

RESOLUTION NO. 2023-090

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY AND OTHER PARTICIPATING MUNICIPALITIES (“ILA”) PROVIDING FOR THE CITY TO PARTICIPATE IN A SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA, INCORPORATED HEREIN AS EXHIBIT “1”; AUTHORIZING THE MAYOR TO EXECUTE SAME; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2019, Broward County and the Broward County Municipalities entered into the Memorandum of Understanding Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System ("MOU"), which Coconut Creek approved via Resolution No. 2019-156, and established a Solid Waste Working Group ("SWWG"), a group of elected municipal officials chosen from among the elected officials of the municipalities in Broward County and a County Commissioner; 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 (“First Amendment”), which Coconut Creek approved in 2022 via Resolution No. 2022-022, and said First Amendment provided for the County to contribute fifty percent (50%) of the costs with the remainder to be paid by the participating municipalities pro rata based on population; and

WHEREAS, the SWWG further 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 a Solid Waste Interlocal Agreement between Broward County and Broward County municipalities; 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 (2) 10-year extensions; and

WHEREAS, pursuant to Per Section 5.4 of the ILA, initial startup costs of two million dollars (\$2,000,000.) per year will be paid as follows: the County will pay fifty percent (50%) with the remaining fifty percent (50%) to be paid on a pro rata basis based on population. Under this formula, at seventy-five percent (75%) participation, we will be required to \$78,461.60, but at one hundred percent (100%) participation, this number goes down to \$58,846.20. This will just be in place until the Authority is able to impose a 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 COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution and that the Interlocal Agreement (“ILA”) for Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida, is hereby approved, in substantially the form attached as Exhibit “1,” 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 2: That the City Commission of the City of Coconut Creek hereby approves the terms and conditions of the ILA for Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida, a copy of which is attached hereto as Exhibit “1” and made a part hereof.

Section 3: That the City Commission of the City of Coconut Creek hereby approves the expenditure for the City’s portion of the start-up funding that will be used for the cost of professional/technical consultants to develop the Master Plan, which will be paid 50% by the County and 50% by the municipal parties on a pro rata basis based upon population.

Section 4: That the Mayor is hereby authorized and directed to execute said ILA for Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida, and effectuate the expenditure of the funds authorized by this resolution.

Section 5: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 6: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this _____ day of _____, 2023.

Attest:

Joshua Rydell, Mayor

Joseph J. Kavanagh, City Clerk

Rydell _____
Welch _____
Railey _____
Brodie _____
Wasserman _____