

**CITY OF OAKLAND PARK, FLORIDA
CITY COMMISSION AGENDA ITEM REPORT**

AGENDA ITEM NO. 21

MEETING DATE: 7/17/2019

PREPARED BY: Albert J Carbon III, **DEPARTMENT HEAD APPROVAL:** PUBLIC WORKS
Public Works Director

SUBJECT:

Approval of Memorandum of Understanding (MOU) Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System

1. BACKGROUND/HISTORY

Issue Statement:

Broward County and the Cities of Broward County, including Oakland Park, have been working on a long-term plan for the processing and disposal of recyclables and solid waste within the County.

Recommended Action:

The County is requesting all interested Cities approve the Memorandum of Understanding (MOU) Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System by September 30, 2019.

History

Broward County and most of the Broward municipalities entered into a Settlement Agreement in 2014 to settle litigation regarding dissolving the Resource Recovery Board (RRB). The RRB was a dependent county special district that handled solid waste disposal until June 2013. Pursuant to the RRB Settlement Agreement, the cities were collectively paid \$32 million, and the Alpha 250 property, an RRB property asset located in Pompano Beach (map attached), was to be sold (with the proceeds paid on pro rata share basis to the cities).

In 2016 and 2018, the Settlement Agreement was amended to extend the date for the sale of the Alpha 250 property to allow the County to have a consultant do a study of the Alpha 250 property and solid waste disposal issues in Broward County. The First Amendment extended the Alpha 250 sale date for one year (until October 11, 2017), and the Second Amendment extended the MOU until the Study was completed.

In December 2018, Broward County and the participating Cities issued the final Solid Waste and Recycling Issues Study Final Report (Study). The goals of the Study were to evaluate and provide recommendations regarding the following:

- How a 75 percent County-wide recycling goal may be reached.
- 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.
- General solid waste disposal issues as determined by the Working Group which may include options regarding flow control and potential governance or contractual structures for collaborative management of solid waste disposal.

The Final Study:

- Identified three scenarios showing how each residential and commercial waste and recycling stream could be handled and managed. Recycling could be managed and include processing at a combination of the following one of the six types of solid waste processing facilities:
 - Materials Recycling Facility (MRF)
 - Combined Bulky Waste (BW)/Yard Trash (YT)/Construction & Demolition Debris (C&D) Processing
 - Yard Trash (YT) Processing Facility
 - Mixed Waste Processing (MWP)
 - Organics Processing (OP) Facility (excludes Yard Trash)
 - Waste-to-Energy (WTE) Facility
- Reviewed governance alternatives and options including
 - Special Districts
 - Public/Private Ownership Options
- Presented Conceptual-Level Cost Estimates for years 2025, 2040 and 2060.

CURRENT ACTIVITY

On June 11, 2019, Broward County Board of County Commissioners passed a Memorandum of Understanding (MOU) regarding a comprehensive solid waste system in Broward County. The MOU affirms the commitment of the County and all of Broward's municipalities to work together to create a county-wide solid waste system and implement policies to help reach the targeted 75% recycling rate.

The MOU requires each participating City to approve the MOU by September 30, 2019. Briefly, the proposed MOU contains the following elements:

Intent. This MOU is intended to: (a) identify the local governments that wish to participate in the establishment and implementation of a regional solid waste management system (b) establish a mechanism and process to analyze and evaluate the Study Recommendations; and (c) provide a schedule.

Working Group. The County and the Participating Municipalities shall designate a working group ("Working Group").

Technical Group. The County and the Participating Municipalities shall establish a technical group ("Technical Group").

Continued Study. Recognizing the benefit of the Study and the need for continued study and independent analysis, the County and the Participating Municipalities agree to jointly undertake the continued study and analysis of additional critical solid waste issues identified by agreement. The County and the Participating Municipalities further agree that the respective financial contributions necessary for the continued study and analysis described herein will be mutually agreed upon.

Solid Waste Pledge. The MOU is looking at a 30-year planning, construction and operational period.

Shared Principles and Commitments. The County and the Participating Municipalities agree that the effectiveness and longevity of a regional solid waste management system depend on certain principles and commitments, including but not limited to the following:

- Solid waste disposal and recycling efforts are best accomplished as collaborative ventures among the County and the Participating Municipalities,
- Committed to considering all of the Study Recommendations as well as the preferences of the County and the Participating Municipalities and the results of the continued study and analysis described in Section 8 above.
- Committed to exploring all possible governance structures for a regional solid waste management system.
- Committed to discussing organizational structures for a regional solid waste management system that may consist of common ownership and/or common control of the system's acquired.
- Committed to exercising common control over the setting of tipping and other fees, with such fees being set in an amount that is adequate to recover all costs, including reasonable personnel costs.
- There is a critical need to develop robust recycling programs.
- All available options regarding programs and required assets should be identified and analyzed, including potentially contracting with private entities under terms that would protect the long-term interests of the County and the Participating Municipalities.

Effective Date. The "Effective Date" of this MOU shall be October 1, 2019; provided, however, to become effective, municipalities collectively representing no less than fifty percent (50%) of the County's total population must timely approve and execute this MOU by such date.

MOU Milestone Schedule

Milestone Description	Milestone Dates
County Approval of the MOU	June 11, 2019
Participating Municipality Approval of the MOU	September 30, 2019
Designation of Working Group	November 15, 2019
Designation of Technical Group	December 15, 2019
Retention of consultants and/or any required legal counsel	December 15, 2019
Determination as to form of governance for the regional solid waste management system (e.g., interlocal agreement, special district*)	April 20, 2020
*Finalization of the necessary creation documents (which would permit timely submission to the Florida Legislature if an independent special district	September 30, 2020

is to be pursued)	
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3. FINANCIAL IMPACT

There is no immediate financial impact by approving the MOU, but agreement does obligate the City to some future expenses regarding the study of the creation of a future countywide system. The exact value of these contributions will be determined at a later date and subject to agreement. As noted in the MOU, "the County and the Participating Municipalities further agree that the respective financial contributions necessary for the continued study and analysis described herein will be mutually agreed upon."

4. RECOMMENDATION

Staff recommends the City Commission adopt resolutions authorizing the proper City Official to enter into the Memorandum of Understanding (MOU) Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System.

ATTACHMENTS:

[Resolution](#)

[Solid Waste and Recycling Study](#)

[MOU](#)

[October 2018 Commission Report](#)

[Alpha 250 Site Map](#)