



# Governance Structures Comparison for a Regional Solid Waste Management System

COMMISSION MEETING – MAY 28<sup>TH</sup> , 2020

# Governance Structure Comparison



	ILA	Independent Special District	Dependent Special District
Local control	Yes	No	Yes
Retention of all common powers	Yes	No	No
Power to levy special assessments	Yes	Yes	Yes
Taxing authority	No	Yes	Yes
Can provide services outside boundaries	No	Yes	Yes
Entire County is bound to the agreement	No	Yes	No
Countywide Flow Control	Possibly	Yes	Possibly

# Governance Structure Comparison



	ILA	Independent Special District	Dependent Special District
Ability to opt in	Yes	No	Yes
Ability to opt out	Yes	No	No
Tax millage counts against millage caps of participating government	N/A	No	Yes
Municipality participation optional	Yes	No	Yes
Must be Created by State Legislature	No	Yes	No
State Oversight	No	Yes	No

# ILA- KEY FEATURES



- ▶ Can establish separate legal entity possessing common powers through
  - ▶ Commission
  - ▶ Board
  - ▶ Council
- ▶ Can incur debts, liabilities and obligations independent of its participants
- ▶ Can acquire, own, construct, improve, operate and manage public facilities relating to a governmental function or purpose
  - ▶ Can sell or finance all or a portion of such facilities

# ILA- KEY FEATURES (CONTINUED)



- ▶ Can set rates, charges and fees for the aforementioned acquired/constructed facilities
- ▶ Can levy special assessments and use revenues to pay off bond obligations
- ▶ Participants can drop out in accordance with the terms and conditions of the ILA or choose not to renew at the end of the ILA term.

# INDEPENDENT SPECIAL DISTRICT- KEY FEATURES



- ▶ Florida State Legislature creates by special act and enumerates:
  - Requirements and mission
  - Financing methods
  - Governing body composition
  - Procedures for setting bonds

*(These provisions/powers are developed locally and sent to the State Legislature for approval. The powers are then established by Florida State Legislature based on the Charter as approved by Special Act and can also be amended by the State Legislature, if changes are needed.)*

- ▶ Created to carry out a specific function in a specific geographical area and is **NOT** controlled by a County or a City, but rather an Independent District as specified in the Charter.

# INDEPENDENT SPECIAL DISTRICT- KEY FEATURES (CONTINUED)



- ▶ Transparency achieved through required submittal of annual reports to the State
  - Subject to review of a legislative auditing committee
- ▶ Assessments through ad valorem or non-ad valorem taxes are authorized via approval of the Charter or amendments thereafter.
  - Millage would not count against 10 mill cap of local government
- ▶ The Charter as approved by the state determines how board members are selected and the length of their terms

# DEPENDENT SPECIAL DISTRICT-

## KEY FEATURES



- ▶ Similar to an Independent District in that it is created to carry out a specific function in a specific geographical area
- ▶ May be created by Florida State Legislature (through Special Act) or by County ordinance
  - Creation by ordinance requires approval of affected municipalities (not all municipalities must participate)
- ▶ Any tax assessments must be added to the millage of the County (cannot exceed the 10 mill cap)

# DEPENDENT SPECIAL DISTRICT- KEY FEATURES (CONTINUED)



- ▶ Section 189.012(2), Florida Statutes, sets forth the following criteria for establishing requisite control:
  - The controlling entity's governing board must meet at least one of these criteria:
    - (i) Be Identical to that of the district;
    - (ii) Have control over the membership of the district's governing board;
    - (iii) Have control over the district's budget.



# Questions