

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT FOR A SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ensuring a reliable, efficient and environmentally sound way to dispose of solid waste and encourage recycling is of critical importance to Broward County into the future; and

WHEREAS, in 2013, the City and several other municipalities brought a lawsuit against Broward County (the "County") regarding the equitable distribution of assets that remained at the termination of the Resource Recovery Board ("RRB"), styled *City of Sunrise et al. vs. Broward County*, Case No. CACE 13-015660 (the "RRB Lawsuit"); and

WHEREAS, in 2015, the Parties reached a settlement of the RRB Lawsuit under which, among other things, the City and the other municipalities were paid over \$32 million and the County and municipalities agreed to use their best efforts (and to take all reasonable steps) to sell the parcel of land known as Alpha 250 ("Alpha 250"), with the proceeds to be distributed among the municipalities, as further described in the Settlement Agreement (the "Settlement"); and

WHEREAS, on September 7, 2016, the City Commission adopted Resolution No. 16-135, approving the First Amendment to the Settlement Agreement, to delay the sale of Alpha 250 while a joint independent study was performed regarding the following issues:

- (i) how a 75% County-wide recycling goal may be reached;
- (ii) whether retaining public ownership of Alpha 250 would facilitate the meeting of that recycling goal or would provide other benefits in connection with solid waste disposal within Broward County;
- (iii) general solid waste disposal issues as determined by the Working Group (as defined in the First Amendment), which may include options regarding flow control and potential governance or contractual structures for collaborative management of solid waste disposal.

WHEREAS, in June 2017, the County retained Arcadis, U.S., Inc., Kessler Consulting, Inc., Total Municipal Solutions, L.L.C., and GMAC Consulting, L.L.C. (collectively, the “Arcadis Team”) to conduct the study (the “Study”), which the Arcadis team commenced in October 2017; and

WHEREAS, in 2019, after completion of the Study, the County and the participating municipalities desired to formalize their shared and ongoing commitment to work cooperatively in establishing and implementing a regional solid waste management system that addresses the short and long term opportunities and challenges associated with providing solid waste disposal and recyclables processing services to their respective constituents by entering into a Memorandum of Understanding Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System (the “MOU”); and

WHEREAS, on September 3, 2019, the City Commission approved the MOU; and

WHEREAS, under the MOU the Parties: (1) agreed to jointly undertake the continued study and analysis of critical solid waste issues and recycling programs, (2) directed the Solid Waste Working Group (“SWWG”) to develop a detailed and comprehensive scope of such continued study and analysis and authorized the SWWG to retain and interact with any appropriate consultants and/or attorneys during the course of the continued study to ensure that balance and independence are maintained throughout, (3) agreed to make the respective financial contributions necessary for the continued study and analysis, and (4) agreed to have the SWWG evaluate potential methods for a governance structure for a solid waste disposal and recycling entity and develop the appropriate legal documents to implement same; and

WHEREAS, consistent with the First Amendment and a subsequent second amendment to the Settlement Agreement, the County Administrator and six designated mayors (the “Mayors”) have provided several Written Approvals of Extension of Sale Delay Period Under First Amendment to Settlement Agreement, which has delayed the sale of the Alpha 250 Property until October 11, 2023 (subject to further extensions); and

WHEREAS, the SWWG deemed it necessary to have a Waste Generation Study completed in order to further its efforts to agree on a regional solution for the future of solid waste disposal and the processing of recyclable materials in the future, and the County agreed to engage such consultant to complete a scope of work as described in the First Amendment to the MOU; and

WHEREAS, the County agreed to contribute financially up to fifty percent (50%) of the total cost of a Waste Generation Study, with the remainder to be paid by municipalities that agreed to the First Amendment to the MOU pro rata based upon population, referred to in the First Amendment to the MOU as “Study Participants;” and

WHEREAS, on February 1, 2022, the City Commission approved the First Amendment to the MOU with the County and the Participating Municipalities and contributing its pro rata share of the cost of the Waste Generation Study consistent with the terms of the First Amendment to the MOU; and

WHEREAS, the SWWG has determined that the best cooperative method for addressing solid waste and recycling into the future is through the creation of a solid waste authority through the entry of an interlocal agreement; and

WHEREAS, the SWWG has drafted and unanimously approved the attached Interlocal Agreement for Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida (“ILA”), the purpose of which is to create a solid waste authority (the “Authority”), which will 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; and

WHEREAS, the effective date of the ILA is the day after it has been executed by municipalities representing at least 75% of the total population of Broward County, plus the County, and the term of the ILA is 40 years after the effective date with the possibility of up to two 10-year extensions; and

WHEREAS, pursuant to the ILA, the City will be required to provide its pro rata share of start-up costs until the Authority is able to impose special assessment; and

WHEREAS, pursuant to the ILA, the Authority will develop a Master Plan of Operations and Facilities Amendment, which will be subject to further approval by the County and the participating municipalities; and

WHEREAS, the City will have the ability to opt-out of the ILA if it chooses not to approve the Master Plan of Operations and Facilities Amendment; and

WHEREAS, the City Commission finds it in the best interest of the City to approve the ILA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

SECTION 2: The Interlocal Agreement for Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida is approved, together with such non-substantial changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney.

SECTION 3: The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

SECTION 4. The Office of the City Attorney shall review and approve as to form all documents prior to their execution by proper City officials.

SECTION 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. This Resolution shall be in full force and effect upon final passage and adoption.

ADOPTED this ____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM:

Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

Pamela Beasley-Pittman _____

Warren Sturman _____