

# MINUTES

## SOLID WASTE AUTHORITY BOARD SPECIAL MEETING

JANUARY 14, 2009  
10:00 AM

PRESENT: Commissioner Jeff Koons, Chair  
Commissioner Karen Marcus, Vice Chair  
Commissioner Burt Aaronson, Secretary  
Commissioner Shelley Vana (present at 10:10 AM)  
Commissioner Addie Greene  
Commissioner Jess Santamaria

ABSENT: None

STAFF: Mark Hammond, Executive Director  
Sandra Vassalotti, Clerk to the Authority  
Dan Pellowitz, Assistant to Executive Director  
Charles Maccarrone, Chief Financial Officer  
Mark Eyeington, Chief Operating Officer  
Marc Bruner, Chief Administrative Officer  
Ray Schauer, Director of Engineering  
Maureen Cullen, Acting General Counsel

Chairman Koons called the special meeting of the Solid Waste Authority Board to order at 10:05 AM in the Solid Waste Authority Auditorium located at 7501 North Jog Road, West Palm Beach.

**Call to Order**

The Clerk verified a quorum was present.

**Roll Call**

**MOTION BY COMMISSIONER MARCUS TO RECEIVE AND FILE PROOF OF PUBLICATION FOR THE JANUARY 14, 2009 SPECIAL MEETING. SECONDED BY COMMISSIONER GREENE AND CARRIED WITH A 5-0 VOTE (Commissioner Vana absent)**

**Proof of Publication**

**MOTION BY COMMISSIONER AARONSON TO RE-ORDER AGENDA ITEM IV BUDGET TRANSFER TO MINIMIZE AMT FUNDING NEEDS. SECONDED BY COMMISSIONER MARCUS AND CARRIED WITH A 6-0 VOTE**

**MOTION:  
Re-Order Agenda**

Mr. Maccarrone informed that the Authority is required to issue two types of bonds—those subject to the Alternative Minimum Tax (AMT) and those that are not. Currently there is no market for the AMT bonds.

**Item: IV**

**Budget Transfer to  
Minimize AMT Funding  
Needs**

Commissioner Koons stated that he has written a letter to Congressman Klein requesting his support in adjusting some of the statutes to allow the waiving of AMT bonds.

**MOTION BY COMMISSIONER AARONSON TO APPROVE STAFF'S  
RECOMMENDATION TO APPROVE THE PROPOSED BUDGET TRANSFER.  
SECONDED BY COMMISISONER MARCUS AND CARRIED WITH A 6-0 VOTE.**

**MOTION:  
Approve Proposed  
Budget Transfer**

Mr. Hammond suggested the Board allow staff to provide a presentation followed by proposers and then public comments. He noted that the agenda does not have a place for "Matters by the Public".

**Item: III**

**Western Landfill Site  
Selection**

Chairman Koons stated that comments by the public will be limited to the Western Landfill Site Selection topic.

Mr. Hammond stated that eighteen (18) months ago, the Board directed staff to perform a search for a possible alternate site than that currently owned by the Authority. The environmental community, including Loxahatchee National Wildlife Refuge personnel and U.S. Fish and Wildlife Service, expressed concern that operating a landfill in close proximity to the Refuge could have a negative impact on the refuge. Staff prepared a Request for Expressions of Interest (RFEI) and contacted over 70 landowners in the EAA to gauge the interest of landowners willing to sell property meeting the Authority's requirements. Eleven (11) responses were received with results presented to the Board at a workshop on February 2008. Staff was directed at that time to draft a Request for Proposal (RFP) for Land Acquisition for Future Solid Waste Authority Sanitary Landfill and Support Facilities with the criteria discussed at the workshop. Three responses were received and met minimum criteria:

- SR80/US98
- Hundley
- Okeelanta

Proposals were presented to the Selection Committee and ranked. The rankings were recommended to the Board who has the right to approve the Committee ranking as presented, modify and approve the modified ranking, or discontinue the process at any time. It is staff's opinion that the process has been open, transparent and fair. The objective of the process was to step back and determine if there was an alternative to the existing site. The process has produced two sites that have advantages over the Authority's existing site.

**Staff Presentation**

Mr. Pellowitz provided a brief presentation covering the alternative site selection process, description of the process, summary of proposals, and a comparison of proposals to the Authority's existing western landfill site.

**History**

The Authority's solid waste system was originally intended to have two solid waste disposal facilities operating concurrently (north county and south county). In 1996 the Authority entered into a 3-way land swap agreement the SFWMD and a subsidiary of Florida Crystals through which the Authority acquired the existing western site. SFWMD acquired Site 1.

**Current Western Site**

- Location: 8 miles south of County Road 880  
Adjacent to the Loxahatchee National Wildlife Refuge
- Stofin (current lessee and previous landowner) retains a purchase option on the property and has a right to repurchase the property for approximately \$10M if the Authority does not use it as a solid waste disposal facility and declares it surplus.

- Estimated 50-year life
- Permitting/zoning on hold pending the outcome of the alternative site selection

**Alternative Site Selection Process**

- Eleven (11) responses received from willing landowners to sell property to the Authority
- Five (5) property were of sufficient size to meet the Authority's needs
- RFP sent to all respondents and publicly advertised (March 2008)
- RFP responses received May 1, 2008, resulted in three responses: SR80/US98, Hundley Farms, and Okeelanta Corp
- Process includes Tier 1 Analysis, Tier 2 Analysis, award, Fatal Flaw Analysis, negotiations and closing
- Public outreach program was developed to keep citizens apprised
- All three short-listed/ranked proposers met Tier 1 criteria
- Board approved short-list and authorized staff to move forward with Tier 2 evaluation
- Summary of prices for alternative properties:
  - SR80/US98 (1733 acres): \$67.6M prior to 12/31/08, \$78M after 12/31/08
  - Hundley Farms (1493 acres): \$54M
  - Okeelanta Corp (1624 acres): Even exchange for existing SWA site contingent upon approvals to operate a private merchant landfill on property adjacent to that proposed – SWA does not have the authority to grant such approval.
- Two eastern proposed sites are 11-12 miles west from Palms West Hospital
- Review of Tier 2 criteria/evaluation and criteria for ranking proposals
- Economics of proposals:
  - Hundley property estimated to be the least expensive (based on 50-year estimates); SR80/US98 was a close second at approximately 11% more than the Hundley site, though it does not include the price increase as of December 31, 2008;
  - SWA existing landfill site was a close third at approximately 39% more than the Hundley site;
  - Okeelanta was estimated at approximately 77% more than the Hundley site largely due to the haul distance and costs.
  - [Engineering note: Due to 50-year estimates, there is a 25% margin for error in the above referenced costs – Hundley and SR80/US98 fall within that margin of error]
- Haul routes to all three sites are identical until reaching 20-Mile Bend (SR80 to Southern Boulevard to 20-Mile Bend)
- Traffic issue: With the exception of material hauled to 20-Mile Bend, all of the material taken in at this time comes to Site 7 (North Jog Road). In 2030 with a western landfill site operational, Site 7 landfill closed, and not adding any additional mass-burn capacity, approximately 50% of the waste stream will continue to go to Site 7. Eighty percent (80%) of the material will continue going to Site 7 for processing in 2030 if the proposed mass-burn plant moves forward.
- Infrastructure improvements:
  - SR80/US98—Site entrance and intersection required
  - Hundley—Bridge replacement on CR880; site entrance and interchange; bridge over L-13 Canal
  - Okeelanta—11.2 miles of road rehab on SR80; construction of 7.6 miles of CR827; site entrance and intersection; bridge over Bolles Canal

**Western Landfill  
Staff Presentation**  
(continued)

- Proximity to environmental areas:  
SR80/US98—most removed  
Hundley—1/10 mile from STA1-W (across CR880)
- Proximity of western landfill site to residents as compared to residents surrounding Site 7:  
Within 1 mile: 0 to western landfill; 1,189 households to Site 7  
Within 5 miles: 0 to western landfill; 60,813 households to Site 7  
Within 10 miles: <5,500 to western landfill; 168,038 households to Site 7

Commissioner Koons stated that if anyone from the public intends to comment that they do not want a solid waste management operation in their neighborhood, he referenced the number of households currently within 1-10 miles of the existing facility on Site 7 (North Jog Road). He stated that the Authority has established it is a good neighbor and services Palm Beach County residents well. He continued to say that developers and people moving into new homes in the past 10-12 years could not do so without DCA determining there was sufficient solid waste capacity allowing that house to be developed. One implication of not siting a new landfill is the possibility of not being able to build new homes or redevelop large urban areas. Solid waste management is on the same capacity as public schools, roads and water.

- Eight-Member Selection Committee: Commissioner Koons, Authority staff (Dan Pellowitz, Mark Eyeington and Marc Bruner), Arnie Halperin (CAC Member), County staff (Rob Robbins and Ken Todd), John Kock (Sierra Club)
- Selection Committee Ranking:  
SR80/US98 (5 members ranked 1<sup>st</sup>, 3 members ranked 2<sup>nd</sup>)  
Hundley (3 members ranked 1<sup>st</sup>, 5 members ranked 2<sup>nd</sup>)  
Okeelanta (distant 3<sup>rd</sup>)

Mr. Pellowitz informed that the price proposals received from the ranked property owners is more than 3-1/2 times more than the appraised value. The RFP states that the Authority has the right to negotiate a best and final deal. The market has changed since the prices were submitted. Negotiation is part of the process and the Authority intends to get concessions out of the proposer selected by the Board.

Commissioner Koons stated that the RFP process began prior to the US Sugar deal with SFWMD and they have expressed an interest in acquiring the existing western site owned by the Authority.

Mr. Pellowitz continued to say that the Board has three options:

- Remain on the existing site
- Select an alternative site
- Reject all of the alternatives and initiate a new search

**Board Comments**

Commissioner Koons commended Mr. Pellowitz on his presentation and expressed appreciation to Authority and County staff for their efforts in the process.

Commissioner Aaronson questioned if the owners of SR80/US98 intend to hold their pre-December 31, 2008 price (\$39K/acre) or has it increased to \$45K/acre.

Mr. Pellowitz stated that the proposal reflect the increased price, however, at the Selection Committee meeting representatives for the site stated they would be willing to waive that increase. He noted also that staff has, through internal discussions, stated it is not willing to

pay the increased amount per acre.

**Western Landfill  
Board Comments  
(continued)**

Commissioner Aaronson clarified that if staff is directed to negotiate with SR80/US98, it will begin at \$39K/acre not \$45K.

Mr. Pellowitz added that the purchase price for the selected property will be based on the survey.

In response to Commissioner Aaronson's quote from the RFP to retain the existing landfill site until all permits/approvals are obtained to construct and operate the landfill, Mr. Pellowitz explained there is a risk that there could be a problem during the permitting/approval process that would result in not having any site. Staff recommends not declaring the existing site surplus until all permits/approvals are in hand.

Commissioner Marcus stated that there may be another site not currently being considered that the environmental community would support. She suggested postponing action until she has had an opportunity to speak with SFWMD representatives to determine if there could be a site exchange. She disclosed that Eric Hopkins from Hundley attended a "Get Well, Brandon" fund raiser for her son-in-law.

Commissioner Vana requested staff review the negotiation process after a site is selected, particularly if the negotiations are not successful or deemed to be equitable.

Mr. Pellowitz explained that the RFP specifies that the Authority will conduct a Fatal Flaw Analysis and attempt to negotiate with the Board-selected seller. In the event the site is deemed questionable, not useful, or negotiations are unsuccessful, staff returns to the Board. At that time the Board will direct staff to negotiate with the 2<sup>nd</sup> ranked site. Staff is charged with obtaining a deal the Board determines acceptable.

Commissioner Koons stated that his recommendation is to ask proposers, within a very short time period, for their best offer.

Commissioner Santamaria expressed concern about Palm Beach County government paying prices of 350-370% in excess of market value for properties. He requested the company performing the appraisals for the Authority—Callaway and Price—explain to the Board how they arrived at \$10-12K/acres compared to \$30+K/acre from the property owners. He urged that the appraised value be the starting point of staff's negotiations.

Commissioner Greene requested staff respond to a letter dated January 13, 2009, received by the Board from attorneys representing Florida Crystals concerning SFWMD's proposed "flow way".

Mr. Pellowitz stated that Florida Crystals feels that the issue of the "flow way" came up after their proposal was submitted and should be a disqualifying factor for the proposal. It is staff's position that Okeelanta would have come in a distant third regardless of whether or not it was potentially within the planned "flow way". Transportation distance as well as the landfill contingency were significant disadvantages for the proposed site.

**Disclosures from  
Commissioners**

Commissioner Koons requested each Board member state for the record any disclosures they may have with respect to this siting issue:

Commissioner Greene: Met with all applicants  
Commissioner Marcus: Met with all applicants

Commissioner Koons: Met with all applicants, various attorneys and consultants over a period of time.  
Commissioner Aaronson: Met with all applicants  
Commissioner Santamaria: Met with all applicants and recorded meetings. The issue of price was mentioned at each meeting.  
Commissioner Vana: Met with all applicants, as well as various local governmental representatives and environmentalist.

Disclosures  
(continued)

**Staff/Board Comments**  
(continued)

Mr. Hammond explained that the cost of the property is a very small component in comparison to the overall cost of the project (less than 1% of the cost to build and operate the landfill for a 50-year period). The project could potentially be \$4-5 billion after completion. The life-cycle cost of the Okeelanta property, even after giving the property to the Authority, resulted in almost a \$900M increase in cost over the other properties being considered.

Commissioner Santamaria felt that it was a misrepresentation to calculate the amount of money to be saved over a 50 or 100-year period. He requested staff bring the time value of money or present-values to the Board from this point forward.

Mr. Hammond responded that staff looked at the time-value of money. Also, when staff compared the cost of either of the two alternate sites with the existing site, factoring in the additional property costs, there is a 5-year pay-back once the facility is on-line, primarily due to the decrease in transportation costs.

Commissioner Aaronson stated that it is the Board's obligation to purchase the property for the least amount possible. He supported giving Commissioner Marcus an opportunity to meet with SFWMD about a possible land swap. He also wanted to hear from the public and environmental groups about which properties they would support, thus the Authority avoiding future legal problems; what SFWMD is considering; and how the Authority's appraiser arrived at his figures.

Commissioner Koons informed that he has had ongoing discussions with SFWMD who has expressed a desire in the Authority's existing site.

Commissioner Aaronson stated he would like to find out from the environmental community representatives if the Board supports staff's recommendation of SR80/US98, negotiates a satisfactory price, whether the Board will encounter challenges from those groups.

Commissioner Marcus clarified that the Selection Committee recommended the sites and ranking, not Authority staff.

Commissioner Koons stated that another option that might satisfy environmental concerns is for the Authority to adopt STA1 and make that a condition of approval.

Commissioner Santamaria requested General Counsel confirm that another option is to reject the process and begin again.

Attorney Cullen clarified that the RFP gives the Board broad discretion to select anyone in the process or scrap the process and begin anew.

**Comments by Appraiser**

Mr. Joe Price of Callaway and Price stated that he has been an appraiser for 40 years and his company has been in business in Palm Beach County for 37 years. He provided a brief analysis of how the appraisals were arrived at for each proposed site. In summary, determine what similar sized sites are selling for on price per acre and market value. He stated he understands there are special circumstances surrounding permitting a solid waste

management facility, but he did not understand why that gives a landowner the right to raise the price of the land. This is a buyer's market, not a seller's market.

**Comments by the Proposers**

**Ellie Halperin Representing SR80/US98**

- Provided an overview of the proposed site and truck routes to each alternative site
- Expressed appreciation to the Selection Committee for a fair and unbiased process
- Outlined differences between #1 and #2 ranked sites
- Proposed sites are slightly more valuable than market price due to the criteria needing to be met
- SR80/US98 property owner will be flexible during negotiations if selected. SR80/US98 site is \$1M more than Hundley. The conceptual site plan used by CDM when evaluating Hundley site was more efficient than the one used for SR80/US98. Per the consultant for SR80/US98, a new site plan could result in significant cost/per acre savings, no fill would need to be brought in (\$52M savings), Stuart Mine located across the street could provide needed fill.
- Site furthest from environmentally sensitive lands
- Urged the Board support staff's recommendation and enter into negotiations with US80/SR98 even if simultaneously meeting with SFWMD.

- US80/SR98

- Hundley Farms

**Ken Spillias Attorney representing Hundley Farms**

- Hundley and SR80/US98 are in a dead-heat with respect to ranking by the Selection Committee
- The location of the Hundley Site (caddy-corner across CR880 and across two canals from the storm water treatment area) is not an environmental issue in reality. There is no impact on any Class I water body, on the Loxahatchee National Wildlife Refuge or any other environmentally sensitive area.
- Hundley is two (2) miles off of SR80, the other properties being considered are 200 feet from major highways (Gateway to the Glades going west, the Gateway to Wellington and Royal Palm Beach going east).
- Alternate issue—cost. Hundley proposal is \$13M less than the original SR80/US98 proposal with closing prior to 12/31/08. Over the life of the facility, the estimates reflect SR80/US98 is \$216-300M more than the Hundley site in development, construction and operation costs.
- Strongly encouraged the Board rank Hundley property #1 or negotiate simultaneously with SR80/US98 and Hundley.

Commissioner Marcus questioned if staff used proximity to STA as part of the criteria when evaluating the properties, and if SFWMD commented on the property as it relates to the STA.

Mr. Hammond said proximity to STA was not looked at. The committee looked at what it considered traditional environmental areas (i.e., Loxahatchee Wildlife Refuge, Corbett Area and Lake Okeechobee).

Mr. Spillias stated that there is not going to be any runoff or impact from the Hundley property onto the STA, and if there were it would be very miniscule.

- Florida Crystals

**Clifford Hertz Attorney Representing Florida Crystals**

- Read aloud (paraphrased) his letter to the Board from January 13, 2009
- Florida Crystals would have made a different proposal if they had known about the flow-way.
- Authority staff, consultants and Site Selection Committee never seriously considered the rail component of Florida Crystals' proposal which would have eliminated truck traffic, taken into consideration fuel prices, and benefited the County.

- Urged the Board to reopen the bidding process and give Florida Crystals an opportunity to participate on a level playing field.

**Board/Staff Comments**  
(continued)

In response to Commissioner Marcus, Attorney Hertz stated that Florida Crystals alternate site is located north and west of the SR80/US98 property at roughly \$32K/acre. The Authority is in possession of a complete package containing this information.

Commissioner Koons stated that the Selection Committee received Florida Crystals offer, but it felt as a matter of fairness that the process needed to continue on track.

Mr. Hammond, in response to Commissioner Vana, stated that there are several items in Florida Crystals' proposal that make the property less attractive:

- 1) Distance – additional 35 miles
- 2) Rail haul option v. trucking was reviewed and commented on in CDM's report – rail was determined to be no better in economics
- 3) Contingencies placed on the property – allow Florida Crystals to develop a merchant landfill adjacent to the site offered by them to the Authority. The Authority cannot grant such a request.
- 4) Selection Committee ranked Florida Crystals' site a distant third in the process

Commissioner Koons clarified that the potential of a flow-way was never discussed or commented on as a disqualifying factor when reviewing the proposals.

For the records, Commissioner Koons read aloud the names of numerous people opposing SR80/US98 site, but who did not wish to speak publicly: Nancy Miller and Jeanne Jagers.

**MOTION:**  
**R&F Letter from**  
**Mr. Louda**

**MOTION BY COMMISSIONER AARONSON TO RECEIVE AND FILE LETTER FROM MR. BILL LOUDA. SECONDED BY COMMISSIONER MARCUS AND CARRIED WITH A 5-0 VOTE (Commissioner Greene absent)**

**COMMENTS BY**  
**THE PUBLIC**

**Joan Lawrence Representing US Department of Interior**

- Opposed to existing site
- Take existing site out of consideration

**Darell Bowen Mayor of Wellington**

- Support existing site, opposed to SR80/US98 site
- Urged additional meetings with western communities be scheduled to present alternative sites in order to determine support or approval, consider costs and which site will affect the most people

Commissioner Santamaria suggested Mayor Bowen name a point person for the Authority to contact as the western community's representative and participate in future discussions.

In response to Commissioner Marcus, Mr. Hammond stated that the Authority hired a firm to contact, communicate and make presentations to all cities within the areas to be impacted by the new site. The Authority did not meet with all commissions but did make an offer to do so. Meetings were held with individuals and communities upon request.

Commissioner Aaronson suggested a letter of invitation be sent to all municipalities offering to conduct a meeting if desired.

**Elizabeth Benacquisto Councilwoman with Village of Wellington**

- Urged that SR80/US98 site be rejected

- Regional public meetings were promised over the summer so residents could voice their concerns or support, but these meetings did not take place
- 500 signatures were collected opposing the sites under consideration
- Supported postponing a decision until Commissioner Marcus has an opportunity to meet with SFWMD regarding an alternate site

**Comments by the Public** (continued)

**MOTION:**  
**R&F Petition from Wellington**

**MOTION BY COMMISSIONER MARUCS TO RECEIVE AND FILE THE PETITION PRESENTED BY COUNCILWOMAN BENACQUISTO. SECONDED BY COMMISISONER GREENE AND CARRIED WITH A 6-0 VOTE**

**Paul Scholfield Village Manager for Wellington**

- Take price into consideration
- Supported comments by Councilwoman Benacquisto

**John Marshall Arthur R. Marshall Foundation**

- Supported Selection Committee's recommendation for SR80/US98 and Hundley, in that order
- Supported Commissioner Marcus' postponement and allow her to meet with SFWMD
- No site should have an impact on the flow-way

**Sheila Calderon**

- Expressed the Authority's selection process has been fair and open
- Opposed Okeelanta site
- Supported SR80/US98 site
- No site should have an impact on the flow-way

**Rosa Durando**

- No PBC Commissioners have appeared at any SFWMD meetings to participate in the flow-way discussions
- Supported the SR80/US98 site
- Supported postponing any decision until Commissioner Marcus meets with SFWMD

**Stella Rossi Coalition for Wilderness Islands**

- Supported a site that has no impact on the Wildlife Refuge
- Supported postponing any decision until Commissioner Marcus meets with SFWMD
- Opposed to original, Authority-owned site

**Alex Larson**

- Supported postponing any decision until Commissioner Marcus meets with SFWMD
- None of the proposed sites works, they all lead to the refuge

**Sharon Waite**

- Opposed to all site proposed

**John Koch Member of SWA Selection Committee**

- Environmental matters only affected 15% of the vote
- Proposed Okeelanta site lost to considerations other than the flow-way
- Supported going forward with SR80/US98 site and negotiating a better price
- The original site would be the most likely to incur a lawsuit from environmental

groups due to close proximity to Refuge

**Comments by the  
Public** (continued)

**Cynthia Plockaman Friends of Loxahatchee Refuge, Audubon Society**

- Remove Authority-owned site from list of consideration
- Reject all proposals and re-open the process

**Drew Martin SWA Site Selection Committee Alternate**

- Expressed appreciation to Authority staff for meeting with his organization and addressing their concerns
- SR80/US98 is the site least problematic
- Opposed to any site next to the Loxahatchee Wildlife Refuge, STA or planned flow-way (i.e., Okeelanta site)
- Goal: zero waste

**Melissa Fritsch Wellington Resident**

- Supported terminating the current process – opposed to all sites being considered
- Urged more dialogue between the Authority and Wellington community
- Expressed concern about increased truck traffic with a SR80/US98 site
- Opposed to public landfills being located on public thoroughfares

Commissioner Marcus reminded Wellington residents that their waste is being hauled through and to her neighborhood as well as Commissioner Greene's and on main thoroughfares. The waste must go somewhere.

Attorney Hertz informed the Board that Mrs. Fritsch's husband is an employee of his firm, but she was not representing his firm.

For the records, Commissioner Koons read aloud additional names of people opposing SR80/US98 site, but who did not wish to speak publicly: Sampson Nebb, Stanley Wanklyn, Glenn Bennett, Richard Young, and Elaine Hogarty.

**Lisa Interlandi Everglades Law Center**

- Original, Authority-owned site has the most unacceptable impacts from an environmental aspect
- Commended the Authority Board for looking at alternative sites
- Okeelanta site is the next least palatable due to its location to a potential flow-way
- Hundley site adjacent to storm water treatment area is concerning
- SR80/US98 is ranked the best from an environmental perspective, but the proposed prices for all sites appears to be unreasonably high
- Supports Commissioner Marcus talking to SFWMD and evaluating other alternative sites, determine if land acquired in the US Sugar deal can be used for landfill purposes

**Joanne Davis Representing 1000 Friends of Florida**

- Expressed appreciation to the Authority for creating a well-balanced group of individuals to review the proposals
- Not support of SR80/US98 site or Okeelanta site
- SFWMD will be conducting meetings over the next two weeks to discuss a flow-way
- Supports Commissioner Marcus talking to SFWMD

**Eric Hopkins Hundley Farms Representative**

- CDM provided an unbiased and extensive analysis of the three qualified parcels

**Comments by the Public** (continued)

- Okeelanta was determined to not be viable prior to any discussion about a possible flow-way
- A US Sugar site could be a possibility but it could also drag on for a long time
- Any site further west of SR80/US98 or Hundley would more than offset the price of existing proposals just in hauling costs, even if the property were to be given to the Authority
- SR80/US98 site is \$23.8M more expensive than Hundley Farms as of 1/2009
- Build-out cost difference between Hundley and SR80/US98 is \$187M; hauling cost difference \$83M between the two sites even with a 1.1 mile difference.
- Hundley site does not flow into the STA or adjacent to it. Hundley is across two canals and a highway, and sits caddy-corner to the STA.

**James Harvey Resident of Ironhorse  
Former Executive Director and Planning Director SFWMD (10 years)  
Member of Everglades Committee**

- The Authority is a very good neighbor, and is very capable of siting, building and operating something that is sensitive next to an environmental area.
- Supported Commissioner Marcus meeting with SFWMD
- The Authority has proven it can design a facility with nature

For the records, Commissioner Koons read aloud additional names of people opposing SR80/US98 site or did not provide any comment, but who did not wish to speak publicly: Richard Klinger, Andy Langsam, Howard Troger, Marge Herzog, Julie Strow and Damian Newell.

**Nancy Gribble Fox Trail Representative**

- Fox Trail has not had dialogue with anyone involved in the site selection process (Palm Beach County or the Solid Waste Authority)
- Expressed concern about increased traffic and quality of life should the SR80/US98 site be selected, as well as cost of the property
- Expressed support for Commissioner Marcus to meet with SFWMD and determine if US Sugar has a better location
- Keep Fox Trail in the loop as it relates to moving forward with site location

**John Hundley**

- Member of the SFWMD Board for five (5) years
- Urged the Board to consider all elements related to this site selection process, particularly cost and residents to be impacted by the selected site.
- Do what's right

**Kristi Yanchis Representing US Fish and Wildlife Ecological Service (Vero Beach)**

- Explained the process of the agency and made herself available to staff and consultants, particularly as it relates to technical assistance. Once the project comes into the Corp, she will consult with the Refuge.

**MOTION:**  
**R&F Letter from**  
**US Dept of Interior**

**Sylvia Pelizza Manager for Arthur R. Marshall Loxahatchee Wildlife Refuge**

- Read aloud a letter from the US Department of Interior dated January 14, 2009, supporting SR80/US98, and removing the Authority's existing site from further consideration.

**MOTION BY COMMISSIONER AARONSON TO RECEIVE AND FILE LETTER FROM US DEPARTMENT OF INTERIOR DATED JANUARY 14, 2009, SECONDED BY COMMISSIONER MARCUS AND CARRIED WITH A 5-0 VOTE**

**(Commissioner Greene absent)**

**Comments by the Public** (continued)

**Newton Cook Executive Director, United Water Fellows of Florida**

- Editor of “Dump the Dump” letter to Editor last year
- Support site anywhere other than adjacent to the Arthur Marshall Refuge

**Toby Basore Grower/Shipper in Glades area**

- Support Hundley site – less money and better location

**Lomax Harrell Representing City of Belle Glade**

- Belle Glade supported by resolution the Authority’s original site, if this site is not going to be considered, they would support the Hundley site as an alternate. Not support of SR80/US98 site.

**Phil Crenshaw**

- Opposed to all proposed sites, promoted Plasma Arc Technology
- Solid waste is reduced to a gas
- Expand RFP for alternatives to the landfill

**MOTION:**  
**R&F Letter from**  
**Mr. Crenshaw**  
**(Re: Plasma Arc)**

Commissioner Koons informed that the Solid Waste Authority Board has endorsed the waste-to-energy technology and it is the process to be used on existing and future sites.

**MOTION BY COMMISSIONER AARONSON TO RECEIVE AND FILE LETTER FROM MR. CRENSHAW. SECONDED BY COMMISSIONER MARCUS AND CARRIED WITH A 5-0 VOTE (Commissioner Greene absent)**

**Board Discussion**

Commissioner Marcus stated that at her request staff investigated the Plasma Arc Technology and did not feel that at this point in time it is viable.

Commissioner Koons asked Mr. Hammond to propose a process for the Board to take in an effort to come to a decision.

Mr. Hammond reiterated that the process followed by staff and the Selection Committee was fair and transparent. The Selection Committee’s ranking was very close and options 1 and 2 were nearly a dead heat, but the Committee ranked SR80/US98 as their number one choice. If the Board makes a motion to select either of the two sites, he requested it also include directing staff to negotiate a lower price. The Authority has been in contact with SFWMD for months with very little feedback. He stated he is not sure SFWMD will ever consummate the deal with US Sugar, and if the District does acquire the property, it may also be subjected to litigation that could take years to resolve. The Authority’s target was to have a landfill operating by 2015, it is believed that the date has been pushed back and if the process has to be restarted the landfill may not be operating until 2016 or 2017. He requested the Board choose one of the proposed sites and direct staff to negotiate a lower price for the Board’s consideration.

Commissioner Koons requested Attorney Cullen provide input from a legal standpoint regarding the current process and the action to be taken.

Attorney Cullen stated that the Board’s choice is to accept the first ranked bidder and negotiate a lower price and terms, all contingent upon coming back to the Board. This can be done on a parallel track with two sites. The Board also has the option to reject all bids and rebid, however, this must be done with specificity. To cure something the Board did not see in the current process that was not satisfactory and ask for more bidders, the Board cannot do

anything that would favor one of the three bidders in the process. The Board could also opt to move to postpone action until a time certain.

**Board Discussion**  
(continued)

Commissioner Santamaria supported doing what is right and always consider the 1.3M residents in Palm Beach County. He urged the Board to open the process again, use all the information gathered today, and get additional information in order to do what is right.

Commissioner Marcus recommended a 60-day postponement but not a complete rebid. The postponement would allow for additional dialogue with the residents (including Fox Trail) and present both the SR80/US98 and Hundley sites; give her an opportunity to meet with SFWMD to determine if the US Sugar acquisition is going to go through; and determine if there is a potential for a swap with SFWMD. Based on public comments today, she stated that the environmental groups support SR80/US98, but the residents and Glades area prefer the Hundley site.

**Motion:**  
**Postpone action for 60-days; meet with Communities; meet with SFWMD**

**Motion by Commissioner Marcus to postpone action for 60-days; direct staff to meet with neighboring communities with a possible tour of the Authority's existing site so they can see it is not necessarily a detriment to communities; allow her or another Board member to reach out to South Florida Water Management District and talk with them at least about a schedule. Seconded by Commissioner Aaronson for discussion**

Discussion

Commissioner Aaronson stated that in his experience the Board makes a decision and then SFWMD hampers that decision. He supported giving Commissioner Marcus sixty (60) days to come back with information about SFWMD's intention and whether there is a possibility of acquiring land from SFWMD. He added that he agreed with Mr. Hammond that there is no guarantee that if SFWMD makes land available that it will not encounter litigation. He supported staff meeting with all communities within the 60-day period and speak with representatives from both SR80/US98 and Hundley to determine if there is any movement in their pricing.

Commissioner Koons questioned if the maker of the motion and seconder would agree to allow staff to go to the proposers and determine the final and best offer.

Commissioner Aaronson stated he would prefer to wait until the end of the 60-day period to approach proposers about a final and best offer.

Commissioner Koons stated it would be possible to obtain the final and best offers from the two proposers and at the same time have discussions with SFWMD.

Commissioner Marcus concurred that staff could meet with the two proposers since price is an issue for the Board, but she did not support using the term "final and best offer".

**Clarification of Motion**

Attorney Cullen clarified that the "final and best offer" is a phase after presumably making a selection. The use of the term is problematic. Also, she informed that the Board must ask the proposer if they will hold their pricing since it is only good until the end of January 2009.

Discussion

**Commissioner Marcus stated that part of her motion would be to allow staff to sit down with the applicants, talk about the price, ask them if they would extend their current price or go lower, and bring that information back to the Board in 60 days; communicate with the western communities (eastern, western, and Fox Trail); and direct her to meet with SFWMD.**

Commissioner Aaronson clarified that staff should be able to negotiate a better price for the property, and the Board should be able to determine SFWMD's intention prior to it taking any final action.

Discussion (continued)

Commissioner Vana supported a 60-day postponement in order to reach out to the communities who feel they were not involved in the process. She questioned if the existing RFP process allows the Board to meet with SFWMD and also negotiate with the three proposers.

Attorney Cullen stated that the process allows for a postponement, but it could be problematic going back and talking to the proposers in an effort to obtain a new price. Discussions about pricing should be conducted after the Board has selected a proposer.

**COMMISSIONER MARCUS CLARIFIED HER MOTION TO HAVE A 60-DAY POSTPONEMENT AND ALLOW THE BOARD TO WORK WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT; MEET WITH RESIDENTS OF ALL COMMUNITIES IN ORDER TO GET MORE INFORMATION TO THEM; UNDERSTAND THAT PROPERTY OWNERS HAVE HEARD THE BOARD'S ISSUE REGARDING PRICING AND ASK THEM TO EXTEND THEIR OFFERS UNTIL THE END OF THE 60-DAY POSTPONEMENT.**

**MOTION CLARIFIED:  
60-day postponement;  
meet with SFWMD;  
meet with residents;  
request proposers  
hold pricing**

Comments by  
Proposers

For the record, representatives from SR80/US98 and Hundley have agreed to extend their prices until the end of the 60-day postponement. SR80/US98 will extend the pre-December 31, 2008 price.

Board Discussion  
(continued)

Attorney Spillias, representing Hundley Farms, suggested that negotiating price with property owner simultaneously keeps the process moving forward, and the Board is not bound to anything until signing a contract.

Attorney Cullen concurred that negotiations with the property owners could be done on a parallel track.

Commissioner Greene stated she was not supportive of rejecting the current proposals and starting over. She recommended that if Commissioner Marcus is not successful in her communications with SFWMD and it appears they are delaying the process, the Board at the end of that 60-day period vote on the two proposals.

Commissioner Marcus concurred.

Commissioner Koons stated he would put something in writing to SFWMD and directed Commissioner Marcus to meet with them.

Commissioner Santamaria supported a 60-day postponement but at the same time determine if there is another site more superior to the three presented by staff.

Attorney Cullen stated that Commissioner Santamaria's suggestion is a rejection of the current process.

Commissioner Vana questioned what Commissioner Marcus will be discussing with SFWMD.

Commissioner Marcus stated that SFWMD has expressed an interest in the Authority's existing site. If the US Sugar deal proceeds, it would allow the Authority to swap its existing site with one of SFWMD's.

Commissioner Vana questioned if the swap would interfere with the RFP process.

Attorney Cullen stated that the Authority's position is that the deal with SFWMD has always been something the Authority Board has looked at as an alternative and it is a public entity. It would not impugn the RFP process, but to allow a private parcel to come to be considered would require a new RFP process.

Board Discussion  
(continued)

Commissioner Koons reminded the Board that SFWMD involved the Authority in a 3-way swap 20 years ago when it swapped the Authority's Site 1 property for the existing western landfill site.

Substitute Motion:  
Reject process and  
begin again

Commissioner Santamaria urged opening the door to other possibilities that will benefit both the Solid Waste Authority and the constituents of Palm Beach County.

Substitute Motion  
Failed

Substitute motion by Commissioner Santamaria to reject the current RFP process and begin a new one. Substitute motion died for lack of a second.

Discussion (continued)

Commissioner Marcus stated that she could not support Commissioner Santamaria's motion because other property owners did not apply at the start of the process.

Commissioner Santamaria stated that there are many things the Board did not consider six (6) months ago that it now knows. He questioned if it was possible to reject the current process if the Board determines at the end of the 60-day period that it cannot arrive at something that is satisfactory.

Attorney Cullen stated that bids could be rejected after the 60-day postponement if the Board desires.

Mr. Hammond question that within this 60-day period staff is not to have communications with the proposers or if staff should try to negotiate a better price.

Proposer to provide  
letter RE: Pricing

Commissioner Marcus clarified that the things stay as they are and not to negotiate with the proposer; staff will meet with the residents and cities to share information; and the applicants have heard the Board position. When the Board meets again in sixty days hopefully the proposers will have sharpened their pencils.

Clarification of  
proposers contact  
with Staff and Board

Commissioner Koons requested the three proposers put in writing to Mr. Hammond that they will extend their offers through the 60-day postponement period.

**MOTION CARRIED**

Attorney Spillias clarified that during the 60-day period there is to be no contact between the proposers and the Board or staff other than the letter to extend pricing.

Commissioner Koons and the Board concurred.

**MOTION CARRIED WITH A 6-0 VOTE**

Meeting Adjourned: 1:40 PM

**ADJOURNMENT**

ATTEST: \_\_\_\_\_

Commissioner Jeff Koons, Chair

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Sandra J. Vassalotti, Clerk to the Authority