



AGENDA ITEM REQUEST FORM

Town Manager's Office

Department Submitting Request

Bud Bentley

Assistant Town Manager

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- April 27, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011**
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

SUBJECT TITLE: Resource Recovery Board's Proposed Twelfth Amendment to the Interlocal Agreement (ILA)

EXPLANATION: The Resource Recovery Board has proposed a twelfth amendment to the ILA (**Exhibit A**) that revises the method of adjusting the tipping fees each year to that of actual costs. If approved the amendment would take affect October 1, 2011. Several cities have requested the amendment take affect at least 120 days prior to October 1st (or June 2nd) so that the amendment controls the calculation of the tipping fees for next year. We concur in that suggestion.

The proposed text provides that the new method will not result in an increase greater than what would have been approved under the existing language.

We have requested an update from the Resource Recovery Board on which cities have approved the twelfth amendment and will provide that information as soon as it is received.

We request that the Commission authorize us to send a letter to the RRB requesting that change.

EXHIBIT: Exhibit A

FISCAL IMPACT AND APPROPRIATION OF FUNDS: Possibly less of an increase in the annual tipping fee

Reviewed by Town Attorney
 Yes No

Town Manager Initials CB



Broward Solid Waste Disposal District

P.O. Box 93-4114

Margate, FL 33093

954-610-7745 • FAX 954-577-2391

Resource Recovery Board

Chair: Commissioner Ilene Lieberman - Broward County Board of County Commissioners • **Vice Chair:** Vice Mayor Lou Sarbone - Coconut Creek
Commissioner Vince M. Boccard - Coral Springs • Vice Mayor Suzanne Boisvenue - Oakland Park • Commissioner Beam Furr - Hollywood
Mayor Eric M. Hersh - Weston • Councilmember Marlon Luis - Davie • Mayor John P. "Jack" Seiler - Fort Lauderdale • Vice Mayor Frank B. Talerico - Margate
Executive Director: Ron Greenstein • **District Counsel:** Eugene M. Steinfeld

Date: February 25, 2011

To: City Managers 

From: Ron Greenstein, Executive Director
Resource Recovery Board

Re: Twelfth Amendment to the ILA

Attached is the proposed Twelfth Amendment to the Interlocal Agreement (ILA) with Broward County for Solid Waste Disposal Services, of which your city is a Contract Community.

This amendment provides that the Resource Recovery Board will set tipping fees, rates and service charges sufficient to fund the operation of the Resource Recovery System, including all bonded indebtedness and service agreements, beginning October 1, 2011. The tipping fees for processable waste would no longer be based on an automatic escalation related to the CPI (as provided for in the current ILA), and could never be higher than the fees would have been if the amendment had not been adopted.

The Resource Recovery Board approved the Twelfth Amendment at its February 17, 2011 meeting. Approval from the County and at least 51% of the population of all Contract Communities is required in order for this amendment to become effective.

The next step in the process is for your city, as a Contract Community to the ILA, to place the Twelfth Amendment on your commission/council agenda for approval. Please feel free to contact me at 954-610-7745 if you need additional information regarding the amendment.



TWELFTH AMENDMENT

This Twelfth Amendment is dated for convenience as February 17, 2011, to the Interlocal Agreement with Broward County for Solid Waste Disposal Services ("Interlocal Agreement"), dated for convenience as November 25, 1986, by and between Broward County, a political subdivision of the State of Florida, by and through its Board of County Commissioners, ("COUNTY") and Municipalities who are parties to the Interlocal Agreement ("CONTRACT COMMUNITIES").

WITNESSETH

WHEREAS, the Interlocal Agreement between the County and the Contract Communities provides for operation of a Resource Recovery System within Broward County and,

WHEREAS, the Interlocal Agreement provides that the principal funding for the Resource Recovery System within Broward County is derived from tipping fees for disposal of Processable Waste and,

WHEREAS, the tipping fees are set by the Resource Recovery Board pursuant to a formula provided in the Interlocal Agreement which escalates automatically based upon a consumer price index which is unrelated to the cost of the operation of the Resource Recovery System within Broward County and the Broward Solid Waste Disposal District and,

WHEREAS, the Resource Recovery Board wishes to set the tipping fees for disposal of Processable Waste based upon the actual cost of maintaining and funding the Resource Recovery System within Broward County and the Broward Solid Waste Disposal District.

Now therefore in consideration of the mutual terms, conditions, provisions, covenants and payments hereinafter set forth, the parties agree as follows:

(1). Effective October 1, 2011, Sections 6.1 and 6.2 of Article 6 of the Interlocal Agreement between Broward County and the Contract Communities, shall be amended to read as follows:

Tipping Fees and Service Charges

6.1 County and Contract Communities agree that the Resource Recovery Board shall establish tipping fees, rates and other service charges and provide for revenue sources sufficient to fund the Resource Recovery System and the maintenance

of the District. This shall include funding for all obligations of the District, including, but not limited to, all bonded indebtedness of the Resource Recovery System and Service Agreements in the name of Broward County or the District. All tipping fees shall be approved by resolution of the Resource Recovery Board and shall not be more than reasonably necessary for the actual costs of providing for the Resource Recovery System. Tipping fees for the disposal of Processable Waste shall be calculated and established by the Resource Recovery Board at least 120 days preceding the beginning of each fiscal year and shall be effective for the next ensuing fiscal year. In no event shall the Resource Recovery Board approve a tipping fee rate for Processable Waste which would exceed the tipping fee rate provided for in Section 6.2 of this Agreement had this amendment not been approved.

6.2 (This section shall be purposefully left blank.)

(2). This amendment shall become effective only upon approval of Broward County and the Contract Communities containing at least 51% of the population of all Contract Communities and unincorporated County.

IN WITNESS WHEREOF, the parties have hereto made and executed this Agreement on the respective dates under each signature, BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, SIGNING BY AND THROUGH ITS Mayor or Vice Mayor, authorized to execute the same by Board action of the _____ day of _____, 20____, and by the CONTRACT COMMUNITIES signing by and through official(s) duly authorized to execute the same.

COUNTY

BROWARD COUNTY, through its BOARD OF
COUNTY COMMISSIONERS

ATTEST:

By: _____
Mayor
_____ day of _____, 20__.

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County, Florida

Approved as to form by
Office of the County Attorney
115 South Andrews Avenue
Fort Lauderdale, Florida 33301

By: _____
(Print Name)

_____ County Attorney

TWELFTH AMENDMENT TO INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICES

CONTRACT COMMUNITY

By: _____

Print Name: _____

Title: _____

Name of Contract Community

By: _____

Print Name: _____

Title: _____

Executed this __ day of ____, 20__.

ATTEST:

Approved as to form:

City Attorney