

**SOLID WASTE AUTHORITY OF CENTRAL OHIO
BOARD OF TRUSTEES MEETING**



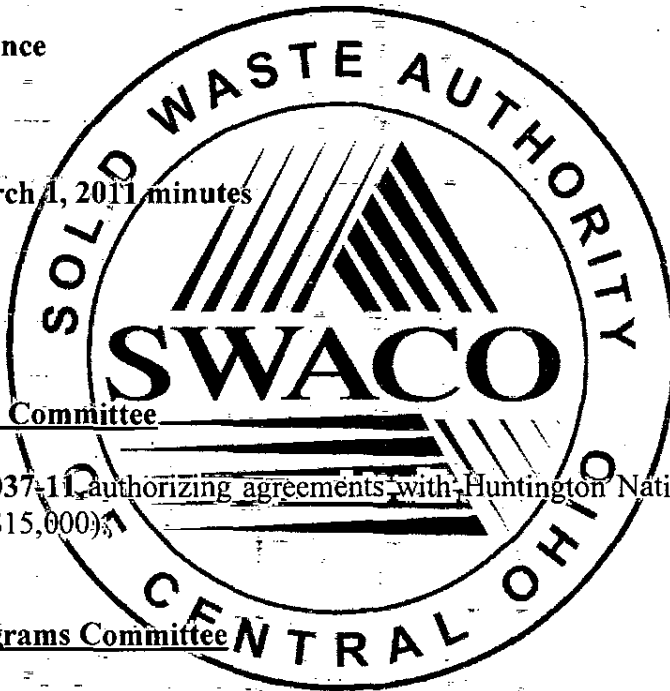
April 5, 2011

**4239 London-Groveport Road
Grove City, Ohio 43123**

AGENDA

Please fill out a speaker slip if you wish to address the Board of Trustees.

1. **Call to order of the regular April 5, 2011 meeting at 2:30 p.m.**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of March 4, 2011 minutes**
5. **Old Business**
6. **New Business**



Audit & Finance Committee

Resolution No. 037-11 authorizing agreements with Huntington National Bank for banking and related services (\$15,000)

Planning & Programs Committee

Resolution No. 038-11 authorizing a contract modification with Phyllis VanArsdale (DBA VanArsdale Management) for event management of SWACO's Emerald Awards (\$25,000).

Engineering, Operations & Compliance Committee

Resolution No. 039-11 authorizing a modification to the contract with Mining and Reclamation, Inc. for seeding, fertilizing, and mulching at the Franklin County Sanitary Landfill.

Resolution No. 040-11 authorizing a contract with Catskill Remedial Contracting Services, Inc. for Phase H3 Stage 1 Separatory Liner construction at the Franklin County Sanitary Landfill (\$3,035,000).

Resolution No. 041-11 authorizing a contract with Ohio Machinery Company DBA Ohio CAT to purchase a Caterpillar D-6 dozer for the Franklin County Sanitary Landfill (\$275,000).

Resolution No. 042-11 authorizing a modification to the contract with Beems BP Distributing, Inc. for the purchase of bulk fuels for fleet and waste handling equipment (\$500,000).

Resolution No. 043-11 authorizing a contract with Columbia Industries, LLC. for the purchasing of a low-profile trailer tipper for the Franklin County Sanitary Landfill and to waive competitive sealed bids (\$367,000).

Resolution No. 044-11 authorizing a contract with Liberty Tire Recycling, LLC to purchase tire chips for the Franklin County Sanitary Landfill and to waive competitive sealed bids (\$110,000).

Legal & Legislative Committee

Resolution No. 045-11 authorizing the Executive Director to enter into a new legal services agreement for labor and employment matters with the law firm of Isaac, Brant, Ledman & Teetor, LLP (\$25,000).

Resolution No. 046-11 authorizing the Executive Director to enter into a Settlement Agreement with Republic Services of Ohio III, LLC.

Resolution No. 047-11 authorizing the Executive Director to enter into a Waiver Agreement with Republic Services of Ohio III, LLC.

Resolution No. 048-11 amending Resolution No. 110-08, to amend District Rule 9-2008 "Unacceptable Waste Rule". (SWACO Staff is requesting to table until May 3, 2011, Board meeting).

Board of Trustees Resolutions

7. Board Discussion

8. Executive Staff's Report

- a. Nationwide Children's Hospital Waste Diversion Presentation
- b. Emerald Awards

c. Field Trip To Medina MRF

9. **Staff Approved Contracts and Expenditures**

10. **Public Comment Period**

11. **Upcoming Meetings**

Joint Committee Meeting

Planning & Programs Committee

Engineering & Operations Committee

April 19, 2011 (Tuesday) – 2:30 pm

SWACO Administrative Office Building

4239 London-Groveport Road

Grove City, Ohio 43123

Administrative Services Committee

April 19, 2011 (Tuesday) – 5:00 pm

Frick Law Building

1265 Neil Avenue

Columbus, Ohio 43201

Audit & Finance Committee

April 28, 2011 (Thursday) – 3:30 p.m.

PNC Bank

155 E. Broad Street – 7th Floor

Columbus, Ohio 43215

Board of Trustees Meeting

May 3, 2011 (Tuesday) – 2:30 p.m.

Solid Waste Authority of Central Ohio

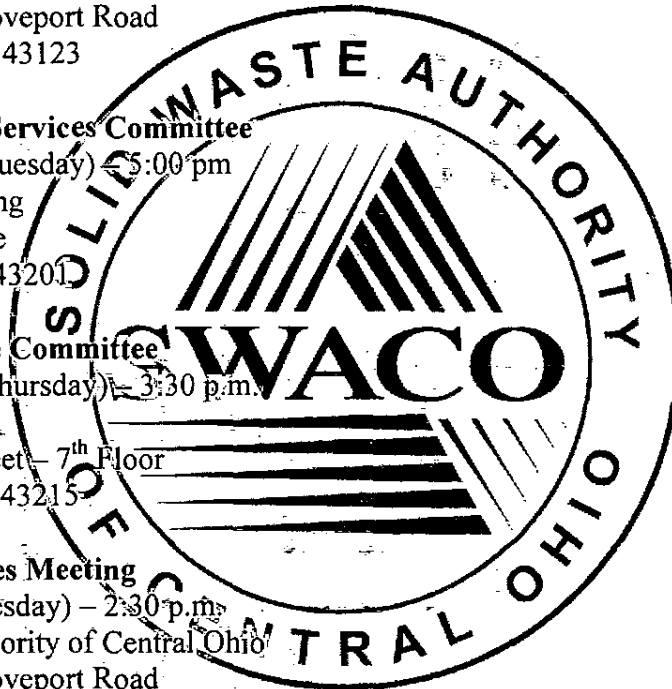
4239 London-Groveport Road

Grove City, Ohio 43123

Legal & Legislative Committee

To be determined

12. **Adjourn**





Authorizing agreements with Huntington National Bank for banking and related services (\$15,000).

Audit & Finance Committee

SWACO requested proposals from eligible depository banks to provide banking, depository, and related services to SWACO for a three-year period with an option of two additional one-year terms upon the mutual agreement of the parties. Staff evaluated the proposals and determined Huntington National Bank ("Huntington") submitted the best proposal for banking services based on a number of criteria including proposed fees, availability of services, and overnight investment rates.

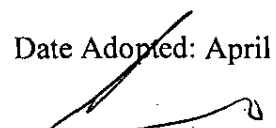
Huntington is currently designated as an eligible depository for receipt of active and interim deposits of SWACO through November 12, 2011 at limits of \$5,000,000 each. Huntington has submitted an updated Agreement for Deposit of Public Funds increasing the limits to \$20,000,000 each.


Requested by: Lynda Sudderberg, Chief Financial Officer

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

1. The Executive Director, or his designee, is authorized to enter into a contract with Huntington National Bank for banking services for a three-year period beginning May 1, 2011, and to execute such documents as may be necessary to implement this Resolution.
2. SWACO is authorized to expend an amount not to exceed \$15,000 pursuant to such contract.
3. The Executive Director or the Chief Financial Officer are authorized to enter into an Agreement for Deposit of Public Funds with Huntington National Bank.
4. This resolution shall be in full force from and immediately upon its adoption.

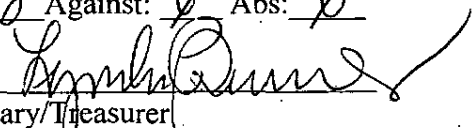
Date Adopted: April 5, 2011


Chairman, Board of Trustees (Acting)


Approved as to form, Chief Counsel

Vote:

For: 6 Against: 0 Abs: 0


Secretary/Treasurer



Authorizing a contract modification with Phyllis VanArsdale (DBA VanArsdale Management) for event management of SWACO's Emerald Awards (\$25,000).

Planning and Programs Committee

As part of SWACO's community outreach, SWACO annually sponsors the Central Ohio Emerald awards to recognize outstanding recycling and waste reduction programs in SWACO's solid waste district. SWACO previously entered into a contract with Phyllis VanArsdale (DBA VanArsdale Management) for event management of the Emeralds. This contract modification will enable SWACO to pay VanArsdale commission on sponsorships sold to defray the cost of the Emeralds. This contract modification will result in no additional cost to SWACO as the monies involved come from revenue generated from sponsors of the event.

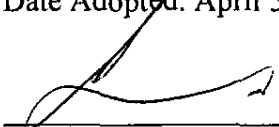
Requested by: John Remy, Director of Communications

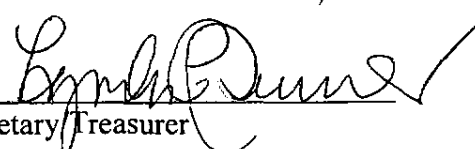
BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

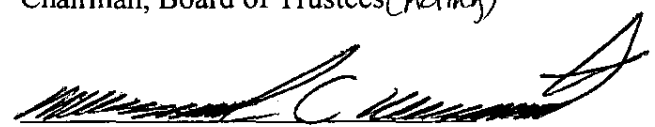
1. The Executive Director is authorized to modify an existing contract with Phyllis VanArsdale (DBA VanArsdale Management) adding \$25,000 to the original amount of the agreement. The total contract with modifications will not exceed \$50,000.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011

Vote:
For: 6 Against: 0 Abs: 0


Chairman, Board of Trustees (Acting)


Secretary/Treasurer


Approved as to form, Chief Counsel

Resolution 038-11

Exhibit A

Authorizing a contract modification with Phyllis VanArsdale (DBA VanArsdale Management) for event management of SWACO's Emerald Awards (\$25,000).

Page 2 of 2

TERM SHEET

Description

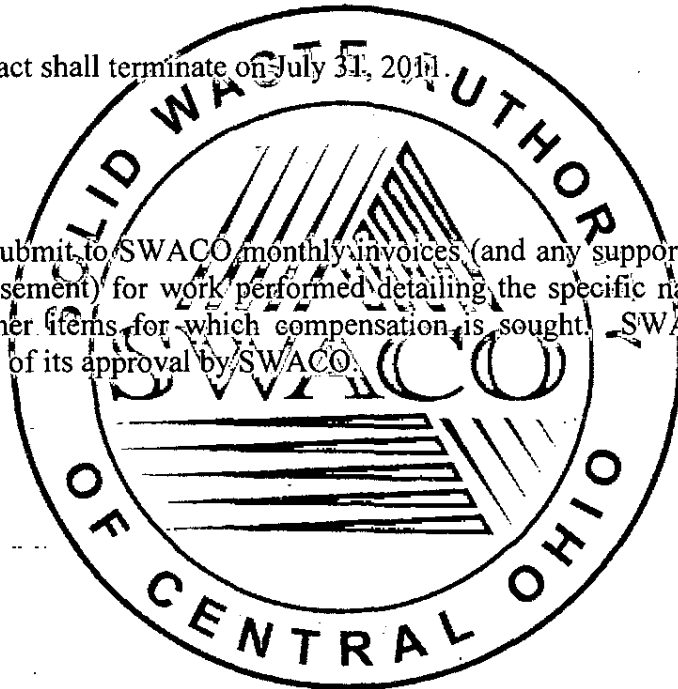
A contract modification with Phyllis VanArsdale (DBA VanArsdale Management) for event management of SWACO's Emerald Awards

Term of agreement

The term of this Contract shall terminate on July 31, 2011.

Terms of Payment

The Contractor shall submit to SWACO monthly invoices (and any supporting documents such as needed for reimbursement) for work performed detailing the specific nature of the Services rendered; and any other items for which compensation is sought. SWACO shall pay such invoice within 30 days of its approval by SWACO.





Authorizing a modification to the contract with Mining and Reclamation, Inc. for seeding, fertilizing, and mulching at the Franklin County Sanitary Landfill.

Engineering, Operations and Compliance Committee


Previously SWACO Board of Trustees authorized a contract with Mining and Reclamation, Inc. for seeding, fertilizing and mulching services. The contract was awarded through a competitive, sealed bid process. SWACO has a need for these services to stay compliant with the facility Permit To Install, facility Operating License, and all other environmental regulatory laws and rules. During the term of the contract staff has been pleased with the performance and value Mining and Reclamation, Inc has provided. Staff recommends extending the Contract Term to December 31, 2011. No additional funds are needed.

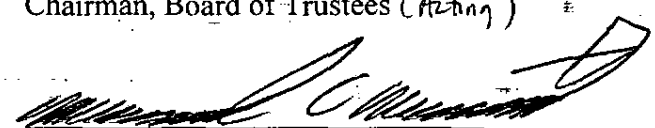
Requested By: Scott Perry, Senior Landfill & Equipment Manager

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

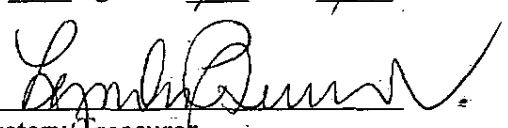
1. The Executive Director is authorized to modify the contract with Mining and Reclamation, Inc. to extend the Contract Term through December 31, 2011.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011


Chairman, Board of Trustees (Acting)


Approved as to form, Chief Counsel

Vote:
For: 6 Against: 0 Abs: 0


Secretary/Treasurer

Resolution 039-11

Authorizing a modification to the contract with Mining and Reclamation, Inc, for seeding, fertilizing and mulching at the Franklin County Sanitary Landfill.

Page 2 of 2

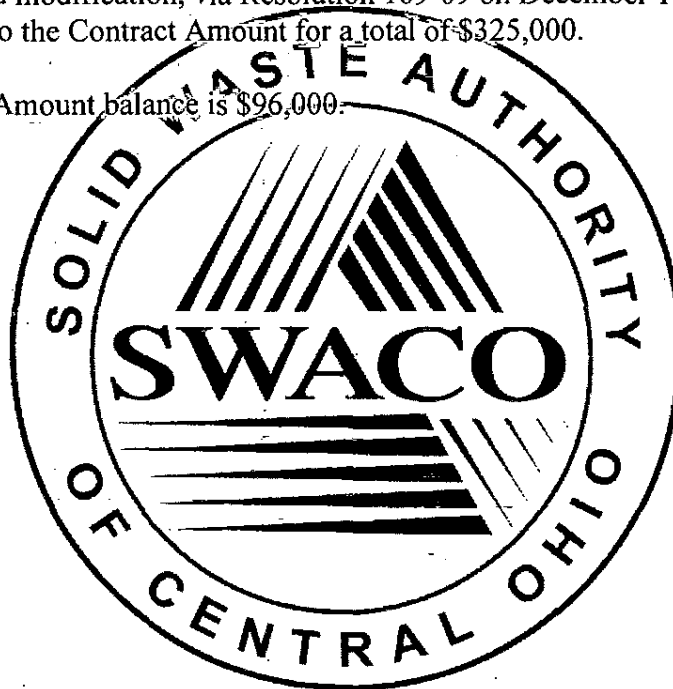
CONTRACT HISTORY

On May 6, 2008 the SWACO Board of Trustees approved Resolution 61-08 to authorize a contract with Mining and Reclamation, Inc. for \$100,000 to provide seeding, fertilizing and mulching services at the Franklin County Sanitary Landfill.

Since the original contract approval, the SWACO Board of Trustees has approved the following two contract modifications:

- The first modification, via Resolution 132-08 on December 2, 2008, added \$125,000 to the Contract Amount for a total of \$225,000.
- The second modification, via Resolution 169-09 on December 1, 2009, added \$100,000 to the Contract Amount for a total of \$325,000.

The current Contract Amount balance is \$96,000.





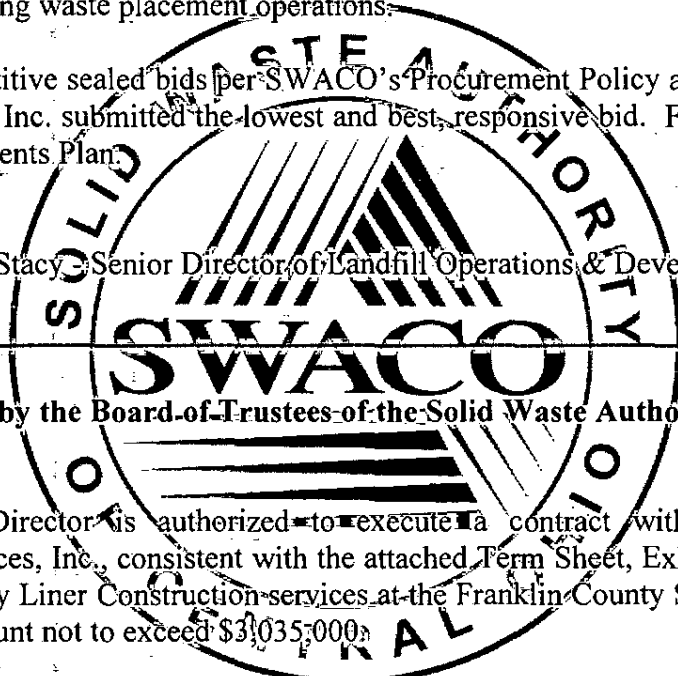
Authorizing a contract with Catskill Remedial Contracting Services, Inc. for Phase H3 Stage 1 Separatory Liner construction at the Franklin County Sanitary Landfill (\$3,035,000).

Engineering, Operations and Compliance Committee

SWACO has a need to construct of a portion of Phase H3 Stage 1 Separatory Liner Construction services and related appurtenances at the Franklin County Sanitary Landfill (FCSL). The appurtenances include a leachate conveyance piping and associated surface water sedimentation pond. The project will allow efficient filling of the landfill and improved surface water discharge control during waste placement operations.

Staff solicited competitive sealed bids per SWACO's Procurement Policy and Catskill Remedial Contracting Services, Inc. submitted the lowest and best responsive bid. Funding is included in the Capital Improvements Plan.

Requested by: Jack Stacy, Senior Director of Landfill Operations & Development



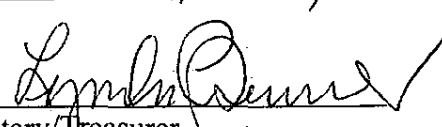
BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

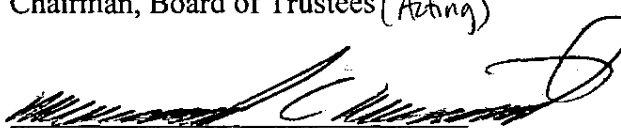
1. The Executive Director is authorized to execute a contract with Catskill Remedial Contracting Services, Inc., consistent with the attached Term Sheet, Exhibit A, for Phase H3 Stage 1 Separatory Liner Construction services at the Franklin County Sanitary Landfill, and to expend an amount not to exceed \$3,035,000.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011

Vote: /
For: 6 Against: 0 Abs: 0


Chairman, Board of Trustees (Acting)


Secretary/Treasurer


Approved as to form, Chief Counsel

TERM SHEET

Description

Earthwork services related to Phase H3 Stage 1 Separatory Liner Construction and of related appurtenances at the FCSL.

Term of agreement

The contract will terminate 360 days after execution of the contract. The contract may be terminated by SWACO for any or no reason, or upon such terms as the parties may mutually agree. Substantial completion of the work is required by September 15, 2011.

Terms of Payment

Payment is based on submitted bid prices and field measured quantities.

Under the terms of the agreement, Catskill Remedial Contracting Services, Inc. will submit monthly invoices for progress payments to SWACO. Within thirty days of receipt of the invoice, SWACO can make payment without incurring any late or delinquent charges. Retainage as follows:

LABOR PAYMENTS:

- Progress payments to the Contractor for labor performed under either a Unit Price or lump sum Contract shall be made at the rate of 92% of the labor invoiced through the Application for Payment.
- After the Contract is 50% complete, as evidenced by payments in the amount of at least 50% of the total Contract Price to the Contractor, no additional funds shall be retained from payments for labor.

MATERIAL PAYMENTS

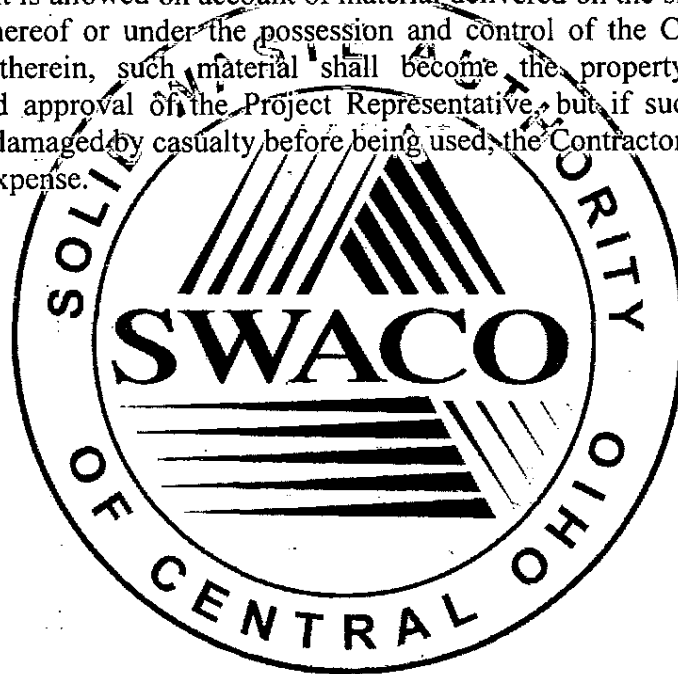
- SWACO shall pay to the Contractor, at the rate of 92% of the costs invoiced on the Application for Payment, not to exceed the Bid amount in a Unit Price or lump sum Contract, for material delivered to the site of the Project, or other point in the vicinity of the Project, or other storage site approved by the Project Representative, provided the Contractor provides the following information with the Application for Payment:
 - A list of the fabricated materials consigned to the Project, giving the place of storage, together with copies of invoices, in order to verify quantity and cost.

Exhibit A - 040-11

Authorizing a contract with Catskill Remedial Contracting Services, Inc. for Phase H3 Stage 1 Separatory Liner Construction services at the Franklin County Sanitary Landfill (\$3,035,000).

Page 3 of 4

- A certification of materials stored on or off site, prepared by the Contractor and signed by the Project Representative to evidence that the materials are in conformity with the Specifications and have been tagged with the Project name and number for delivery to the Project. All costs incurred by the Project Representative to visit a storage site, other than the areas adjacent to the Project, shall be paid by the Contractor.
- Representative to visit a storage site, other than the areas adjacent to the Project, shall be paid by the Contractor.
- The balance of such invoiced cost shall be paid when such material is incorporated into and becomes a part of the Work of the Project.
- When payment is allowed on account of material delivered on the site of the Project or in the vicinity thereof or under the possession and control of the Contractor but not yet incorporated therein, such material shall become the property of SWACO upon inspection and approval of the Project Representative, but if such material is stolen, destroyed, or damaged by casualty before being used, the Contractor shall replace it at the Contractor's expense.

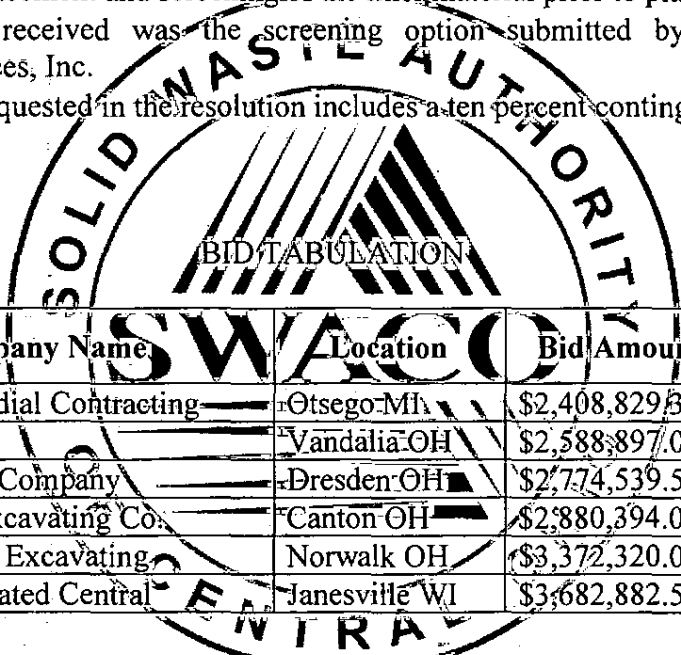


ITB SUMMARY

Selection Process

- SWACO publicly advertised this project in the Columbus Dispatch on March 2, 2011 and made the Invitation To Bid packet available.
- Proposals were due on March 23, 2011.
- Six submittal packages were received by SWACO and evaluated by SWACO staff.
- Catskill Remedial Contracting Services, Inc. was the lowest and best, responsive bidder
- Bids were received for two construction alternatives, manual rock picking of the liner material during placement and screening of the liner material prior to placement.
- The lowest bid received was the screening option submitted by Catskill Remedial Contracting Services, Inc.
- The \$3,035,000 requested in the resolution includes a ten percent contingency.

Bidders



Rank	Company Name	Location	Bid Amount	Bid Amount Adjusted*
1	Catskill Remedial Contracting	Otsego MI	\$2,408,829.39	\$2,758,404
2	R.B. Jergens	Vandalia OH	\$2,588,897.08	\$2,927,801
3	R.F. Scurlock Company	Dresden OH	\$2,774,539.53	\$3,201,505
4	The Beaver Excavating Co.	Canton OH	\$2,880,394.00	\$3,309,044
5	Mark Schaffer Excavating	Norwalk OH	\$3,372,320.00	\$3,894,380
6	Ryan Incorporated Central	Janesville WI	\$3,682,882.50	\$4,173,133

*All bids received adjusted to account for a calculation change in the density of tire shreds placed as filter material. As a result, it is projected that more aggregate than originally estimated will be needed for the leachate collection layer.

- In-place density of the shreds may be higher than assumed in the bidding process resulting in a smaller area in which shreds are used. The quantity of shreds available for SWACO to purchase is limited to the number of tons used in the bidding documents.
- A smaller tire shred area will result in an increase in the area in which ordinary aggregate is used. All bids were adjusted to reflect an increase in the aggregate leachate collection layer quantity from 11,500 tons to 19,000 tons.



Authorizing a contract with Ohio Machinery Company DBA Ohio CAT to purchase a Caterpillar D-6 dozer for the Franklin County Sanitary Landfill (\$275,000).

Engineering, Operations and Compliance Committee

SWACO has the need to purchase a Caterpillar D-6 to maintain the operation of the Franklin County Sanitary Landfill in compliance with the facility Permit To Install, facility Operating License, and accomplish the equipment replacement schedule. The State of Ohio awarded a competitively bid STS515 contract to Ohio Machinery DBA Ohio CAT, Schedule #778515H, to supply heavy equipment which meets the requirement of SWACO. Funding is included in the 2011 Capital Equipment Budget.

Requested by: Scott Perry, Senior Landfill & Equipment Manager

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

1. The Executive Director is authorized to execute a contract with Ohio Machinery Company DBA Ohio CAT, consistent with the attached Term Sheet, Exhibit A, to purchase a Caterpillar D-6 dozer, and to expend an amount not to exceed \$275,000.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011

Vote: For: 6 Against: 0 Abs: 0

[Signature] Chairman, Board of Trustees (Acting)

[Signature] Secretary/Treasurer

[Signature] Approved as to form, Chief Counsel

Exhibit A - 041-11

Authorizing a contract with Ohio Machinery Company DBA Ohio CAT to purchase a Caterpillar D-6 dozer for the Franklin County Sanitary Landfill (\$275,000).

Page 2 of 2

TERM SHEET

Description

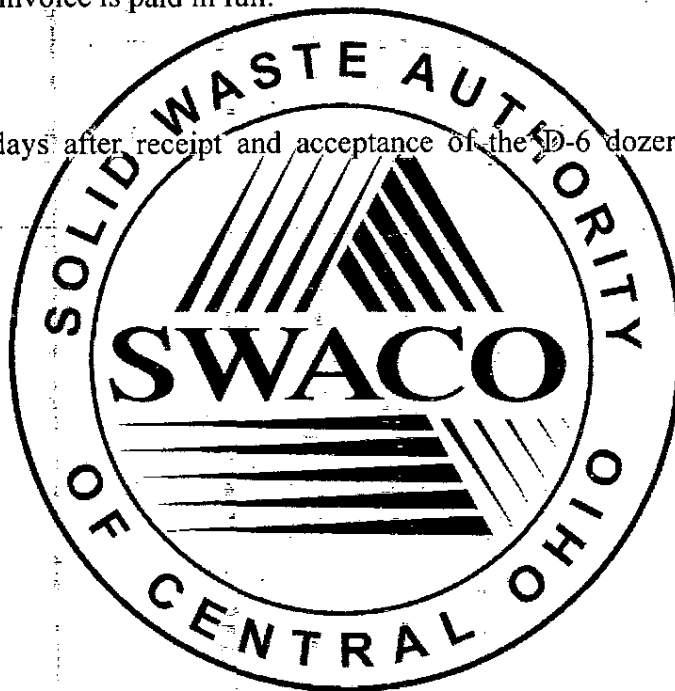
Purchase of a D-6 dozer for the operation of the Franklin County Sanitary Landfill.

Term of agreement

This agreement will terminate once SWACO takes delivery of the D-6 dozer, accepts the piece of equipment and the invoice is paid in full.

Terms of Payment

SWACO has thirty days after receipt and acceptance of the D-6 dozer to pay the vendor's invoice.





Authorizing a modification to the contract with Beems BP Distributing, Inc. for the purchase of bulk fuels for fleet and waste handling equipment (\$500,000).

Engineering, Operations and Compliance Committee

SWACO has the need to purchase bulk fuels to operate all of its fleet and waste handling equipment. SWACO is purchasing through cooperative governmental contracts in order to take advantage of bulk pricing. The Franklin County Commissioners competitively bid (2009-04-57) and awarded a two-year contract, No. 2009-04-57, with the option to extend one additional two-year contract period to Beems BP Distributing Inc. The two-year contract ends at the end of 2011, SWACO and Beems BP has agreed to offer SWACO the Franklin County bid price for an additional six month in the event that Franklin County does not renew their additional two-year option.

Requested By: Scott Perry, Senior Landfill & Equipment Manager

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

1. The Executive Director is authorized to modify the contract with Beems BP Distributing, Inc. to purchase of bulk fuels for fleet and waste handling equipment and to expend an amount not to exceed \$500,000.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011

Vote: For: 6 Against: 0 Abs: 0

[Signature] Chairman, Board of Trustees (Acting)

[Signature] Secretary/Treasurer

[Signature] Approved as to form, Chief Counsel

Resolution 042-11

Authorizing a modification to the contract with Beems BP Distributing, Inc. for the purchase of bulk fuels for fleet and waste handling equipment (\$500,000).

Page 2 of 2

CONTRACT HISTORY

On January 19, 2010, the SWACO Board of Trustees adopted Resolution No. 10-10 to authorize a contract with Beems BP Distributing, Inc. for the purchase of bulk fuel for the SWACO fleet and waste handling equipment for \$3,500,000. SWACO has traditionally purchased fuel through cooperative governmental contracts in order to take advantage of bulk pricing. The Franklin County Commissioners have competitively bid and awarded a two-year contract, No. 2009-04-57, with the option to extend for one additional two-year period to Beems BP Distributing Inc. The price is acceptable to SWACO and Beems BP has agreed to offer SWACO the Franklin County bid pricing.





Authorizing a contract with Columbia Industries, LLC. for the purchasing of a low-profile trailer tipper for the Franklin County Sanitary Landfill and to waive competitive sealed bids (\$367,000).

Engineering, Operations and Compliance Committee

SWACO has the need to purchase a Columbia low-profile trailer tipper to maintain the operation of the Franklin County Sanitary Landfill (FCSL) and accomplish the equipment replacement schedule. This unit services the SWACO transfer operation and the private haulers. It allows for the efficient tipping and handling of more than one-third of the annual waste stream delivered to the FCSL. Funding for the purchase is included in the approved Capital Equipment Budget.

Justification for Waiver

Pursuant to Section 7(c) of SWACO's procurement policy, it is in the best interest of SWACO to waive competitive sealed bids. SWACO owns and operates two Columbia low-profile truck tippers. The fleet maintenance department also has an auxiliary power unit and inventory parts for Columbia low-profile truck tippers. SWACO staff has determined that it is in the best interest of the organization to purchase the Columbia low-profile truck tipper.

Requested By: Scott Perry, Senior Landfill & Equipment Manager

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

1. The Executive Director is authorized to execute a contract with Columbia Industries, LLC consistent with the attached Term Sheet, Exhibit A, to purchase of a low-profile trailer tipper, and to expend an amount not to exceed \$367,000.
2. Pursuant to Section 7(c) of SWACO's procurement policy, it is in the best interest of SWACO to waive competitive sealed bids.
3. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011

Chairman, Board of Trustees (Acting)

Approved as to form, Chief Counsel

Vote: For: 6 Against: 0 Abs: 0

Secretary/Treasurer

Exhibit A - 043-11

Authorizing a contract with Columbia Industries, LLC, for purchasing of a low-profile trailer tipper for the Franklin County Sanitary Landfill and to waive competitive sealed bids (\$367,000).

Page 2 of 2

TERM SHEET

Description

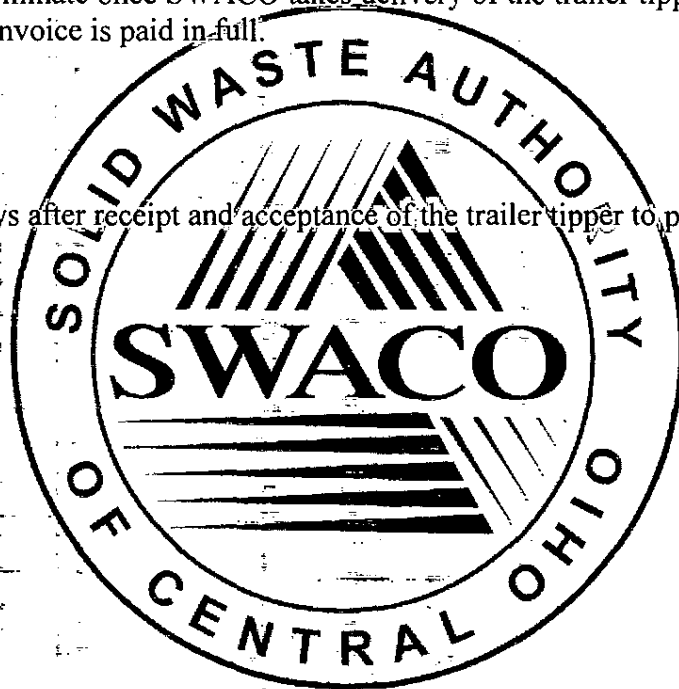
Purchase of a low-profile trailer tipper for the Franklin County Sanitary Landfill.

Term of agreement

The agreement will terminate once SWACO takes delivery of the trailer tipper, accepts the piece of equipment and the invoice is paid in full.

Terms of Payment

SWACO has thirty days after receipt and acceptance of the trailer tipper to pay the vendor's invoice.





Authorizing a contract with Liberty Tire Recycling, LLC to purchase tire chips for the Franklin County Sanitary Landfill and to waive competitive sealed bids (\$110,000).

Engineering, Operations and Compliance Committee

SWACO has the need to purchase tire chips for the Separatory Liner Construction project at the Franklin County Sanitary Landfill. This product will be used for the Leachate drainage layer and the gas system project. This use of tire chips has a cost benefit of over \$400,000 dollars when compared to the use of aggregate. The Ohio Administrative Code allows beneficial use of tire chips in construction and has provisions that encourage their use in landfill construction as aggregate substitute.

Justification for Waiver

Pursuant to Section 7(a) of SWACO's procurement policy, after conducting a reasonable investigation, only one company is capable of supplying the specification of tire chips required in the time frame needed for construction. As a result, Liberty Tire Recycling, LLC is a sole source provider for tire chips.

Requested By: Scott Perry, Senior Landfill & Equipment Manager

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

1. The Executive Director is authorized to execute a contract with Liberty Tire Recycling, LLC, consistent with the attached Term Sheet, Exhibit A, to purchase tire chips, and to expend an amount not to exceed \$110,000.
2. Pursuant to Section 7(a) of SWACO's procurement policy, it is in the best interest of SWACO to waive competitive sealed bids.
3. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011

Vote: For: 6 Against: 0 Abs: 0

Chairman, Board of Trustees (Acting)

Secretary/Treasurer

Approved as to form, Chief Counsel

Exhibit A - 044-11

Authorizing a contract with Liberty Tire Recycling, LLC to purchase tire chips for the Franklin County Sanitary Landfill and to waive competitive sealed bids (\$110,000).

Page 2 of 2

TERM SHEET

Description

SWACO will enter into a contract with Liberty Tire Recycling, LLC, to purchase tire chips for the Separatory Liner Construction project at the Franklin County Sanitary Landfill.

Term of agreement

The agreement will expire on December 31, 2011 and will follow SWACO'S normal terms of cancellation.

Terms of Payment

SWACO has thirty days after delivery of tire chips to pay vendor invoice.





Authorizing the Executive Director to enter into a new legal services agreement for labor and employment matters with the law firm of Isaac, Brant, Ledman & Teetor, LLP (\$25,000).

Legal and Legislative Committee

SWACO previously entered into an agreement for outside counsel legal services relating to labor and employment issues with the law firm of Isaac, Brant, Ledman & Teetor, LLP (Isaac Brant). SWACO regularly assigns Isaac Brant various matters, including workers compensation appeals, employee handbook revisions, defense of employee wrongful termination claims, termination advice, compliance advice with respect to state and federal legislation, safety advice, employee benefits, and a host of other matters. However, the existing agreement has several modifications which overlap, and the delineation of terms and services provided under each modification is unclear. This resolution terminates any and all existing agreements and authorizes the Executive Director to enter into a new contract with Isaac Brant not to exceed twenty-five thousand dollars (\$25,000.00) that will be in effect until December 31, 2011. Isaac Brant is also in agreement as to the termination of the previous agreements and the execution of a new agreement for legal services.

Requested by: Sarah Lynn, Assistant Chief Counsel

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

1. The Executive Director is authorized to terminate any and all previous agreements with Isaac, Brant, Ledman & Teetor and enter into a new agreement for legal services, and to expend a total amount not to exceed \$25,000.
2. This resolution shall be in full force and effect from and immediately upon its adoption:

Date Adopted: April 5, 2011

Vote: For: 6 Against: 0 Abs: 0

Chairman, Board of Trustees (Acting)

Secretary/Treasurer

Approved as to form, Chief Counsel



Authorizing the Executive Director to enter into a Settlement Agreement with Republic Services of Ohio III, LLC.

Legal and Legislative Committee

On or about November 3, 2009, SWACO, pursuant its authority under section 343.01(I)(2) of the Revised Code, granted Republic Services of Ohio III, LLC ("Republic") a Waiver authorizing Republic to deliver solid waste generated within the District to non-designated solid waste facilities located Out of District for calendar year 2010. This Resolution authorizes the Executive Director to enter into a Settlement Agreement with Republic relating to unpaid fees for the tonnages taken to said non-designated facilities for disposal under the 2010 Waiver Agreement. This Settlement Agreement shall constitute the complete and final settlement of any and all claims, differences, and causes of action between SWACO and Republic, and Republic is amenable to the terms and conditions as currently drafted. Staff recommends the Board adopt this Resolution as this Agreement is in the best interest of SWACO and acts as a final and expeditious solution to this matter.

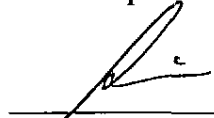
Requested by: Danielle Kuskowski, Staff Counsel

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

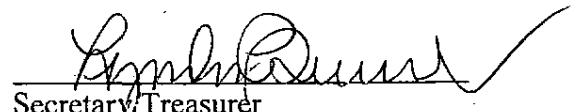
1. The Executive Director is authorized to enter into a Settlement Agreement with Republic Services of Ohio III, LLC to resolve any and all claims relating to the 2010 Waiver Agreement.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011

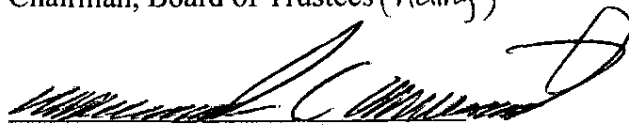
Vote:
For: 6 Against: 0 Abs: 0



Chairman, Board of Trustees (Acting)



Secretary/Treasurer



Approved as to form, Chief Counsel



Authorizing the Executive Director to deny the Waiver Request submitted by Republic Services of Ohio III, LLC.

Legal and Legislative Committee

In accordance with Chapters 343 and 3734 of the Revised Code, the District Plan, and the District Rules, all Solid Waste generated within the District shall be delivered only to Solid Waste facilities designated by SWACO, unless a waiver granted by SWACO pursuant to section 343.01(I)(2) of Revised Code authorizes the delivery of District Solid Waste to facilities that are not designated. Republic Services of Ohio III, LLC ("Republic") has submitted a waiver request to SWACO to allow the delivery of Solid Wastes generated within the District to a Non-Designated Facility, the Reynolds Avenue Transfer Station facility owned by Republic. The request proposes to substitute or "trade" the right to deliver Out of District Solid Waste and Construction and Demolition Debris to the Franklin County Sanitary Landfill in place of only those Solid Wastes generated within the District. However, after a discussion with Republic as to the terms to be included in the Waiver Agreement, the parties have reached an impasse. Specifically, Republic has refused to agree to a provision requiring that if a violation of the Waiver Agreement occurred and litigation was necessary, SWACO would be entitled to damages, including the statutory penalty found in Ohio Revised Code §343.99. Staff has determined these terms are necessary for enforcement authority and to assure such waiver requests will not adversely affect the implementation and financing of the District Plan, and thus recommends the Board deny the Waiver Request submitted by Republic.

Requested by: Danielle Kuskowski, Staff Counsel

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:

- 1. The Executive Director is authorized to deny the Waiver Request submitted by Republic Services of Ohio III, LLC.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: April 5, 2011

Vote: For: 6 Against: 0 Abs: 0

[Signature]
Chairman, Board of Trustees (Acting)

[Signature]
Secretary/Treasurer

[Signature]
Approved as to form, Chief Counsel

February 2011 Staff Approved Contracts/Purchase Orders

Vendor	Description	Not to Exceed Amount
McNeilus Trucking and Manufacturing	Fleet and landfill parts	\$ 25,000
Mitch Given Consulting Ltd	Professional services	24,000
SWACO employee	Separation agreement	14,500
		<u>\$ 63,500</u>

*Contracts/purchase orders under \$5,000 threshold total \$1,278. Full list available upon request.



February 2011 Staff Approved Expenditures

<u>Vendor</u>	<u>Description</u>	<u>Total</u>
Scott B. Perry	Tuition reimbursement	\$ 3,000
Ohio Buckeye Chapter - SWANA	MOLO training	2,500
Lowe's Business Account	Grounds and building maintenance	2,343
Grainger, Inc.	Repair sewer station	1,576
A1 Tarps	Tarps	1,421
CareerBuilder, LLC	Job posting	1,400
Loth, Inc.	Work station changes	1,393
Kipling Enterprises, Inc.	Dumpster liner	1,356
Royalty Enterprises, Inc.	CNG	988
Carl Zipf Lock Shop, Inc.	Lock services	828
Decker Construction Company	Grounds and building maintenance	800
Columbus Fasteners Corporation	Fleet parts	789
City of Columbus	Building permit for 2512 Jackson Pike	750
Pressure Connections	Fleet parts	733
Sanese Services	Office supplies	681
LANDTEC North America, Inc.	Equipment parts	577
Best Courier, Inc.	Courier service	535
Terminix	Pest control services	521
J&K Wellheads, Inc.	Grounds and building maintenance	510
		\$ 22,702

**Expenses under \$500 threshold total \$9,891. Full list available upon request.*

