

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Susan Dean, Programs Manager, 797-1042

DOCUMENT PREPARED BY: Susan Dean

SUBJECT: Resolution

AFFECTED DISTRICT: Town wide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBSTITUTE TO THE PROPOSED TENTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT.

REPORT IN BRIEF: Since its creation in 1986, the Broward County Resource Recovery Board (RRB) has always consisted of nine (9) members, five (5) County Commissioners and four (4) Municipal Representatives, alternating on a yearly basis. When the composition of the RRB was created, its members reflected the governments that controlled the solid waste flow. Since 1986, the unincorporated portion of Broward County has gotten smaller and therefore the composition should be changed to reflect the present governments in control.

The Council denied the Resolution proposed by the Broward County Resource Recovery Board at the May 17th Council Meeting. **(EXHIBIT 1).**

Council requested that a substitute resolution be prepared that would increase the number of municipalities to be appointed by the League of Cities. Attached as **(OPTION A)**

This Resolution will reinforce our previous recommendation which affords a greater possibility of Davie having a seat on the Board: One (1) member from the County Commission, two (2) members, one from each of the two largest Contract Communities by population, two (2) members from the contract communities closest to the median population, and four (4) members appointed by the League of Cities. By having 4 members appointed by the League of Cities it was felt that we had more of a possibility of holding a seat.

Additionally, I am enclosing another Substitute Amendment similar to the one that was proposed and adopted by the City of Weston and attached as **(OPTION B)**

One (1) member appointed by the County Commission, One (1) member for every contract municipality with a population equal to or greater than 25,000 people, and One (1) member appointed from the League of cities from a contract municipality of less than 25,000 people. This would provide the opportunity for all cities to serve on the Board, however, by doing so, it would increase the Board from nine members to twenty members.

PREVIOUS ACTIONS:

Interlocal Agreement between the Town of Davie and Broward County for Solid Waste Services.
Denial of previous Resolution (Item 4.15 of Consent Agenda on May 17th.)

CONCURRENCES: None

FISCAL IMPACT:

No budget required

RECOMMENDATION(S):

Attachment(s):

(EXHIBIT 1) Original Resolution

(OPTION A) Substitute Tenth Amendment

(OPTION B) Weston Substitute Tenth Amendment

(EXHIBIT 2) Population Count for Contract Communities

Interlocal Agreement available on request

RESOLUTION _____

TENTH AMENDMENT TO THE INTERLOCAL AGREEMENT CREATING THE BROWARD COUNTY SOLID WASTE DISPOSAL DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

This Tenth Amendment is dated for convenience as April 15, 2006, 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 the Municipalities who are parties to the Interlocal Agreement ("CONTRACT COMMUNITIES").

WHEREAS, the composition of the Resource Recovery Board (RRB) which is the Governing Body of the Broward Solid Waste Disposal District alternates annually between 5 County Commissioners and 4 municipal elected officials, and 4 County Commissioners and 5 elected Municipal elected officials; and

WHEREAS, the Board was composed of a membership reflecting the governments which controlled the flow of solid waste within Broward County in 1987; and

WHEREAS, the vast majority of Broward County has been incorporated into municipalities; and

WHEREAS, the unincorporated portion of Broward County in 2006 has significantly gotten smaller; and

WHEREAS, it is the desire of the parties to the Interlocal Agreement to reflect the present governments in control of solid waste flow in Broward County on the Board.

NOW, THEREFORE, the parties do amend the Interlocal Agreement as follows

Section 5.2 Composition of the Resource Recovery Board shall be comprised of (9) nine members. Starting April 2007, the Board shall be comprised as follows:

- (a) One (1) member shall be appointed by the Broward County Commission
- (b) Three (3) members. One (1) member each to be selected by the three (3) CONTRACT COMMUNITIES with the largest populations.
- (c) Three (3) members. One (1) member each to be selected by the three (3) CONTRACT COMMUNITIES nearest to the median in size based upon population.
- (d) Two (2) members. Each member is to be chosen by the highest ranking office of the Broward League of Cities or its successor organization, held by an elected official from a municipal CONTRACT COMMUNITY. If no office of the Broward League of Cities is held by an elected official from a CONTRACT COMMUNITY, the appointments shall be made by the past President of the Broward League of Cities from a CONTRACT COMMUNITY, which most recently served as President of the Broward League of Cities. If no past President of the Broward League of Cities is available to make the appointments, same shall be made by the Director of the Broward League of Cities from a CONTRACT COMMUNITY which has the longest service as a Director with the Broward League of Cities.

A CONTRACT COMMUNITY which has an official serving on the Board who was appointed pursuant to (a), (b) or (c) of this section may not have another official appointed pursuant to (d) of this section.

Each member of the Board shall serve a term of two years. All members appointed by the CONTRACT COMMUNITIES, the COUNTY, and the Broward League of Cities, as provided herein, shall be elected officials of their respective CONTRACT COMMUNITIES or COUNTY COMMISSION, as the case may be. Should a member cease to be a duly qualified elected official, the appointing authority which appointed such individual to the Resource Recovery Board shall select a successor to serve for the remaining term of the original appointment. For the purpose of this section, population figures contained in the latest estimate of population published by the University of Florida Bureau of Economic and Business shall be used.”

Section 5.3 of the Interlocal Agreement is amended to read:

“5.3 The Resource Recovery Board shall elect one (1) of its members as chair and one (1) as vice-chair to serve for one (1) year in that capacity or until their successors are elected. A simply majority of the members of the Resource Recovery Board shall constitute a quorum to conduct any of its responsibilities.”

Except as modified herein, the Interlocal Agreement shall remain in full force and effect.

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 _____, 2006, 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

By: _____

Mayor: _____

_____ day of _____, 2006.

ATTEST:

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

CONTRACT COMMUNITY

Name of Contract Community

By: _____

Print Name: _____

Title: _____

By: _____

Print Name: _____

Title: _____

Executed this ____ day of _____, 2006.

ATTEST:

Approved as to form:

City Attorney

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBSTITUTE TO THE PROPOSED TENTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT.

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WHEREAS, the composition of the Resource Recovery Board (RRB) which is the Governing Body of the Broward Solid Waste Disposal District alternates annually between 5 County Commissioners and 4 municipal elected officials, and 4 County Commissioners and 5 elected Municipal elected officials; and

WHEREAS, the Board was composed of a membership reflecting the governments which controlled the flow of solid waste within Broward County in 1987; and

WHEREAS, the vast majority of Broward County has been incorporated into municipalities; and

WHEREAS, the unincorporated portion of Broward County in 2006 has significantly gotten smaller; and

WHEREAS, it is the desire of the parties to the Interlocal Agreement to reflect the present governments in control of solid waste flow in Broward County on the Board.

NOW, THEREFORE, the parties do amend the Interlocal Agreement as follows

Section 5.2 Composition of the Resource Recovery Board shall be comprised of (9) nine members. Starting April 2007, the Board shall be comprised as follows:

- (a) One (1) member shall be appointed by the Broward County Commission.
- (b) Two (2) members. One (1) member each to be selected by the two (2) CONTRACT COMMUNITIES with the largest populations.
- (c) Two (2) members. One (1) member each to be selected by the two (2) CONTRACT COMMUNITIES nearest to the median in size based upon population.
- (d) Four (4) members. Each member is to be chosen by the highest ranking office of the Broward League of Cities or its successor organization, held by an elected official from a municipal CONTRACT COMMUNITY; and held by an elected official from a municipal CONTRACT COMMUNITY. If no office of the Broward League of Cities is held by an elected official from a CONTRACT COMMUNITY, the appointments shall be made by the past President of the Broward League of Cities from a CONTRACT COMMUNITY, which most recently served as President of the Broward League of Cities. If no past President of the Broward League of Cities is available to make the appointments, same shall be made by the Director of the Broward League of Cities from a CONTRACT COMMUNITY which has the longest service as a Director with the Broward League of Cities.

A CONTRACT COMMUNITY which has an official serving on the Board who was appointed pursuant to (a), (b) or (c) of this section may not have another official appointed pursuant to (d) of this section.

Each member of the Board shall serve a term of two years. All members appointed by the CONTRACT COMMUNITIES, the COUNTY, and the Broward League of Cities, as provided herein, shall be elected officials of their respective CONTRACT COMMUNITIES or COUNTY COMMISSION, as the case may be. Should a member cease to be a duly qualified elected official, the appointing authority which appointed such individual to the Resource Recovery Board shall select a successor to serve for the remaining term of the original appointment. For the purpose of this section, population figures contained in the latest estimate of population published by the University of Florida Bureau of Economic and Business shall be used.”

Section 5.3 of the Interlocal Agreement is amended to read:

“5.3 The Resource Recovery Board shall elect one (1) of its members as chair and one (1) as vice-chair to serve for one (1) year in that capacity or until their successors are elected. A simple majority of the members of the Resource Recovery Board shall constitute a quorum to conduct any of its responsibilities.”

Except as modified herein, the Interlocal Agreement shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie hereby consents to and approves Option A, a copy of which is attached hereto as Option A.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

SECTION 3. The Town Council directs the Town Administrator to send a copy of this Amendment to the members of the Broward County Resource Recovery Board.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2006.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A SUBSTITUTE TO THE PROPOSED TENTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT.

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WHEREAS, the Board was composed of a membership reflecting the governments which controlled the flow of solid waste within Broward County in 1987; and

WHEREAS, the vast majority of Broward County has been incorporated into municipalities; and

WHEREAS, the unincorporated portion of Broward County in 2006 has significantly gotten smaller; and

WHEREAS, it is the desire of the parties to the Interlocal Agreement to reflect the present governments in control of solid waste flow in Broward County on the Board.

NOW, THEREFORE, the parties do amend the Interlocal Agreement as follows

Section 5.2 Composition of the Resource Recovery Board shall be increased to include more CONTRACT COMMUNITIES. Starting April 2007, the Board shall be comprised as follows:

- (a) One (1) member shall be appointed by the Broward County Commission.
- (b) One (1) member for each municipal CONTRACT COMMUNITY with a population equal to or greater than 25,000 persons
- (c) One (1) chosen from a municipal CONTRACT COMMUNITY with a population of less than 25,000 persons by the highest ranking office of the Broward League of Cities or its successor organization, held by an elected official; and held by an elected official from a municipal CONTRACT COMMUNITY. If no office of the Broward League of Cities is held by an elected official from a CONTRACT COMMUNITY, the appointments shall be made by the past President of the Broward League of Cities from a CONTRACT COMMUNITY, which most recently served as President of the Broward League of Cities. If no past President of the Broward League of Cities is available to make the appointments, same shall be made by the Director of the Broward League of Cities from a CONTRACT COMMUNITY which has the longest service as a Director with the Broward League of Cities.

A CONTRACT COMMUNITY which has an official serving on the Board who was appointed pursuant to (a), (b) or (c) of this section may not have another official appointed pursuant to (d) of this

section.

Each member of the Board shall serve a term of two years. All members appointed by the CONTRACT COMMUNITIES, the COUNTY, and the Broward League of Cities, as provided herein, shall be elected officials of their respective CONTRACT COMMUNITIES or COUNTY COMMISSION, as the case may be. Should a member cease to be a duly qualified elected official, the appointing authority which appointed such individual to the Resource Recovery Board shall select a successor to serve for the remaining term of the original appointment. For the purpose of this section, population figures contained in the latest estimate of population published by the University of Florida Bureau of Economic and Business shall be used.”

Section 5.3 of the Interlocal Agreement is amended to read:

“5.3 The Resource Recovery Board shall elect one (1) of its members as chair and one (1) as vice-chair to serve for one (1) year in that capacity or until their successors are elected. A simply majority of the members of the Resource Recovery Board shall constitute a quorum to conduct any of its responsibilities.”

Except as modified herein, the Interlocal Agreement shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie hereby consents to and approves Option B, a copy of which is attached hereto as Option B.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

SECTION 3. The Town Council directs the Town Administrator to send a copy of this Amendment to the members of the Broward County Resource Recovery Board.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2006.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

EXHIBIT 2**CONTRACT COMMUNITIES BY POPULATION**

MUNICIPALITY	POPULATION
Coconut Creek	50,000
Cooper City	29,020
Coral Springs	129,876
Davie	80,641
Deerfield Beach	77,039
Fort Lauderdale	167,622
Hollywood	140,413
Lauderdale Lakes	31,705
Lauderdale by the Sea	31,705
Lauderhill	65,000
Lazy Lake	38
Lighthouse Point	10,767
Margate	54,909
Miramar	108,387
North Lauderdale	42,000
Oakland Park	42,421
Pembroke Park	5,800
Plantation	84,604
Sea Ranch Lakes	643
Southwest Ranches	7,109
Sunrise	90,227
Tamarac	57,726
Weston	62,243
West Park	12,000
Wilton Manors	12,697