in the Interlocal Agreement.	
Pembroke Pines	Section 7.1.2	Master Plan should be prepared and approved at the time of the ILA rather than after. 50% threshold for extensions of Agreement are too low.	
Fort Lauderdale	Section 7.1.2.1	The section needs to be fixed for typos, spacing and different fonts.	
Tamarac	Section 8.1.1	Incorporate inclusion of Broward Schools into ILA for education efforts.	
Davie	Section 8.1.8	We recommend changing the ownership language. Municipalities and County should own the property and facility equally with the County operating the facility if the Authority disbands in the future.	

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Pembroke Pines	Section 8.1.12	The Interlocal Agreement needs to provide for more details on the issuance of debt and borrowing by the Authority.	
Coconut Creek	Section 8.1.15	Add eminent domain throughout the paragraph.	
Oakland Park	Section 8.3.11	Executive Committee should not hire Executive Director but instead should make recommendation of Executive Director to Governing Board for approval.	
Sunrise	Section 11.1	Sections 11.1 and 11.2 should not apply to any Party until the Authority has a waste disposal system in place and should not apply unless the municipality elects to comply with them.	
Sunrise	Section 11.2	Section 11.2, change in statutory reference from section 402.713(2) to Section 403.713(2).	
Tamarac	Section 11.4	This should not be done by ordinance, but rather the ILA should specify that each local government hauling contract shall have a clause requiring all these reporting requirements (see paragraph 11.6).	
Coral Springs, Fort Lauderdale, Davie	Section 16	Failure to act on an amendment within 90 days is not deemed an approval, but is deemed a denial.	
Fort Lauderdale	Section 17.1	Increase time frame to 60-90 days.	
Weston, Margate, Dania Beach, Dania Beach, Parkland	Section 17.4	In Section 17.4, it should be clear that any damages that could be awarded if the Authority acts improperly (i.e., if it prevents the County from performing its statutory obligations), would be against the Authority only, not against individual parties to the Agreement.	
Plantation	Section 17.5	Section 17.5 provides that if the authority fails fulfill its statutory obligation, the authority shall be liable and responsible for payment to the County of costs incurred by the County for capital expansion. We would like to see some criteria as to what would constitute "failure".	

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Coconut Creek	Section 18.1.2	To be consistent, thirty (30) days should be changed to <u>sixty (60)</u> days throughout the paragraph.	
Dania Beach, Hallandale Beach	Multiple sections	Request to add provisions on how a municipality could withdraw from ILA during the 40-year term, the circumstances, and amounts to be paid.	
Dania Beach	Multiple sections	ILA should include definition of "Solid Waste" and not allow Master Plan to provide definition so that parties know if things like storm debris, white appliances, and construction materials are included.	
Hollywood, Weston, Margate, Deerfield Beach, Parkland, Lauderdale-by-the-Sea	Multiple sections	Funding of the Authority, prior to the implementation of a special assessment, should be 50% paid by the County and the other 50% paid by the municipalities based on population, similar to how the Waste Generation Study was performed.	COUNTY PAYS 50% OF CONSULTANT COSTS FOR MASTER PLAN
Weston	Multiple sections	There are typographical/formatting errors in Sections 3.3.4 (there should be a new section starting with "Condition"), and 7.1.2.1.	
Deerfield Beach	Multiple sections	Request that a municipality that does direct collection and hauling of solid waste have a permanent position on the Executive Committee.	
Broward County	Multiple sections	Removal of municipal override of limited provisions where County Governing Board member (or County Commission) approval is required.	
Broward County	Multiple sections	Add language that County has the same right to withdraw from the ILA that is granted to every other party.	