

ENROLLED ORDINANCE 169-33

APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN WAUKESHA COUNTY AND MUNICIPALITIES FOR RECYCLING CONTAINERS AND MATERIAL HAULING

WHEREAS, since 1990, Waukesha County has served as a “Responsible Unit” for recycling under Chapter 287 Wisconsin Statutes for twenty-five (25) participating municipalities, and

WHEREAS, Waukesha County as a “Responsible Unit”, administers numerous recycling program components such as recyclable material processing and marketing, public education programs to increase recycling rates, household recyclable containers, special event containers and regional recyclable drop-off boxes, and

WHEREAS, since 2001, the Waukesha County coordinated recycling program provided participating municipalities over \$12 million in tax relief (“dividend payments”) while accumulating fund balance for future program enhancements, and

WHEREAS, between 2007 and 2012, a series of independent and joint studies were completed by both Waukesha County and the City of Milwaukee to determine the best future path for recyclable processing to adapt to the industry trend of single sort collection and processing systems, and

WHEREAS, in 2014, after completing a competitive joint request for proposal (RFP) process, the Waukesha County Board approved Enrolled Ordinance 168-117 authorizing an intergovernmental agreement with the City of Milwaukee and concurrent contracts with a private company named “ReCommunity” to design, build and operate a Joint City/County Recycling Facility to process single sort recyclables, and

WHEREAS, studies show single sort recycling systems are more convenient and popular with residents, allow more material to be recycled, may reduce municipal collection costs, and will increase recycling rates in the County by an estimated 25%, and

WHEREAS, to accommodate the increased recycling rate, larger recycling containers are required for residents within the participating municipalities, representing over 89,000 households, and

WHEREAS, in 2014, the County facilitated an RFP for participating communities for the collection and disposal of solid waste and the collection and transport of single sort recyclables, which showed the most cost-effective alternatives for containers and for transporting recyclables to the Joint City/County Recycling Facility for processing, and

WHEREAS, using revenues from the sale of recyclables and state grants, the County has agreed to continue providing participating municipalities financial support for recyclable containers and for transporting recyclables to the Joint City/County Recycling Facility for processing, based on the proposals from the 2014 collection contract RFP.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that to implement the coordinated recycling program activities as a “Responsible Unit,”

Waukesha County will enter into intergovernmental agreements with participating municipalities for recycling containers and material hauling needs under the program.

BE IT FURTHER ORDAINED that cost associated with recycling containers and material hauling will be detailed in the annual Waukesha County Budget.

BE IT FURTHER ORDAINED that the County Executive or designee may execute the Intergovernmental Agreement to support municipal costs for recycling containers and hauling on behalf of Waukesha County.

APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN WAUKESHA COUNTY AND MUNICIPALITIES FOR RECYCLING CONTAINERS AND MATERIAL HAULING

Presented by: Land Use, Parks & Environment Committee

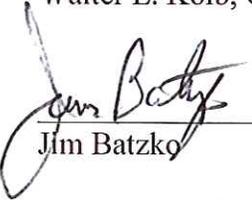
Approved by: Executive Committee

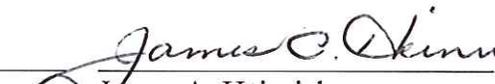
Approved by: Finance Committee


Walter L. Kolb, Chair

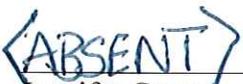

Paul L. Decker, Chair


James A. Heinrich, Chair


Jim Batzko


James A. Heinrich

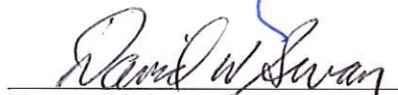

Eric Highum

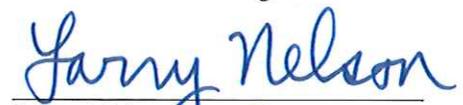

Jennifer Grant


Walter L. Kolb

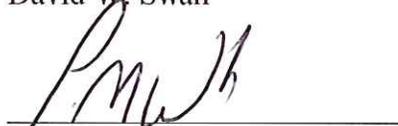

Richard Morris

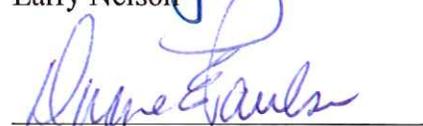

Keith Hammitt

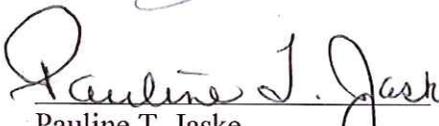

David W. Swan

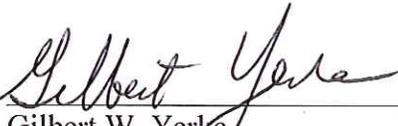

Larry Nelson

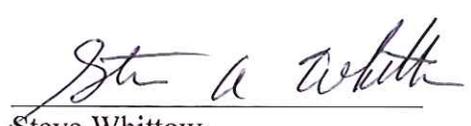

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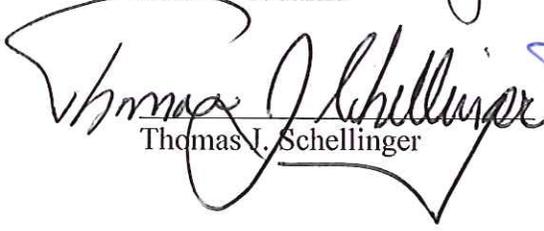

Peter M. Wolff

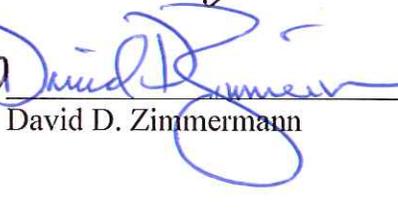

Duane E. Paulson

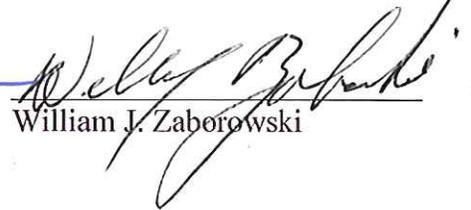

Pauline T. Jaske


Gilbert W. Yerke

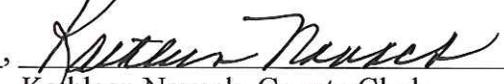

Steve Whittow


Thomas J. Schellinger


David D. Zimmermann


William J. Zaborowski

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 7/22/14, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓
Vetoed: _____

Date: 7-24-14, 
Daniel P. Vrakas, County Executive

Waukesha COUNTY

DEPARTMENT OF
PARKS AND LAND USE

RECYCLING AGREEMENT

To Support Municipal Costs for Recycling Containers and Hauling

THIS RECYCLING AGREEMENT is between Waukesha County - Department of Parks and Land Use ("County") and the [insert Municipality Name] _____ ("Municipality").

WHEREAS, since 1990, the County has served as a "Responsible Unit" ("RU") for recycling under Chapter 287 Wisconsin Statutes for twenty-five (25) participating communities, including the Municipality, and;

WHEREAS, the public/private partnership at the County-owned Material Recovery Facility ("MRF") in Waukesha has allowed the County to provide participating communities over \$12 million in tax relief ("dividend payments") and numerous services at no cost, such as recyclable processing, public education programs, household recyclable containers, special event containers and regional recyclable drop-off boxes, and;

WHEREAS, between 2007 and 2012, a series of independent and joint studies were completed by both the County and the City of Milwaukee ("City") to determine the best future path for recyclable processing to adapt to the industry trend of single sort collection and processing systems, and

WHEREAS, in 2014, after completing a competitive joint request for proposal (RFP) process, the County and City executed an intergovernmental agreement and concurrent contracts with a private company named "ReCommunity" to design, build and operate a Joint City/County MRF in Milwaukee, which is scheduled to begin processing single sort recyclables for both communities in early 2015, and;

WHEREAS, studies show single sort recycling systems are more convenient and popular with residents, allow more material to be recycled, may reduce municipal collection costs, and will increase recycling rates in the County by an estimated 25%, and;

WHEREAS, to accommodate the increased recycling rate, larger recycling containers are required for residents within the participating communities, representing over 89,000 households, and;

WHEREAS, in 2014, the County facilitated an RFP for participating communities for the collection and disposal of solid waste and the collection and transport of single sort recyclables, which showed the most cost-effective alternatives for containers and for transporting recyclables to the Milwaukee MRF for processing, and;

WHEREAS, using revenues from the sale of recyclables and state grants, the County has agreed to provide participating communities financial support for recyclable containers and for transporting recyclables to the Milwaukee MRF for processing, based on the proposals from the 2014 collection contract RFP.

NOW THEREFORE, in consideration of these premises, the County (serving as the RU), and the Municipality (serving as a program partner), hereby agree as follows:

1. **Recycling Containers.**

(a) **County Financial Support.** By June 1 of each year, the County shall pay to the Municipality [\$5.28 for 96-gallon or \$2.64 for 32-gallon] per household per year to support the cost of a new recyclable container for each household/unit served by the Municipality for collection of single sort recyclables. This annual payment is based on container size and the number of households/units served over a 10-year period. The number of households/units served is based on local contract hauler reports as of February 1st of each year. The community may apply this payment toward the purchase, lease or lease-to-own option for a new recycling container. The County does not provide any financial support for refuse containers.

(b) **Container Standards and Education.** The financial support under (a) above is contingent on the Municipality using recycling containers that meet County standards for color and in-mold educational labeling, and the Municipality requiring the contracted hauling company to distribute educational materials to each household with delivery of the new recycling containers. The County will provide all educational materials at no cost to the Municipality.

(c) **Container Maintenance.** The Municipality shall be responsible for all costs associated with maintaining and replacing all damaged or missing recycling containers. All recyclable containers generally come with a 10-year warranty, for parts only. The Municipality may include container maintenance in their hauling contracts.

2. **Transportation of Recyclables.**

(a) **Delivery to Milwaukee.** The Municipality shall, through their hauling contract, require all collected recyclables to be delivered to the Joint City/County MRF located at 1401 W. Mt. Vernon Ave, Milwaukee.

(b) **County Financial Support.** By June 1 of each year, the County shall provide the Municipality \$ [cost difference to direct haul as a not to exceed amount, geographically adjusted] per year to offset additional costs to the Municipality for hauling recyclables to the above noted Milwaukee address compared to delivering to the Waukesha County MRF at 220 South Prairie Avenue, Waukesha. Said payment amount is based on the Municipality's executed hauling contract, and shall be subject to annual adjustment in accordance with the Consumer Price Index for the Milwaukee-Racine Metro Area (All Items = All Urban Wage Earners and Clerical Workers, published by the US Department of Labor, Department of Labor Statistics.), not to exceed limits stated in the hauling contract.

3. **Miscellaneous.**

(a) **Authority and Responsibilities.** Nothing in this Agreement forfeits any RU rights and responsibilities of the County, or any other Municipality or County authorities under state or local laws. The County remains responsible for implementing a recycling education program for residents of the Municipality and for complying with other requirements of an "effective recycling program" under Chapter 544 Wisconsin Administrative Code.

(b) **Record Keeping and Reporting.** The Municipality shall keep records and, through an Internet-based County reporting system, provide annual data required to complete DNR Recycling Grant application and annual reports within County deadlines. The Municipality shall also, through their hauling contracts, require their contractor to keep records and provide the necessary data and reports to the County to administer this Agreement and maintain compliance with applicable program requirements.

(c) **Future Dividend Payments.** It is understood that future County recycling dividend payments to the Municipality, above those described in this Agreement, are dependent on recycling markets, processing contracts and the program fund balance. The County will notify the Municipality at least one (1) year prior to any proposed reduced budget for dividend payments.

4. **Effective Date and Term.** Upon execution by both parties, this Agreement shall become effective on January 1, 2015 [or insert the date of the Municipality executing a collection contract for single sort recyclable collection, which ever is later], and shall remain in effect until January 1, 2025, unless otherwise terminated in writing by either party upon a one (1) year notice to the other party.

WAUKESHA COUNTY:

By: _____ Date: _____

Dale R. Shaver, Director - Department of Parks and Land Use

MUNICIPALITY NAME: _____

Authorized Representative: _____ Date: _____

Printed name/title: _____

FISCAL NOTE

APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN WAUKESHA COUNTY AND MUNICIPALITIES FOR RECYCLING CONTAINERS AND MATERIAL HAULING

Earlier this year, the Waukesha County Board approved an agreement with the City of Milwaukee to design, build and operate a Joint City/County Material Recycling Facility (MRF) capable of processing single sort recyclables. This would eliminate the need for households to separate materials, and has been demonstrated to result in a higher proportion of household waste being recycled. In Waukesha County, the various communities are responsible for collecting recyclable material and hauling it to a processing facility.

This ordinance authorizes the Waukesha County Executive or designee to enter into agreements with the twenty-five participating communities in the County coordinated recycling program to support the cost of collecting recyclable materials after the change to a single stream system in 2015. This support would occur in two areas: Acquisition of new recycling containers and transportation of recyclables to the Joint City/County Materials Recycling Facility located in the City of Milwaukee.

Recycling Containers: Conversion from the current dual stream to a single stream collection system will require an investment in new recycling containers. Depending on the collection method used by a given community, this would be either a 96 or 32 gallon container. The agreement calls for the County to provide support of \$5.28 per household per year for 96 gallon containers or \$2.64 per household per year for 32 gallon containers for a ten year period. The payment would be included in the annual recycling dividend payment. The 2015 Parks and Land Use Department MRF Enterprise Fund Budget Proposal will include \$490,000 for this purpose.

Transportation of Recyclables: Currently, the participating communities haul recyclable material to the County facility at 220 South Prairie Avenue in Waukesha. Under this agreement the County would provide a payment to communities to subsidize the additional cost of transporting the material to Milwaukee. This support will vary by each participant's geographical location, and will be adjusted annually for inflation over a ten year period. The 2015 Parks and Land Use Department MRF Enterprise Fund Budget Proposal will include \$310,000 for this purpose, which would also be a component of the annual dividend. The alternative would be for the County to convert its current facility to a transfer station, which the Department estimates would cost about \$607,000 per year to operate at a loss of about \$300,000 per year to the County MRF Enterprise Fund.

Both these items, totaling \$800,000 in 2015, would be in addition to the annual dividend based on the sale of recycled materials, to be funded by past and future additions to the MRF fund balance. The ongoing cost of this support will be subject to approval by the County Board as part of the annual budget appropriation process.

Lawrence M. Dahl

Lawrence M. Dahl

Accounting Services Manager

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/22/14 NUMBER-1690034

- 1 R. KOLB.....AYE
- 2 D. Zimmermann.....AYE
- 3 R. MORRIS.....AYE
- 4 J. BATZKO.....AYE
- 5 J. BRANDTJEN.....NAY
- 6 J. WALZ.....AYE
- 7 J. GRANT.....AYE
- 8 E. HIGHUM.....AYE
- 9 J. HEINRICH.....AYE
- 10 D. SWAN.....AYE
- 11 C. HOWARD.....AYE
- 12 P. WOLFF.....AYE
- 13 P. DECKER.....AYE
- 14 C. PETTIS.....NAY
- 15 W. KOLB.....AYE
- 16 M. CROWLEY.....AYE
- 17 D. PAULSON.....AYE
- 18 L. NELSON.....AYE
- 19 K. CUMMINGS.....AYE
- 20 T. SCHELLINGER....AYE
- 21 W. ZABOROWSKI.....AYE
- 22 P. JASKE.....AYE
- 23 K. HAMMITT.....
- 24 S. WHITTOW.....AYE
- 25 G. YERKE.....AYE

TOTAL AYES-22

TOTAL NAYS-02

CARRIED

X

DEFEATED

UNANIMOUS

TOTAL VOTES-24