



CITY COMMISSION ORDINANCE/RESOLUTION

TITLE: Resolution 21- 53 (Finance/Public Works)

DESCRIPTION: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SUPPORT SERVICES, ATTACHED HERETO AS EXHIBIT "A;" AUTHORIZING AND DIRECTING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY MANAGER RECOMMENDATION:

The City Manager recommends the City Commission approve the Second Amendment to the Interlocal Agreement with Broward County for Solid Waste Disposal Support Services and authorize the appropriate City Officials to execute said Amendment.

BACKGROUND OF ITEM:

In 1986, the Resource Recovery Board of Broward County was formed to develop a comprehensive solid waste disposal and resource recovery program. This System was comprised of 27 Contract Communities, including unincorporated Broward County. The Resource Recovery System and Board were allowed to sunset and the Agreement for Solid Waste Disposal expired on July 2, 2013.

On June 11, 2011, Broward County entered into an Agreement with Wheelabrator South Broward, Inc. for disposal of solid waste generated within Participating Communities at the Waste-to-Energy (WTE) Facility. On September 1, 2012, the Broward County Board of Commissioners approved an Interlocal Agreement (ILA) between Broward County and Participating Communities for Solid Waste Disposal Support Services extending the solid waste disposal to Participating Communities.

In 2013, the City Commission of the City of Cooper City approved the ILA with Broward County and Participating Communities for Solid Waste Disposal Support Services, valid through July 2, 2018; and allowed for three (3) optional five (5) year renewals. Broward County exercised the first renewal of the ILA through July 2, 2023; and the City of Cooper City approved said renewal via regular agenda on July 17, 2018, which authorized the First Amendment to the ILA with Broward County for Solid Waste Disposal Support Services.

Per the Second Amendment to the ILA, the County has the unilateral right to extend the Agreement for disposal through July 2, 2028, by initially declaring its intent to do so by January 15, 2022. In order to exercise that right, the County must have a binding written commitment for the entire second renewal term (July 3, 2023 through July 2, 2028) from governmental entities whose residents and businesses have annually generated at least 500,000 tons of waste collectively. The ILA, as amended by the First Amendment, will expire on July 2, 2023, unless the Parties have entered into a timely amendment on or before January 15, 2022.

City staff determined in 2013, in 2018, and reaffirm now, that disposal of Solid Waste via incineration at the WTE Facility is an economically and environmentally responsible method of disposal of solid waste. The timeframe of the second renewal, through July 2, 2028, is advantageous to the City of Cooper City, to the County, and to the other participating municipalities.

The City's Agreement with Waste Management for Residential Solid Waste and Recycling and Commercial Solid Waste (Collection and Hauling) expires in September 2023. Having the disposal agreement through at least July 2, 2028 provides for the stability needed to advertise and award a new solid waste and recycling hauling agreement to serve the needs of Cooper City residents and businesses.

The Solid Waste Working Group (SWWG), which is tasked with developing a Regional Solid Waste District, continues to work towards that end. While, SWWG and the resulting District will research and analyze the future of solid waste processing and disposal, the timeframe for significant changes and/or the introduction of new technology would likely exceed the ILA extension.

At the regular Commission meeting of November 9, 2021 the City Commission requested additional information regarding the disposal rates for non-participating municipalities. We have contacted these municipalities and are awaiting the information.

FISCAL IMPACT:

The ILA initially established a tipping fee of \$42.00 per ton. If approved, the Second Amendment to the ILA includes a negotiated per tonnage increase of \$1.50. The increase will be imposed after the annual CPI Adjustment effective July 2, 2022, which has a minimum and maximum of 1% and 5%, respectively. Therefore, the effective per tonnage rate, per the Second Amendment to the ILA, would be between \$49.77 and \$51.68, including the CPI Adjustment and negotiated rate increase.

ATTACHMENTS:

1. Resolution 21-53
2. Proposed second amendment to ILA
3. First amendment to ILA