

MINUTES

SOLID WASTE AUTHORITY BOARD SPECIAL MEETING

MARCH 18, 2009
9:00 AM

PRESENT: Commissioner Jeff Koons, Chair
Commissioner Karen Marcus, Vice Chair
Commissioner Burt Aaronson, Secretary
Commissioner Shelley Vana (present at 9:30 AM)
Commissioner Addie Greene
Commissioner Jess Santamaria (present at 9:28 AM)

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
Donna Raney, Acting General Counsel

Chairman Koons called the special meeting of the Solid Waste Authority Board to order at 9:25 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 MARCH 18, 2009 SPECIAL MEETING. SECONDED BY COMMISSIONER AARONSON AND CARRIED WITH A 4-0 VOTE (Commissioner Santamaria and Commissioner Vana absent)

Proof of Publication

MOTION BY COMMISSIONER MARCUS TO APPROVE STAFF'S RECOMMENDATION [Authorize Executive Director to execute an Easement Agreement with the City of West Palm Beach providing for access to the water supply meter for the Biosolids Pelletization Facility]. SECONDED BY COMMISSIONER GREENE AND CARRIED WITH A 4-0 VOTE (Commissioner Santamaria and Commissioner Vana absent)

Item: III

Utility Easement
w/City of WPB
(Biosolids Pelletizer
Facility)

Mr. Hammond stated that staff revised its recommendation and provided the Board with the new agreement. He explained that the property, located on Indiantown Road and adjacent to River Bend Park, was originally purchased with the County. The Authority's initial involvement was due to its need for fill material, and it obtained a 28% interest in the property. However, since ERM is in a better position to manage the property and for their ability to obtain grant funds, the Authority turned its 28% interest in the property over to the

Item: IV

ILA – Palm Beach
County for Hatcher
Project

County and in return will receive fill material mined out of the site. The initial money paid by the Authority to purchase the 28% interest will be the initial sum of money for the fill material. The Authority will also be required to pay additional moneys as the fill is mined.

Hatcher Property
(continued)

MOTION BY COMMISSIONER MARCUS TO APPROVE STAFF'S RECOMMENDATION AND APPROVE THE NEW AGREEMENT [Authorize Executive Director to execute Agreement subject to Legal Counsel review]. SECONDED BY COMMISSIONER GREENE AND CARRIED WITH A 4-0 VOTE (Commissioner Santamaria and Commissioner Vana absent)

MOTION:
Approve Hatcher Agreement as Presented

Mr. Bruner stated that staff revised its recommendation to allow the Chair to execute the agreement. The Authority is completing the end of a 20-year power purchase agreement for energy and capacity with FPL at the existing Waste-to-Energy facility. After meetings and negotiations with FPL several years ago, it was determined that the best option for both parties was to amend and restate the existing agreement. The biggest change was about the ownership and sale of the renewable energy credits and other environmental attributes.

Item: V
Restated and Amended Agreement between SWA and FPL

Alex Larson Suggested a representative from the Authority attend Public Service Commission meetings in Tallahassee.

MOTION BY COMMISSIONER AARONSON TO APPROVE STAFF'S RECOMMENDATION [Authorize Chair to execute agreement between the Solid Waste Authority and Florida Power & Light]. SECONDED BY COMMISSIONER MARCUS AND CARRIED WITH A 6-0 VOTE

MOTION:
Approve Agreement Between SWA and FPL

Mr. Hammond informed that staff has met with ECR representatives. He provided ECR with the requirements of the cooling water needed at both the existing and future Waste-to-Energy facilities. ECR will evaluate their process and determine if they can meet the Authority's needs in the future. They will also be discussing the production of methane that may result from their processing of sludge. The Authority is also exploring the possibility of the Authority selling electricity to ECR.

Item: VI
ECR/SWA Cooperative Project

No formal action required

Mr. Hammond stated that at the Board's special meeting on January 14 it moved to postpone action on the selection of the western landfill site for sixty (60) days. During that time staff conducted three (3) outreach meetings focused on the western communities (Belle Glade, Pahokee, South Bay area, Wellington, Royal Palm Beach and Loxahatchee). In addition, it allow time for Commissioner Marcus to communicate with SFWMD to determine if there was any possibility of a land deal with the District involving the US Sugar purchase.

Item: VII
Western Landfill Site Selection

He informed that most of the concerns raised by those present were as follows:

- Impact on property values
- Visibility of the facility
- Odors generated from a landfill and how it would impact the residents
- Traffic to and from the facility
- Possibility of surface and groundwater contamination

**Western Landfill
Site Selection
(continued)**

Staff addressed all concerns during the outreach meetings and found that most people supported the Authority existing 1,600 acres next to the Loxahatchee Wildlife Refuge. Most believed that the Authority's history of operating its existing site on North Jog Road proved that it could meet concerns of the environmental community. However, after staff's presentation, those present could see that the two sites further removed from the Loxahatchee Wildlife Refuge clearly made these sites more advantageous than the Authority's existing site.

He continued to say that as far as SFWMD is concerned, the Authority's contact with them has been sparse. The complexity of the deal between SFWMD and US Sugar for 180,000 acres makes it very difficult for SFWMD to commit any particular parcel or area, as well as a definitive time table. There is concern on the Authority's part as well regarding litigation which will result in further postponements and delays in Authority's ability to meet its needs.

He stated that the Authority has viewed the 180,000 acres and does not believe any section has clear advantages over the two alternative sites presently being considered. He also stated that staff was concerned about putting a very critical project in the hands of others with no clear expectation of success.

Mr. Hammond provided the previously outlined options the Board has available:

- Remain on the existing site and reject all of the alternatives
- Abandon the existing site and move to one of the alternatives
- Reject all the alternatives and continue the search

He stated that staff does not recommend rejecting the alternatives and continuing the search. The process has been open, transparent, fair and competitive. Every landowner (70+) in the EAA with property of sufficient acreage to meet the Authority's needs was contacted and notified of the RFP process.

The two alternative sites have clear advantages over the Authority's currently owned 1,600-acre site:

- Further from designated environmentally sensitive areas
- Significantly lower lifecycle operating costs
- Lower carbon footprint
- Ability to negotiate a lower price

To reject the alternatives and start the process over would cost tens of thousands of dollars more, with no expectation that the Authority will find a better site. There is no perfect site, not matter what site is identified. Staff believes that given the two alternative sites being considered, any issues raised can be mitigated.

The difference between the two alternative sites was with the environmental community and the needs of the western communities:

- SR80-98 was favored by the environmental community over the Hundley site because it is 1-1/2 miles further away from the Loxahatchee Wildlife Refuge than Hundley.
- Hundley site was favored by the western communities because the SR80-98 site is adjacent to SR80 and creates a visibility issue since SR80 is considered the Gateway to the Glades.

**Western Landfill
Site Selection
(continued)**

The Selection Committee evaluated the proposals and reviewed the CDM report on the sites. Their ranking was close and still stands supporting SR80-98. However, when the Board directed staff to conduct a public outreach program, it provided staff who was not on the Selection Committee, and opportunity to review CDM's report and hear the concerns of the western communities. Based on that information, staff feels the Hundley site is superior to the SR80-98 site.

He continued to say that the Board has several options:

- Option #1
Select one of the alternative sites
Negotiate with the owner
Retain the right to go to the other site if not satisfied with the outcome
- Option #2 (if the Board feels the sites are a virtual tie)
Negotiate simultaneously, such as a reverse auction, making the price the final decision-maker
- Option #3
Ask each proposer to provide an offer in writing, making the price a final decision-maker

Based on the following, staff believes that the Hundley site represents the superior choice and should be the site selected to begin negotiations for purchase:

- Lowest overall cost – The total anticipated lifecycle cost of the Hundley site is \$137M less than the SR80/US98 site and \$491M less than that presently owned site.
- Lowest initial price per acre – Hundley is \$2,750 less per acre than SR80/US98.
- Strong support from western communities.
- Environmental concerns can be mitigated more easily than those of western communities.

Commissioner Koons stated that the regulatory agencies have not indicated any fatal flaws regarding the Hundley site.

Commissioner Marcus stated she met with Ruth Clements from SFWMD, and Ms. Clements has requested the Authority wait until the acquisition is completed with US Sugar before selecting an alternative site. The acquisition is expected to occur in September 2009. She added that Ms. Clements informed her that SFWMD is interested in a swap but was unable to offer anything other than that expression of interest.

Commissioner Koons added that SFWMD, in its conversations with DEP, has indicated they are interested in a swap for the Authority's 1,600-acre site next.

Commissioner Marcus informed that she is waiting for follow-up from Mr. Pat Rooney of SFWMD regarding her request to obtain specifics from SFWMD on the environmental impacts of the alternative sites.

Commissioner Koons stated staff's recommendation for Board approval as follows:

- 1) Negotiate with authorized representatives of the Hundley property for the purchase of land for the Authority's western landfill site;
- 2) Direct staff to schedule a special Board meeting in 30 days to bring back negotiated price for the Board's review and approval.

Public Comments

Alexandria Larson

- Western community only represents 10% of the county's population. Put landfill where the majority of the people are located.
- Look for an alternate site or wait until after the SFWMD's meeting in September.

Mr. Hammond informed that within 10 miles of any site being considered at this time, there are approximately 10,000 residents; within 10 miles of the North Jog Road site, there are over 400,000 residents.

**Western Landfill
Site Selection
(continued)**

John Young Jupiter Resident and Family Member of SR-80 Site

- Supports SR80/US98 site;
- Hundley site may result in additional delays due to environmental communities resistance;
- Consider life-safety issues (specifically traffic) if Hundley site is selected;
- SR80/US98 representatives are ready to negotiate property price freely and openly;
- Costs being considered for the Hundley property do not include fill material, whereas, SR80/US98 manages fill requirement on-site.

Ken Spillias Attorney for Hundley Farms

- CDM's and staff's reports demonstrate that the life-cycle costs for the Hundley site are far less than those for the SR80/US98 site.
- The only environmental issues raised regarding the Hundley site are "perceived" issues. 1) STA – The staff and CDM reports indicated that the Hundley site is 1/10 of a mile from the STA. From where the facility will be located, it is actually close to one-half mile from the STA. 2) Storm water run-off – No run-off goes into the STA from Hundley site, but all goes into the STA from SR80/US98 site.
- Solid Waste Authority has dealt with these environmental issues very well over the past 25 years (i.e., closeout of the Lantana Landfill, closeout of Dyer Landfill, development of resource recovery facility and existing landfill).
- The Fatal Flaw Analysis will inform the Board if there are any real environmental issues with either the Hundley or SR80/US98 site.
- Strongly supported Hundley site and beginning negotiations.

Commissioner Vana requested staff respond to the comment about run-off flowing into the STA from SR80/US98 and no run-off flowing into the STA from Hundley.

Dr. Bruner stated that the Hundley site travels into the L-13 canal which can flow both east and west, flow west into the Hillsborough Canal then south into Conservation Area 2. The SR80/US98 site flows into the L-12 canal, flowing primarily east and into the STA.

Pat Gleason, VP with CDM, stated that all of the water from Hundley currently discharges into the L-13 canal and from there can flow east into STA-1W or it can continue onto STA-1E, or discharged out the C-15 canal to tide; or it can go west from the L-13 canal, travel to Hillsborough Canal and then to the S6 pump station where it will discharge into a canal which feeds into STA-2, ending up in water conservation area 2.

Mr. Hammond informed that the way the facility is designed, the Authority will be required to retain on-site the equivalent of 25+ year's storm water event.

Mr. Gleason continued to say that the quality of the water emanating from the landfill area will be much better than the water currently emanating from the agricultural site. The water

quality will be better because SFWMD requires landfills to install storm water management and treatment systems involving retention ponds, and cover material used on the landfill has less nitrogen and phosphorous content than organic soils. The landfill is designed with four liners underneath as well as under-drains, so there will be no movement into the groundwater system. DEP only requires two liners. Any water draining into the under-drain system within the liners is collected, treated and disposed of in the leachate control system, and never gets disposed of into the storm water system. There will be less runoff once the landfill is constructed than is currently going into the STA from the agricultural activities.

Public Comments

**Western Landfill
Site Selection
(continued)**

Mr. Pat Gleason, VP with CDM, stated that he did not have an opportunity to look closely at the SR80/US98 site, but it was his opinion that the storm water is all going to end up in the same area. Pumping station S5 drains nearly that entire area, and there are only so many ways the water can flow (south or east). It is not going to go into Lake Okeechobee. Permits from SFWMD state into which canal the water will be discharged from each site.

John Hundley Owner of Hundley Farms

- There is a flood gate structure in the L-13 at the eastern edge of the Hundley Farms site. The water can flow east if the structure is up, or west of the structure is down.
- On the SR80/US98 property, the water travels into L-12. That water can only travel to the southeast to be pumped at the 5S pump station into STA-1 or into Palm Beach Canal to the east; or, under drought conditions, the gate can be opened at Canal point and it would flow back into Lake Okeechobee. The water from Hundley would only flow into Lake Okeechobee in the case of a hurricane flood-type circumstance or a matter of life and property.
- Hundley is willing to negotiate with staff.

Eric Hopkins Hundley Farms Representative

- Hundley property is the best property for a western landfill site.
- CDM, staff and other landfill experts endorse the Hundley site. Tri-cities (Belle Glade, South Bay and Pahokee) endorse the Hundley site by resolution; others endorsing the site include State Representative Pricilla Taylor, Lake Okeechobee Regional Economic Alliance, and Wellington.
- Hundley site is less costly and far superior for western county residents.
- Hundley property is more than four (4) miles from the Loxahatchee National Wildlife Refuge.

Cynthia Plockelman Everglade Coalition Representative

- Commended staff of their presentations at the Outreach meetings.
- Personally supports Hundley property
- Everglades Coalition supports the SR80/US98 site

Ali Khatami Globex Representative Hired by Hundley Farms

- Other costs to consider, and not included in CDM's report: gas collection system, closure, maintaining landfill after closure. Preliminary numbers for these costs show that Hundley is \$220-\$350M less than SR80/US98 site, depending on footprint.
- Presented the results of his water flow report, noting that Hundley's environmental impact from the storm water is no greater than that of SR80/US98.

**MOTION BY COMMISSIONER MARCUS TO RECEIVE AND FILE REPORT
PRESENTED BY GLOBEX. SECONDED BY COMMISSIONER AARONSON AND
CARRIED WITH A 6-0 VOTE**

**MOTION:
R&F Report from
Globex**

Sheila Calderon Representative of Arthur Marshall Fish & Wildlife

- Environmental impact study for both alternate sites should be conducted before a decision is made by the Board.

John Koch Loxahatchee Group Sierra Club, Chair

- Members of Selection Committee for the Western Landfill Site
- Supported SR80/US98 site
- Remove the Authority's currently owned site next to the Loxahatchee Wildlife Refuge from further consideration
- Landfill should be visible to remind people of what they create when they throw stuff away; sites are far enough way from residential areas that they will not notice anything different.
- Very little difference between Hundley Farm site and SR80/US98.

Kay Gates Loxahatchee Group Sierra Club Representative

- Recommended a 6-month or one year moratorium on site selection due to SFWMD's interest in purchasing US Sugar property, and the amount of garbage being produced as a result of the economy.
- Commended staff for its presentation at the Outreach meeting.
- Questioned why there is no consideration for a landfill to be put in Boca Raton.
- Environmental Coalition supports SR80/US98 if a site must be selected today.

Sylvia Pelizza Arthur Marshall Loxahatchee Fish & Wildlife Refuge, Manager

- Supports SR80/US98 site; opposed to existing Authority-owned property adjacent to the Refuge.
- Continued concerns—water quality
- Requested review of the potential for leachate during the Fatal Flaw Analysis if Hundley site is selected

Commissioner Koons stated that the Board will consider a working group to specifically review the water issues outside the existing systems.

Rev. Richard Harris Representing Glades Area

- Supports the Hundley property if there is no other choice. If there is a choice, he supports the Authority's currently owned site next to the Refuge.
- Regarding the environmentalists, people are more important than birds.
- Cost should be the Board's last consideration since it is the taxpayers who are funding the project.
- Strongly opposed to building a landfill on the Gateway to the Glades.

Rosa Durando Representing local Audubon Society

- Support SR80/US98 site and a 6-month delay.
- WRAC Committee from SFWMD has stated that the STA situation – specifically STA-1E and 1W – is very deficient, needs expansion and surface water treatment.
- Hundley, adjacent to STA-1W, will further limit STA expansion on the west side.
- It is a surface water problem, not a groundwater problem.

Commissioner Vana questioned if staff has access to the WRAC Committee's report, and how the expansion of the STA will impact the Board decision as it relates to Hundley.

Mr. Hammond stated that he did not believe that the selection of the Hundley site would be an impediment to the STA expansion. The CR-880 and L-13 effectively create a hydraulic and physical barrier to expansion of the STA to the north. There is plenty of land for the STA to be expanded to the west and/or south of the existing STA-1W region.

Public Comments

**Western Landfill
Site Selection
(continued)**

Lizbeth Benacquisto Councilwoman for Village of Wellington

- Expressed appreciation for the Outreach meetings
- Opposed both alternative sites
- Wellington is involved in a \$20M project with SFWMD on STA-1E to improve the condition and open it to county residents
- Supported the 6-month delay and working with SFWMD on an alternative site

Public Comments

**Western Landfill
Site Selection
(continued)**

Wayne Whitaker Mayor of Pahokee

- Supported existing Authority-owned property adjacent to the Refuge
- Supported Hundley site as a second choice
- Opposed to considering SR80/US98

Lisa Interlandi Everglades Law Center

- Opposed to Hundley site due to proximity of Refuge, STA and STA expansion area; other concerns included leachate, impact on birds and phosphorous from birds, and potential impact to recreational uses of the STA.
- Adamantly opposed to existing Authority-owned site
- STA most likely to be expanded to the west
- Supported looking for another alternative site if the SR80/US98 is not acceptable

Julie Hill Audubon of Florida

- Opposed to the currently Authority-owned property
- Do not support replacing one environmental concern with another site that has another environmental concern
- Audubon of Florida has been advocating at least a 100% expansion of STA-1W since built
- Urged the Board make a decision that is no contrary to the Everglades restoration efforts
- Resolution from Everglade Coalition: Urges the PBC SWA to consider locating a landfill only on land that does not conflict with restoration efforts and is located a sufficient distance from important environmental areas.

**MOTION BY COMMISSIONER AARONSON TO RECEIVE AND FILE
RESOLUTION FROM THE EVERGLADES COALITION. SECONDED BY
COMMISSIONER MARCUS AND CARRIED WITH A 6-0 VOTE**

**MOTION:
R&F Resolution from
Everglades Coalition**

Joanne Davis Representing 1000 Friends of Florida

- What is running off the landfill and what is actually there both have problems. The metals is important as well as STA restoration and Glades area
- Supporting finding an alternate site
- There are sites in the EAA that will produce less anxiety for communities and environmental communities
- Supported postponing the decision for a 6-month period; look at other properties; conduct another RFP; ask SFWMD again, etc.
- What happens if the landfill cannot open by 2015?

Mr. Hammond stated that the Authority is planning for the future to make sure there is a facility. The Authority will need to prepare for contingencies, but if it does not have a facility by the time the North Jog Road facility reaches capacity, the County will be in trouble.

Commissioner Koons reminded that the Board and staff have postponed action on this matter for eighteen (18) months.

Cliff Hertz **Attorney Representing Florida Crystals**

- Supported starting the process over to find a better site for less money
- Reminded the Board that Commissioner Aaronson stated at the last meeting that one of his primary concerns was to have some degree of comfort that there would not be challenges by the environmental community.

Public Comments

**Western Landfill
Site Selection**
(continued)

Commissioner Greene stated that no matter where the landfill is located someone is going to oppose.

Marge Herzog **Former Vice Mayor of Loxahatchee Groves**

- Supported rail service in an effort to reduce truck traffic noise on Southern Boulevard.
- Consider alternate hours of transportation if rail service is not an option.
- Rail service could be used for public transportation during day-time hours and solid waste during the evenings.
- Loxahatchee did not support or oppose either of the alternate sites.

Ellie Halperin **Attorney Representing SR80/US98**

- Property values of surrounding landfills are not affected by landfills
- I-95 and the Florida Turnpike are gateways to everywhere from Miami to Orlando, and there are numerous landfills on either side.
- Stuart Mine has been approved and is diagonally across the street from SR80/US98. It will be visible from SR80 and is a mine that has not been challenged, and it is an industrial site. It makes more sense in compatibility, future use and future development in the EAA to co-locate industrial uses.
- The closest community to SR80/US98 is 10 miles away.
- Selection Committee ranked SR8/US98 over Hundley. The first 5-year costs of the SR80/US98 site are \$7M less than that of Hundley. There is sufficient fill on the SR80/US98 site for the life of the landfill.
- Supported moving forward with the Selection Committee's recommendation to begin negotiations with SR80/US98 site.

Drew Martin **Representing Sierra Club**

- Remove the Loxahatchee site from further consideration
- Look at how waste is being generated. DEP has a waste reduction task force working on this effort. Plastics need to be eliminated. Lobby for a bottle-deposit law.
- STAs are critical to the Everglades Restoration Project.
- Everglades Coalition opposes the Hundley site due to its proximity to the STA and future expansion.
- Support the Selection Committee's recommendation: SR80/US98 site

Sam Levin **S2I, President (Solid Waste Engineering Firm)**

- Disputed various comments by Mr. Ali Khatami. There is no difference in the cost for closure, landfill gas or post-closure care if using the rectangular design or triangular design. Concurred that the cost of the SR80-US98 is more due to the property size being larger.
- Regarding storm water, he stated he has never seen contaminated storm water released from any landfills he has work at, unless human error. The best designed landfills will not allow the release of contaminated storm water.

John Hundley, Jr. Owner of Hundley Farms

- Hundley property is directly north of the STA-1W, not adjacent to or west of STA-1W. Hundley property will not impede expansion of STA-1W. The property is north of CR-880 and L-13 Canal.
- There is a rice mill and major District canal directly west of STA-1W.
- Water flowing off of Hundley property travels west.
- Urged the selection process continue, and the Board to support the Hundley site. Do not start the process over.
- Hundley is the cheapest option of the alternative sites being considered.

Jeff Sabin Waste Management Representative

- Stated that WMI has capacity and assets to the north, south, and west in the form of existing landfills and resource recovery facilities, if needed as a “safety valve” during this process.

Mr. Hammond provided the following comment supporting the Hundley site and moving forward with a selection today:

- Input received during public outreach meetings supported Hundley site over SR80/US98;
- Grassy Waters Preserve (Class 1 drinking water) is less than 3,000 feet from the Authority existing landfill operation and has established bird populations;
- Authority has rookery within 1,000 feet of its existing landfill;
- Loxahatchee Wildlife Refuge is four (4) miles from the Hundley site;
- If STA needs to be expanded, it can go to the west, south around the western edge of the Loxahatchee Wildlife Refuge;
- The Authority is one major storm event away or one major problem with the WTE facility away from consuming large amounts of landfill space (inventory) currently available.

Commissioner Aaronson commended staff on their efforts to date. Based on comments received today, he recommended a six-month delay in order to give the Chair an opportunity to speak with SFWMD and find out whether or not the US Sugar deal is going to go through, whether or not there is other land. This recommendation is made with the understanding that this is the final delay, and the Board will have to make its decision at the end of six months unless something else comes along better than the Hundley property.

MOTION BY COMMISSIONER AARONSON TO SUPPORT A SIX-MONTH DELAY. SECONDED BY COMMISSIONER MARCUS FOR DISCUSSION

Commissioner Marcus asked Legal Counsel if the process can be extended for six (6) months or until September when the District is expected to put something together, then come back and consider what the District has to offer and still have consideration of the existing alternative sites.

Attorney Raney stated she did not believe there was anything in the solicitation that would require the Board to act by a definite date, but there is a provision requiring the property owners to hold their bids open until the January meeting. The property owners would need to promise to hold their offers open for the 6-month delay. She advised that if the bids are held open for an extended period time, they would have to start to look at how that would have affected competition.

Public Comments

Western Landfill Site Selection
(continued)

Comments by Staff and Discussion by the Board

MOTION:
Support a 6-month Delay

Discussion

Commissioner Greene asked Mr. Hammond what could happen in the next six (6) months that has not already happened.

**Western Landfill
Site Selection
(continued)**

Mr. Hammond stated that the US Sugar maps he has viewed show nothing east of the existing sites, so they are going to be further west. For every one-way mile of additional transportation, that adds about \$30M to the cost of transportation overall. Regarding the STA, one of the US Sugar sites being considered is about 1 to 1-1/2 miles west of Hundley, which means if that site was to be selected and the STA is extended west, the Authority will be in the same situation it is today, adjacent to an STA.

Commissioner Marcus clarified that the map she was shown by SFWMD for an alternative western landfill site may not be a US Sugar site. She noted that part of the reason for her request to wait until September was to not get in the way of the Everglades Restoration project.

Commissioner Santamaria expressed support of the 6-month delay to make sure the site selected is the best served by the constituents. Based on the comments heard, any of the three sites being considered would satisfy the majority of the people present. This delay provides an opportunity to analyze the three existing sites as well as a potential fourth (4th) or fifth (5th) site. "Do unto others what you want others to do unto you."

Commissioner Santamaria urged the Board to rely on multiple appraisals to determine the true value of the property. The alternative sites being considered are 360-370% above the appraised value and not a good value for the people. He strongly recommended the Board put more importance on the appraised value, and place a cap of paying no more than 50% above the appraised value.

Commissioner Aaronson stated that his motion has nothing to do with the price of the land. The reason for the motion was the divided audience and communities, and if SFWMD can present a piece of land that is suitable with no challenges. He stated he was not convinced no challenges from the environmental community will be achieved, but he was willing to provide SFWMD and/or someone else with the opportunity.

Commissioner Vana stated she support the 6-month delay with the understanding that the six (6) months marks the closure of this site selection process.

**COMMISSIONER AARONSON AMENDED HIS MOTION THAT THE BOARD
DELAY THE SELECTION PROCESS FOR SIX (6) MONTHS, BUT AT THE END OF
THE SIX (6) MONTHS THE BOARD BRING THIS TO CLOSURE.**

**MOTION AMENDED:
Delay the process for
6 months; bring
closure at the end of
the 6-months**

Commissioner Marcus agreed with the amended motion.

Discussion

Commissioner Koons questioned if staff could move forward with looking at surface water issues during the 6-month delay, since the US Sugar site from SFWMD is only two miles from the existing sites being considered.

Mr. Bruner stated that moving forward with any reviews would result in the expenditure of dollars to investigate a site not owned by the Authority or may not ultimately be selected by the Board.

Commissioner Aaronson stated that the 6-month delay should not result in any additional expenses by the Authority. He added that if SFWMD identifies a parcel within this 6-month period, it would be presented to the Board as a piece of property in competition with the two alternative sites currently being considered.

**Western Landfill
Site Selection
(continued)**

Commissioner Koons clarified that the Authority Board would send a letter to SFWMD indicating that a 6-month time frame is being offered for them to supply an alternative site, the Authority Board would make a decision at the end of that time frame.

Commissioner Aaronson concurred. He added that part of his motion includes that if SFWMD indicates that they are not able to tell the Authority what they are going to do in that 6-month period, a special meeting be called and a vote be taken for closure.

Commissioner Marcus stated that she would not second Commissioner Aaronson's amendment.

Commissioner Vana stated that any site proposed by SFWMD would result in additional time for staff to review.

Mr. Hammond concurred that whatever site is presented from SFWMD would require engineering analysis and take six (6) to eight (8) months to review.

Commissioner Marcus stated that the contract with SFWMD and US Sugar is until September 2009. SFWMD will not know if US Sugar is in default of the contract until September.

Commissioner Marcus stated that if the Board communicates with SFWMD to write the Authority and provide what the options are going to be in September, the District will likely state "you are on your own" which is what happens when they are involved in negotiations.

Commissioner Aaronson withdrew his amendment.

Commissioner Marcus urged the Board wait until September. If they are not following through on US Sugar, then the Board can meet in September and make a decision. If they are moving forward, then the Authority is interested in a swap potential.

Commissioner Aaronson restated his motion as follows:

Take out the part of the letter and wait until the six months. If there is no movement on the part of SFWMD, the motion stands that we bring the matter back here and we go for closure.

Commissioner Greene stated that if the Board waits for the US Sugar deal it may never find a site.

Commissioner Vana expressed support of the motion with the understanding that if something happens sooner, the Board will meet sooner rather than waiting the six (6) months.

Commissioner Santamaria questioned if the Authority Board is excluding any other property other than the three existing sites under consideration and the one to be presented from SFWMD.

Commissioner Koons stated the Authority will stay with its current process and is not looking for another site outside of this process.

Commissioner Koons requested the two proposers state for the record that they agree to a 6-month extension of their bids.

Attorney Ellen Smith, representing SR80-US98, agreed to extend their bids. She requested the Board allow the proposers to communicate with staff during the 6-month delay.

Commissioner Koons concurred that the proposers would be allowed to communicate with staff, but not the Authority Board.

**Western Landfill
Site Selection
(continued)**

Mr. Eric Hopkins, representing Hundley, stated that he would extend the bid for 30 days and provide something in writing to the Authority staff regarding Hundley's intent to extend for the 6-month postponement or not. He requested staff provide Hundley with a copy of the appraisals being referred to by the Board.

Commissioner Aaronson stated that his motion includes that the Board bring it to closure in six (6) months.

Clarification of Motion

Commissioner Aaronson clarified his motion as follows:

Postpone for six months – to September 15 – and to contact SFWMD and see if there is any land that they have that would fit into the process.

Commissioner Marcus requested that instead of asking SFWMD if they have any land available, let them know the Authority Board has postponed a decision until they have completed their negotiations with US Sugar acquisition to see if there is any opportunity for a swap.

Commissioner Aaronson said that SFWMD needs to show the Authority more than an "interest". He felt they should identify a piece of land to put into the mix within a 6-month period. If they cannot provide a site within the 6-month postponement, then the matter should be brought back to the Authority Board for closure.

Commissioner Marcus concurred with requesting SFWMD showing more than an interest, but not with asking them to be specific. She stated the Authority Board needs to inform the District that it is waiting the six (6) months for their contract negotiations with US Sugar, and it is available for a site swap if it becomes available. The letter will say that the Authority will leave the process open until the September negotiations. The contract expires September 25.

Mr. Hammond suggested the Board wait until a week after the September 25 meeting with SFWMD to hold its Special Meeting.

Commissioner Koons stated that the Board will leave the Special Meeting date for September 25th, and if it needs to be adjusted, the Board can do so at its Budget Hearing in August.

MOTION AMENDED BY COMMISSIONER AARONSON TO MAKE IT CLEAR THAT SEPTEMBER 25TH IS THE DATE A DECISION WILL BE MADE. SECONDER AGREED.

**MOTION AMENDED:
The Board will make
as decision on 9/25/09**

Commissioner Greene continued to say that no matter how many sites are considered, the one selected will be challenged.

Discussion

Mr. Spillias questioned if a special meeting would be held at an earlier date if SFWMD/US Sugar negotiations fall apart before the 6-month period ends.

MOTION AMENDED BY COMMISSIONER AARONSON THAT IF NEGOTIATIONS BREAK APART, AND IT IS DETERMINED THAT THERE IS NO WAY TO RESURRECT IT, THE CHAIR WILL CALL A SPECIAL MEETING. SECONDER AGREED.

**MOTION AMENDED:
Special Board Meeting
to be held earlier if
negotiations fall fail**

Commissioner Vana clarified that the Board is postponing a decision for six months in order to determine if there is a land swap available with SFWMD. At the September 25 Special Meeting the Board will only be determining whether it will include the third alternative. She informed that there would be more time involved than just the 6-month postponement.

**Western Landfill
Site Selection
(continued)**

Commissioner Aaronson stated that the intent of his motion was to give the option to see if somebody can come up with a piece of land that could satisfy everyone present.

Commissioner Vana clarified that the Board will not be making a site selection on September 25, but rather extending the time period again in order to obtain all of the information of the site provided by SFWMD.

Mr. Hammond concurred that staff would have to do due diligence on the site brought forth from SFWMD which could result in an additional nine- or ten-month delay. If SFWMD waits until September 25 to provide a site, then the Authority staff will need to do a full-blown evaluation on that site as well.

Commissioner Aaronson stated he was betting on that as opposed to a potential lawsuit which would tie the Authority up for years.

Attorney Raney clarified that SFWMD is not coming into the process but rather are parallel to the process.

CHAIRMAN KOONS CLARIFIED THE MOTION BY SAYING THERE WILL BE A 6-MONTH POSTPONEMENT; THE BOARD WILL COMMUNICATE WITH SFWMD WITH A TIME-CERTAIN TO MAKE A DECISION; THE BOARD IS LOOKING AT THE END OF SEPTEMBER (25TH) FOR A DECISION; IF THE DEAL FALLS APART, THE BOARD WILL HOLD A SPECIAL MEETING AT AN EARLIER DATE.

**MOTION RESTATED:
6-month postponement;
Communicate w/SFWMD;
Decision to be made on
9/25/09; Special Board
Meet to be held if nego-
tiations fall apart.**

MOTION CARRIED WITH A 4-2 VOTE (Commissioner Koons and Commissioner Greene voting "NO")

MOTION CARRIED

MOTION BY COMMISSIONER GREENE TO ELECT COMMISSIONER MARCUS TO SERVE AS CHAIR. SECONDED BY COMMISSIONER AARONSON AND CARRIED WITH A 6-0 VOTE

Item VIII:

Election of Officers

Motion by Commissioner Aaronson to elect Commissioner Santamaria as Vice Chair. Secoded by Commissioner Marcus

- Chair
- Vice Chair

Commissioner Santamaria declined.

MOTION BY COMMISSIONER AARONSON TO ELECT COMMISSIONER VANA TO SERVE AS VICE CHAIR. SECONDED BY COMMISSIONER MARCUS AND CARRIED WITH A 6-0 VOTE

MOTION BY COMMISSIONER MARCUS TO ELECT COMMISSIONER ABRAMS TO SERVE AS SECRETARY. SECONDED BY COMMISSIONER GREENE AND CARRIED WITH A 6-0 VOTE

- Secretary

Commissioner Koons stated that since Commissioner Abrams has not been sworn at this date, the Board will wait until the next Authority Board meeting to appoint him as Secretary.

Commissioner Marcus Allow Mr. Hammond and Authority staff to consider having third-party looking out for the Authority's interest regarding construction of the new WTE facility. Staff will provide a recommendation to the Board after considering this option.

Comments by the Board

Commissioner Aaronson The Authority staff has a \$950,000 advertising budget, of which only \$25,000 is spent on cable. He requested the Board ask staff look into increasing its advertising expense with cable. He felt the Authority would gain more exposure on cable than the major channels (ABC, NBC, and CBS) at a lower cost.

Mr. Maccarrone informed that staff has reviewed cable versus local network but will be prepared to report back to the Board at its June meeting. He added that the Authority has cut its advertising budget for FY 2009/2010.

Commissioner Aaronson stated that purchasing for the current fiscal year can be cancelled. He requested staff provide him with a breakdown of what the Authority intends to spend next fiscal year and include much cable into it. He felt the Authority could obtain many more cable slots than premium channels.

Mr. Hammond stated that staff will be prepared to provide a presentation at the June Board meeting.

Commissioner Marcus requested staff also provide the effectiveness of the investment.

Commissioner Koons Informed that the Authority is working with water utilities to update the FOG Ordinance (Food, Oil and Grease) in an effort to keep yellow grease out of the new Pelletizer Facility.

Commissioner Greene Expressed appreciation to Mr. Hammond and staff, and informed that she is resigning her position as County Commissioner.

Meeting Adjourned: 12:25 PM

ADJOURNMENT

ATTEST:

Commissioner Jeff Koons, Chair

Sandra J. Vassalotti, Clerk to the Authority