

NEW RIVER SOLID WASTE ASSOCIATION  
REGULAR BOARD MEETING MINUTES  
August 8, 2013

The New River Solid Waste Association Board of Directors met in regular session on August 8, 2013 with the following members present:

Commissioner Mark Hartley, Chairman  
Commissioner Eddie Lewis, Vice-Chairman  
Commissioner Wayne Smith, Secretary/Treasurer  
Commissioner Gordon Crews  
Commissioner Morris Dobbs  
Commissioner Doyle Thomas

Others present were: Darrell O'Neal, Executive Director  
Perry Kent, Assistant Director  
Melissa Waters, Chief Finance Officer  
Lydia Greene, Office Manager/Admin. Asst.

Chairman Hartley called the meeting to order which was followed in prayer led by Commissioner Crews and the Pledge of Allegiance.

Chairman Hartley called for a motion on agenda item #2, approval of the June and July 2013 Expenditures. Commissioner Lewis made a motion to approve the June and July 2013 Expenditures. Commissioner Crews seconded the motion. The motion carried unanimously.

Chairman Hartley called for a motion on agenda item #3, Approval of Finance Committee Meeting Minutes for June 13, 2013 and Regular Board Meeting Minutes for June 13, 2013. Commissioner Smith made a motion to approve the minutes. Commissioner Lewis seconded the motion. The motion carried unanimously.

Chairman Hartley asked if there were any questions or comments from the public. There were none.

Chairman Hartley called for discussion of agenda item #5, Engineering Updates. Mr. O'Neal said that he was going to discuss engineering update items with the board tonight as there was not a lot of new business to discuss, giving Jones Edmunds the night off.

Mr. O'Neal said that for agenda item #5A, Slope Modifications/Closure Project update, we have the permit and received it within 30 days. This was the first DEP permit coordinated with our DEP District office and DEP in Tallahassee. We had worked with Tallahassee before on other RD&D permits so this actually went very well. Mr. O'Neal stated that initially the plan was to dig up our Class III waste to increase the slopes and then do closure. After completing the calculations, we found that the Class III waste wasn't going to be enough to do all of the slope modifications. This meant that we would have to use Class I waste as well to be able to complete the slope modifications and that is going to slow down the project. Mr. O'Neal said that he had discussed this with Mr. Kent and it looks like we should plan to do slope modification for 4-5 acres at a time and then follow with closure for that much area. This is provided Comanco, who has done all of our liner work since Cell 3, will leave their equipment while we only pay a one-time mobilization fee. Mr. O'Neal said Comanco is willing to leave their equipment here due to their relationship with New River and come to New River when we contact them and let them know we are ready. Doing the project this way may take several months to do but it may make the most sense.

Mr. O'Neal said for agenda item #5B, Flare Construction update, the flare is up and operating and in compliance with all regulations. Our contract with Janechek & Associates is down to one final payment which will be paid after programming is finished and the software is given to New River. At that time the Flare project will be complete. Mr. O'Neal added that some of the project funds had been retained in order to make sure that we get everything before making a final payment.

Mr. O'Neal said that for agenda item 5C, Contract for LGTE project update, and Agenda Item #6, a conference call with LES has taken place recently and although at times during the conversation he felt it was not going to be workable, he now feels like the project can be salvaged, but that it may take more time to complete the proposed contract than we originally thought. LES has indicated that they need to do some more thinking and report to our attorney their intentions. Our attorney, Ms. Audrey Louison, has valuable landfill gas to energy project experience with a focus on finance issues. Mr. O'Neal said that hopefully by next board meeting we will have a proposed contract with LES. If a contract happens faster, a Special Called Meeting could be held in order to get the contract finalized quicker. Mr. O'Neal added that he feels it may come down to bringing the proposed contract with LES to the board for their decision as to whether it makes sense for New River, instead of staff making the recommendation.

Chairman Hartley called for discussion of Agenda Item #7, Discuss Draft Investment Policy. Mr. O'Neal said that as discussed with the board previously, he had obtained copies of various investment policies that we could possibly piggyback from instead of hiring an investment firm to draft one for us. He had mentioned the investment policy from City of Jacksonville Beach, which is a good policy, but as he went through the Florida Statutes references, he discovered that in order to do anything more than we are currently doing, it will require a Resolution by the Board. This means we need an attorney that can help with that before moving forward. Commissioner Lewis asked how quickly we could get another attorney. Mr. O'Neal said that legal services was the next agenda item.

Chairman Hartley asked for discussion of Agenda Item #8, Discuss RFQ for General Council/Legal Services. Mr. O'Neal stated that we had issued an RFQ in 2009 for our legal services and we are ready to re-issue another RFQ, due to the resignation of our Board Attorney, Terry Brown. Before issuing the RFQ he needs direction from the board as to how to advertise the parameters for the attorney RFQ in regards to those located outside the 3 counties. Mr. O'Neal said that the board will need to advise how this needs to be published as not all attorneys who have expressed an interest to New River are located in the member counties. The board will need to be able to decide how to narrow down the responses. Commissioner Smith said he would like the board to consider comparing prices if we are going farther than the member counties. Mr. O'Neal said he feels that the responses received may be from a large group of interested parties and that the Board should be ready to narrow it down to those they want to invite to do a presentation. Chairman Hartley said he felt that the board should make that decision due to the relationship of the attorney with the board and that he would like for the attorneys responses to include information as to who else they are representing so the board could decide in the rankings whether they felt it was a potential conflict of interest. Commissioner Lewis said that he would like the RFQ to include a 40 mile radius from New River and that he isn't sure that it should be an attorney that already represents one of the counties. He also would like to also be able to discuss prices at the same time and that he feels it should not be just cost that determines the best attorney for New River. Mr. O'Neal agreed and feels that the attorney who would be best to represent New River should be first factor in selection, then price.

Chairman Hartley asked for a motion on issuing an RFQ for General Council/Legal Services. Commissioner Thomas made a motion to issue the RFQ for General Council/Legal Services. Commissioner Crews seconded the motion.

Commissioner Smith suggested an RFP instead and that he would provide a copy of their recent Attorney RFP. Mr. O'Neal said that we would advertise and have the proposals back by the next board meeting so that the board could narrow down to those they want to come back to present proposals. Commissioner Smith asked if we were going to have an attorney in the meantime. Commissioner Lewis said that the Bradford County attorney could help out New River if we did need one.

Chairman Hartley called for a vote on the motion to advertise for General Council/Legal Services. The motion carried unanimously.

Chairman Hartley called for any discussion under agenda item #9, Alachua County updates. Ms. Palmi said that she would like to thank Mr. O'Neal for the recent tour for their rural collection center attendants at New River. Ms. Palmi stated that most had never been to a landfill before and they were impressed by New River's operations. Ms. Palmi said they are in the final stages of contract negotiations with WCA who is their curbside hauler for a 5-year contract extension. Ms. Palmi said that WCA has the transfer and has taken waste out of Alachua County. Ms. Palmi said that a stipulation during the contract negotiations with WCA was their transfer station because it remains a threat to both Alachua County and New River. Ms. Palmi stated that WCA has agreed to a deed restriction to not put any Class I waste through their transfer station and they are partnering with a local C&D company and will process C&D at that transfer facility. Ms. Palmi said that WCA is adding a compressed natural gas filling station for their trucks at that site and are also partnering with Lewis Oil, who owns a commercial station right behind WCA's property on Williston Road, to open the first public CNG filling station in this part of Florida. Mr. O'Neal said that Alachua County was recently ranked #1 in state for recycling. Ms. Palmi added that this was 3<sup>rd</sup> year in a row and that their recycling rate was 54%. She said that when New River gets the LGTE project in operation, Alachua County will be able to get recycling credits for the gas produced for electricity which will add about another 12%, which makes Alachua County interested in New River getting the LGTE project going. Ms. Palmi said that they are getting more waste into the transfer station as part of the contract negotiation with WCA, which does help due to economy of scale but means that they are going to have to purchase more equipment and add several staff

members. Ms. Palmi said that we should already be seeing more waste from Alachua County.

Chairman Hartley said there would be no discussion under agenda item #10, Attorney Issues.

Chairman Hartley called for any discussion under agenda item #11, Executive Director Issues. Mr. O'Neal said that he would like to mention the new scale house and would like to take everyone over to see the new building immediately after the Board Meeting.

Chairman Hartley asked for any discussion under agenda item #12, Chairman/Board Issues. Commissioner Lewis asked if we need to ask if the Bradford County attorney could attend our next board meeting. Mr. O'Neal agreed that it would be good to have an attorney at the meeting in the event any legal issues came up that need to be answered quickly. Commissioner Lewis called Brad Carter, Bradford County Manager, who agreed to have Will Sexton, Bradford County Attorney, attend the next New River board meeting on Thursday, September 12<sup>th</sup>.

Commissioner Smith stated that the Union County Commission had voted at their last meeting to increase the surcharge collected by New River Solid Waste for Union County by an additional \$7 per ton effective October 1st, 2013, to be a total of \$14 per ton, on all waste from Union County. Commissioner Smith said he would like to request the New River board agree to the additional surcharge.

Commissioner Smith made a motion to approve the additional \$7 surcharge per ton for all Union County waste. If approved by the board, he would meet with New River staff to let us know who should be billed directly and that the City of Lake Butler will be paying their tipping fees at New River for their waste, except for the months of October and April which will be paid by Union County. Commissioner Smith said he would meet with staff to discuss changes in billing before the effective date of October 1<sup>st</sup>, 2013. Commissioner Smith stated that right now Bradford Garbage hauls curbside waste from City of Lake Butler and Union County hauls their rolloffs.

Chairman Hartley called for a second to the motion to increase Union County's surcharge to \$14 per ton effective 10/1/2013. Commissioner Dobbs seconded the motion. The motion carried unanimously.

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Chairman Hartley asked if there was any further discussion. Commissioner Thomas said he would like to thank the board for always being able to work together so well.

Commissioner Dobbs added that he feels that the new board attorney should be from one of the member counties as he feels they would better understand our business. Mr. O'Neal added that he had gotten a call from Mr. Brown to inform New River that he would not be able to be our attorney any longer. During that call Mr. Brown had told him that he had enjoyed working on this board better than any others as New River did work well together and was able to get things done.

Chairman Hartley called for a motion to adjourn. Commissioner Dobbs made a motion to adjourn which was seconded by Commissioner Thomas. The meeting was adjourned and Mr. O'Neal asked all of the commissioners to tour the new scalehouse.