



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Legislation Details (With Text)

**File #:** [18-0967] **Version:** 1 **Name:**  
**Type:** Discussion Item **Status:** Agenda Ready  
**File created:** 11/9/2018 **In control:** Town Council  
**On agenda:** 11/28/2018 **Final action:**  
**Title:** Approve the Interlocal Agreement for the Provision of Solid Waste and Recycling Programs and Services.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Staff Presentation, 2. Interlocal Agreement for the Provision of Solid Waste and Recycling Programs and Services, 3. Staff Presentation, 4. Council Questions with Staff Response, 5. A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN ORANGE COUNTY AND THE TOWNS OF CARRBORO, CHAPEL HILL, AND HILLSBOROUGH REGARDING THE PROVISION OF SERVICES RELATED TO AND THE DISPOSITION OF SOLID WASTE AND RECYCLABLES IN ORANGE COUNTY AND THE PORTIO

Date	Ver.	Action By	Action	Result
11/28/2018	1	Town Council	adopted	Pass

### Approve the Interlocal Agreement for the Provision of Solid Waste and Recycling Programs and Services.

**Staff:**

Lance Norris, Public Works Director  
Wendy Simmons, Solid Waste Services Manager

**Department:**

Public Works

**Overview:** On June 3, 2014, the Orange County Board of County Commissioners created the Solid Waste Advisory Group (SWAG), a multijurisdictional task force charged with articulating, investigating, and proposing collaborative solutions for solid waste issues confronting Orange County. The members of the SWAG include two elected officials from each local government agency: Orange County and the Towns of Chapel Hill, Carrboro and Hillsborough. In addition, there is one representative from University of North Carolina at Chapel Hill and one representative from UNC Healthcare. The charge to the group at the outset included developing an interlocal agreement on solid waste. On October 29, 2018, the SWAG unanimously voted to recommend that each of the three towns and county boards approve the attached Interlocal Agreement drafted by the SWAG.



### Recommendation(s):

That the Council approve the attached interlocal agreement with Orange County and the Towns of Chapel Hill, Carrboro and Hillsborough regarding the provision of services related to the disposition of solid waste and recyclables within Orange County and the portion of Chapel Hill located within Durham County.

### Background:

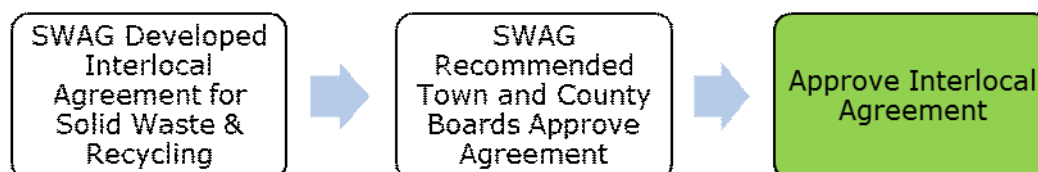
- Purpose-The Interlocal Agreement (Agreement) is a mechanism for establishing how the partnership will function into the future, ensuring our community continues to be an effective

leader in waste reduction and resource management.

- **Governance**-The Agreement establishes a Management Oversight Committee (MOC) made up of the County Manager and the Manager from each Town. In addition, the University of North Carolina at Chapel Hill (UNC-CH) and UNC Healthcare are invited to designate one representative from each entity to participate as non-voting members. The MOC provides a forum for the Managers and representatives from UNC-CH and UNC Healthcare to discuss issues related to solid waste and recycling programs, facilities and services, the operation and management of the enterprise, and the rate structure and budget for the enterprise. The Agreement also continues the SWAG and defines how it will continue to function.
- **Services**-The Agreement continues the current programs, services and facilities provided by the County to the Towns, and ensures that significant changes will be considered by the SWAG. Towns will notify the MOC of any initiative that may impact the County programs, services and facilities in recognition that initiatives within one jurisdiction have the potential to impact all jurisdictions and funding.
- **Funding**-The Agreement requires that the County maintain a county-wide Solid Waste Programs Fee as the funding source for the programs, services and facilities provided by the County. Increases to the Solid Waste Programs Fee must be brought forward to the MOC and presented to the SWAG. If the fee increase is necessary as defined by the Agreement, the County has the option to terminate the Agreement as it applies to any Town that fails to approve the fee increase.
- **Termination**-The Agreement continues until terminated by the Parties. An individual Party may withdraw upon sufficient notice and, in recognizing the economic effect on the other Parties, the payment of a withdrawal fee (see Fiscal Impact section below).
- **Debt**-The Agreement establishes that the County is responsible for all debt associated with the programs, services, and facilities that it provides. This factor was considered when determining the appropriate withdrawal fee for a party terminating the agreement.
- **Parties**-The Parties to the Agreement are the Town of Chapel Hill, the Town of Carrboro, the Town of Hillsborough and Orange County. While UNC Healthcare and UNC-CH are important stakeholders to the County and the Towns for planning current and future solid waste management, they are not parties to the Agreement. The Agreement acknowledges the vital role they play by continuing their participation on the SWAG and the MOC.

**Fiscal Impact/Resources:** There is no immediate financial impact in the approval of the agreement to the Town. If the Town withdraws from the agreement a withdrawal fee is due in an amount that is equal to the annual Solid Waste Programs Fee times the number of billed units within Chapel Hill. If Orange County withdraws from the agreement, the County would pay the same withdrawal fee. For FY 2018-19, that withdrawal fee would be approximately \$3.2 million.

#### Where is this item in its process?



#### Council Goals:

<input type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community

<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration
--------------------------	---	---------------------------	--------------------------	---	----------------------------------



**Attachments:**

- Resolution
- Draft Staff Presentation
- Interlocal Agreement for the Provision of Solid Waste and Recycling Programs and Services

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN ORANGE COUNTY AND THE TOWNS OF CARRBORO, CHAPEL HILL, AND HILLSBOROUGH REGARDING THE PROVISION OF SERVICES RELATED TO AND THE DISPOSITION OF SOLID WASTE AND RECYCLABLES IN ORANGE COUNTY AND THE PORTION OF CHAPEL HILL LOCATED WITHIN DURHAM COUNTY (2018-11-28/R-7)**

WHEREAS, the Orange County Board of County Commissioners created the Solid Waste Advisory Group (SWAG), a multijurisdictional task force charged with articulating, investigating, and proposing collaborative solutions for solid waste issues confronting Orange County, including developing an interlocal agreement on solid waste; and

WHEREAS, the members of the SWAG include two elected officials from Orange County, and the Towns of Chapel Hill, Carrboro, and Hillsborough; and

WHEREAS, the University of North Carolina at Chapel Hill and UNC Healthcare each have one representative on the SWAG; and

WHEREAS, Orange County and the Towns of Chapel Hill, Carrboro, and Hillsborough have successfully worked together for over 45 years to provide the community with solid waste and recycling services, creating a program that is recognized as an innovative leader in recycling and resource management; and

WHEREAS, an Interlocal Agreement is a mechanism for establishing how the partnership between Orange County and the Towns of Chapel Hill, Carrboro, and Hillsborough will function into the future, ensuring our community continues to be an effective leader in waste reduction and resource management; and

WHEREAS, on October 29, 2018, the SWAG unanimously voted to recommend that the elected boards for Orange County and the Towns of Chapel Hill, Carrboro, and Hillsborough approve an interlocal agreement for solid waste and recycling.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the interlocal agreement between Orange County and the Towns of Chapel Hill, Carrboro, and Hillsborough regarding the provision of services related to and the disposition of solid waste and recyclables in Orange County and the portion of Chapel Hill located within Durham County and authorizes the Mayor to sign the agreement on behalf of the Town.

This the 28<sup>th</sup> day of November, 2018.

---

**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Lance Norris, Public Works Director

RECOMMENDATION: That the Council approve the attached interlocal agreement with Orange County and the Towns of Chapel Hill, Carrboro and Hillsborough regarding the provision of services related to the disposition of solid waste and recyclables within Orange County and the portion of Chapel Hill located within Durham County.