



A G E N D A

SPECIAL PUBLIC MEETING SOLID WASTE AUTHORITY OF PALM BEACH COUNTY

**Wednesday, March 18, 2009
9:00 AM**

LOCATION:

SOLID WASTE AUTHORITY
7501 NORTH JOG ROAD, AUDITORIUM
WEST PALM BEACH, FLORIDA 33412

I. Call to Order / Roll Call

Commissioner Jeff Koons, Chair
Commissioner Karen Marcus, Vice Chair
Commissioner Burt Aaronson, Secretary
Commissioner Addie Greene
Commissioner Jess Santamaria
Commissioner Shelley Vana

II. Proof of Publication of Meeting

**III. Utility Easement for the City of West Palm Beach to Access the Water Supply Meter
for the Biosolids Pelletization Facility**

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.

IV. ILA with Palm Beach County for Hatcher Project

Recommendation: To be presented.

V. Restated and Amended Agreement between SWA and FPL

Recommendation: Approve Agreement.

VI. Status of ECR/SWA Cooperative Project

Recommendation: Verbal update – no Board action required.

VII. Western Landfill Site Selection

Recommendation: Staff recommends that the Board authorize staff to do the following:

- 1. Negotiate with the authorized representatives of the Hundley property for the purchase of land for the SWA's western landfill site.**
- 2. Conduct a Fatal Flaw Analysis of the Hundley site.**
- 3. Bring back the negotiated Purchase and Sale Agreement and all associated agreements for Board approval prior to closing.**
- 4. In the event staff is unable to come to terms with the Seller, seek Board authorization to commence negotiations with the SR80/US98 Seller and conduct a Fatal Flaw Analysis of that site.**

VIII. Election of Officers

Recommendation: Elect Chair, Vice Chair and Secretary for two-year term.

IV. Adjournment



March 11, 2009

MEMORANDUM

TO: Commissioner Jeff Koons, Chair
and Solid Waste Authority Board Members

SUBJECT: Western Landfill Site Selection

RECOMMENDATION: Staff recommends that the Board authorize staff to do the following:

1. Negotiate with the authorized representatives of the Hundley property for the purchase of land for the SWA's western landfill site.
2. Conduct a Fatal Flaw Analysis of the Hundley site.
3. Bring back the negotiated Purchase and Sale Agreement and all associated agreements for Board approval prior to closing.
4. In the event staff is unable to come to terms with the Seller, seek Board authorization to commence negotiations with the SR80/US98 Seller and conduct a Fatal Flaw Analysis of that site.

BACKGROUND:

On January 14, 2009 the SWA held a special meeting regarding the western landfill site selection process. The Board received a detailed report from staff followed by public comment. Based upon the input received, the Board elected to postpone action for 60 days to allow for the following:

- Schedule additional public information meetings for the western communities.
- Allow time for Commissioner Marcus to meet with SFWMD staff to explore the possibilities of a land deal with the District resulting from their ongoing efforts to purchase the US Sugar properties.

Public Outreach

Staff conducted three public information meetings during the past 60 days. Staff also made offers to meet with city commissions and HOA's in the area in addition to the scheduled public information meetings. The meetings were held as follows:

1. Wellington Community Center - Tuesday, February 17, 6PM - 9PM
2. Royal Palm Beach Village Cultural Center – Tuesday, February 24, 6PM – 9PM
3. Belle Glade, PBCC Dolly Hand Cultural Arts Center – Thursday, February 26, 6PM – 9PM

The information provided at the meetings included the same detailed presentation provided previously to the SWA Board. This included detailed maps of the sites under consideration, including the 1,600 acres the SWA presently owns. Minutes from the meetings are attached for your review. Most of the issues from the public concerned:

- Impact on property values
- Visibility
- Odors
- Traffic
- Surface and groundwater contamination

Generally, input from the meetings suggested support for the 1,600 acres we presently own. Most people felt comfortable that the Authority could mitigate the concerns of the environmental community and operate a landfill adjacent to the Loxahatchee Wildlife Refuge. However, after evaluating the pros and cons of the sites, the general consensus pointed to the Hundley site as a compromise solution to the concerns of locating a landfill in close proximity to the Refuge, to people, and to SR80.

SFWMD

Regarding SFWMD, there are many unknowns and variables associated with the US Sugar acquisition. First and foremost, there is no certainty that the deal will ever be closed. Litigation may very well tie up the process for years.

Second, the District has not made any indication as to the location of the property they might be willing to make available. SWA staff reviewed maps of US Sugar property, and their holdings stretch from north and west of the two sites under consideration all the way into Hendry County. The vast majority of the 180,000+ acres would be of no value to the SWA, and the limited amount of property that might be useful to the SWA may not be offered.

Third, even if SFWMD was to close quickly on the US Sugar property, and offer the most easterly property acquired, the SWA would have to do a thorough evaluation of the property. A fatal flaw could render a site unusable or the engineering analysis might show the site to be more expensive than the current alternatives. It would also require another round of public outreach meetings to inform the cities and public of the new site and gather their input.

These issues are totally out of SWA control. To delay decisions while the SFWMD attempts to close on the property puts the SWA in a position of putting a critical project in the hands of others with no clear expectation of success.

Board Options

As has been outlined previously, the Board has several options:

1. Remain on the existing site and reject all of the alternatives.
2. Abandon the existing site and move to one of the alternatives.
3. Reject all the alternatives and continue the search.

Staff does not recommend rejecting the alternatives and continuing the search. First, this process has been open, transparent, fair, and competitive. Every landowner in the EAA with property of sufficient acreage to meet the SWA's needs was contacted and notified of the RFP process.

Second, the two alternate sites under consideration have clear advantages over the site the SWA owns. Their total life cycle costs will save tens of millions of dollars and reduce the production of greenhouse gases significantly due to reduced hauling distances compared to the presently owned site. The process allows for negotiating a lower purchase price from the proposers.

Third, the SWA has expended considerable funds performing engineering evaluations and conducting public outreach. This process has taken 18 months and to start over could delay the project another year or more and add hundreds of thousands of dollars of cost.

Fourth, there is no such thing as a perfect site. Any site that may be identified in another process will almost certainly have its own share of negatives and public concerns.

Selection Process

The two alternative sites under consideration are very good sites. They are superior to the site the SWA owns in several key areas. Each is further from designated environmentally sensitive areas. Each has significantly lower lifecycle operating costs. Each will have a lower carbon footprint.

The fundamental difference between the two alternative sites is that neither one strikes a perfect balance between the concerns of environmental organizations and the concerns of the western communities. The SR80/US98 site is favored by the environmentalists because it is approximately 1.5 miles further from the LNWR than the Hundley site. However, the western communities oppose the SR80/US98 site because its southern boundary fronts SR80 and would be highly visible to those travelling to and from the Glades region.

The Hundley site is favored by the western communities because it is approximately 1.5 miles from SR80 and would be less visible to those travelling along that road. But the environmental community opposes the site because it is closer to the LNWR than US80/SR98 and is within one-tenth of a mile from STA1-W (storm water treatment area 1 - west).

The eight-member Selection Committee, charged with evaluating and ranking the proposals, ranked the SR98/US80 site first and the Hundley site second by a vote of 5 to 3. The total points from each member's ranking sheets, when tallied, show how close the actual decision of the committee was. The totals from the ranking sheets were 57.75 for SR80/US98 and 57.15 for Hundley with less than a point separating the two.

The selection process allows the Board the ability to negotiate a lower price for the property. Although land acquisition cost is certainly a consideration, it is not the most important factor in the process of selecting a landfill. The location of a landfill is arguably the most important consideration followed by total lifecycle cost. For example, a \$1,000 increase in the price per acre adds less than 1/2 cent per ton to the overall cost of disposal, whereas an additional mile in distance can add 30 cents in transportation cost.

The options the Board may wish to consider include, but are not limited to:

1. Pick one site and negotiate with the owner, retaining the right to go to the other site if the Board is not satisfied with the outcome.
2. Negotiate with each simultaneously (a reverse auction) making price the final decision maker.
3. Ask each proposer to submit a final offer in writing, making the price the final decision maker.

If the Board believes that one site is superior to the other, then option 1 is an acceptable method to attempt acquiring a lower price.

If the Board believes that the two sites are virtually equal, then options 2 and 3 above can be an effective way to provide for competition and determine the lowest price that each proposer is willing to accept.

Recommendation

The Selection Committee evaluated the proposals and reviewed the CDM report on the sites. Their ranking of the sites was extremely close and demonstrated that the sites were almost equal. The committee was very diligent and painstaking in their deliberations and they should be commended on their work.

Their evaluation did not include input from the western communities. The committee's primary focus was on the technical, environmental, and economic attributes of the sites. Staff who did not participate on the selection committee has since had the opportunity to further the evaluation process to include input from stakeholders from the western communities.

Based upon 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 \$137 million less than the SR80/US98 site and \$491 million less than the 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 community.

Staff recommends that the Board authorize staff to do the following:

1. Negotiate with the authorized representatives of the Hundley property for the purchase of land for the SWA's western landfill site.
2. Conduct a Fatal Flaw Analysis of the Hundley site.
3. Bring back the negotiated Purchase and Sale Agreement and all associated agreements for Board approval prior to closing.
4. In the event staff is unable to come to terms with the Seller, seek Board authorization to commence negotiations with the SR80/US98 Seller and conduct a Fatal Flaw Analysis of that site.

The land acquisition is funded in the 2008 Bond Issue and authorized by SWA Governing Board Resolution 2008-2 adopted on June 4, 2008 (Item 9.G.1.).

BUDGET IMPACT: None

ATTACHMENTS: Resolution from Glades Tri-Cities Coalition
Outreach meeting minutes

REVIEWS:

Director: _____, Date: _____

Chief Officer: _____, Date: _____

Chief Financial Officer:
(as required) _____, Date: _____

Legal Counsel:
(as required) Maureen Cullen, Date: 3/11/09

Assistant to
Executive Director: Del [Signature], Date: 3/11/09

Executive Director: Mark [Signature], Date: 3/11/09

RESOLUTION NO. 2009-01

A RESOLUTION OF THE GLADES TRI-CITIES COALITION, OF BELLE GLADE, PAHOKEE AND SOUTH BAY, FLORIDA SUPPORTING THE HUNDLEY FARMS SITE FOR THE SOLID WASTE AUTHORITY'S FUTURE WESTERN LANDFILL.

WHEREAS, the Solid Waste Authority will be siting a landfill in western Palm Beach County, Florida; and

WHEREAS, the location of the proposed landfill is of great importance to the Glades community; and

WHEREAS, the Hundley Farms site is the best location, at the best cost, of the competing sites.


NOW, THEREFORE, BE IT RESOLVED BY THE GLADES TRI-CITIES COALITION OF BELLE GLADE, PAHOKEE AND SOUTH BAY FLORIDA THAT:

The Glades Tri-Cities Coalition of Belle Glade, Pahokee, and South Bay support the Hundley Farms site as the preferred location of the Solid Waste Authority's future western landfill.

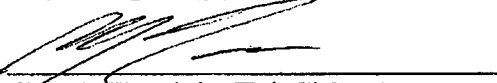
DONE AND RESOLVED at Regular Session of the Glades Tri-Cities Coalition, Palm Beach County, Florida, this 18th day of February, 2009.


Belle Glade Mayor Steven B. Wilson


Pahokee Mayor Wayne Whitaker


South Bay Mayor Shirley Walker Turner

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**


Glen J. Torcivia, Tri-Cities Attorney