



Adopting the Operating Budget of the Solid Waste Authority of Central Ohio for the year ending December 31, 2017.

Not Referred from Committee

This resolution adopts SWACO's Operating Budget for the year ending December 31, 2016, and authorizes expenditures as detailed in Section 1.

Requested by: David Logan, Accounting and Finance Manager

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

1. The following expenditures relative to the 2017 Operating Budget are hereby approved for the Operating Fund and Program Fund for the year ending December 31, 2017:

Account Category

Salaries, wages, and benefits	\$ 10,217,362
Contracts, services, and supplies	15,455,718
Grants awarded	370,809
Capital equipment and major components.....	4,435,000
Capital purchases and improvements.....	1,745,000
Contingency	781,000

2. The Accounting and Finance Manager or Executive Director's Designee is authorized and directed to make all debt service and capital lease payments due during 2017 for long-term and other debt obligations approved by the Board of Trustees.
3. The Accounting and Finance Manager or Executive Director's Designee is authorized and directed to pay all solid waste fees and out-of-district fees due and payable for the disposal of municipal solid waste at SWACO facilities.
4. The Accounting and Finance Manager or Executive Director's Designee is authorized and directed to deposit into the Landfill Closure Trust Fund established by the Board of Trustees the amounts required by EPA regulation for the calendar year 2017.
5. The Executive Director is authorized to pay contracts previously approved by the Board of Trustees during 2017, which have been included in the calendar year 2017 budget and have remaining unexpended monies at the end of 2016.

Adopting the Operating Budget of the Solid Waste Authority of Central Ohio for the year ending December 31, 2017.

Page 2 of 2

6. The obligations of SWACO for the payment of public utility expenses, including but not limited to telephone, electric, gas, water and sewer, and obligations to other governmental entities for licenses, permits, surcharges, taxes, or other fees necessary in the operation of SWACO, are exempt from the expenditure limits established in SWACO's current procurement policy.
7. Modifications to the monthly amounts contributed by SWACO and each employee for health care coverage and benefits are hereby approved as follows. The monthly cost per employee under the Franklin County health care plan has been budgeted for an increase of approximately seven and two tenths percent (7.2%).
8. The Accounting and Finance Manager or Executive Director's Designee is directed to provide budget status reports to the Audit and Finance Committee of the Board of Trustees not less than quarterly.
9. Revenue received for the capital equipment and major component purchases shall carry over if an item is ordered but not received until the following year, then the funds available shall carry over to fund the purchase.
10. This resolution shall be in full force and effect as of January 1, 2017.

Date Adopted: December 6, 2016

Vote:

For: 6 Against: 0 Abs: 0


Kenneth N. Wilson
Chairman, Board of Trustees


Katherine M. Schwartz, Secretary

Approved as to Form:


Rebecca L. Egelhoff, Managing Counsel



RESOLUTION NO. 064-16

Authorizing the Executive Director to enter into three (3) separate three (3)-year contracts with King Environmental Group, R.B. Jergens Contractors, Inc., and the Righter Company, Inc., for general construction services at the Franklin County Sanitary Landfill and its appurtenant facilities and to expend an amount not to exceed two hundred thousand dollars (\$200,000.00) with each contractor.

Committee of the Whole

SWACO has a need for general construction services at the Franklin County Sanitary Landfill ("FCSL"). This resolution will provide SWACO staff with access to general construction services that are required for efficient and compliant operation and maintenance of the FCSL and other SWACO facilities. Multiple contracts enable staff to select a contractor based on price and availability from the selected qualified contractors.

SWACO staff solicited for Statements of Qualification, pursuant to SWACO's Procurement Policy, to contract for these services. After evaluation and ranking of the Statements of Qualification, SWACO staff has deemed King Environmental Group, R.B. Jergens Contractors, Inc., and the Righter Company, Inc., as qualified companies to perform these services.

Staff recommends authorizing entering into three (3) separate three (3)-year contracts with King Environmental Group, R.B. Jergens Contractors, Inc., and the Righter Company, Inc., to provide general construction services for SWACO.

Requested by: Ernie Blankenship PE-PS, Landfill Engineer


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 three (3) separate three (3)-year contracts with King Environmental Group, R.B. Jergens Contractors, Inc., and the Righter Company, Inc., for general construction services at the Franklin County Sanitary Landfill and its appurtenant facilities and to expend an amount not to exceed two hundred thousand dollars (\$200,000.00) with each contractor.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: December 6, 2016

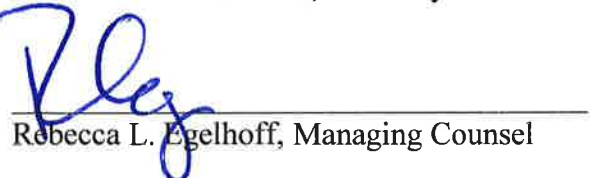
Vote:

For: 6 Against: 0 Abs: 0


Kenneth N. Wilson
Chairman, Board of Trustees


Katherine M. Schwartz, Secretary

Approved as to Form:


Rebecca L. Egelhoff, Managing Counsel



Authorizing the Executive Director to modify the contract with Vorys, Sater, Seymour and Pease LLP to expend an additional one hundred twenty-five thousand dollars (\$125,000.00) for a total amount not to exceed two hundred thousand dollars (\$200,000.00).

Committee of the Whole

On January 1, 2016, SWACO entered into a new contract with Vorys, Sater, Seymour and Pease LLP ("Vorys") for legal representation in the matter of *Rickey Dodge v. SWACO, et. al.*, CASE No. 15 CV 001382, Franklin County Court of Common Pleas ("Dodge Litigation"). During 2016, the parties completed extensive discovery in the Dodge Litigation, and the matter is scheduled for trial on November 29, 2016.

SWACO requests this modification to the contract with Vorys for the Dodge Litigation in order to pay outstanding invoices and provide additional funding necessary for trial preparation.

Requested by: Rebecca L. Egelhoff, Esq., Managing 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 modify the contract with Vorys, Sater, Seymour and Pease LLP for legal services related to the Dodge Litigation to expend an additional one hundred twenty-five thousand dollars (\$125,000.00) for a total amount not to exceed two hundred thousand dollars (\$200,000.00).
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: December 6, 2016

Vote:

For: 6 Against: 0 Abs: 0

Kenneth N. Wilson
Chairman, Board of Trustees

Katherine M. Schwartz, Secretary

Approved as to Form:

Rebecca L. Egelhoff, Managing Counsel



Authorizing an Issuance of Waiver to Waste Management of Ohio, Inc., for the transport of residual solid waste materials generated at the Waste Management Canal Winchester Materials Recovery Facility to an alternative facility for solidification and disposal.

Committee of the Whole

Waste Management ("WM") owns and operates a Materials Recovery Facility ("MRF") that sorts the recyclable materials collected for the purpose of processing said materials for reuse and reintroduction to the marketplace. The sorting and processing of these recyclable materials generates a solid waste, known as "residual"; these are materials that are non-recoverable either due to size or contamination and which cannot be reintroduced to the marketplace as recyclable material. A large portion of the residual is absorbent, fibrous material, which WM seeks to utilize to aid in the solidification of liquid solid wastes prior to disposal at its Suburban Recycling and Disposal Facility ("RDF") located in Glenford, Ohio.

WM has requested an Issuance of Waiver to deliver those residual solid waste materials generated at the MRF as a result of the processing activities to the WM RDF, a non-designated facility. The amount of residual solid waste materials generated at the MRF facility and delivered to the RDF for solidification and disposal shall not exceed five hundred fifty (550) tons per month. In addition to the requisite monthly reports to be submitted to SWACO regarding the amounts received at the RDF, WM shall remit fourteen dollars (\$14.00) per ton for the residual materials accepted at the RDF for solidification and disposal. Staff is recommending the Board of Trustees approve an Issuance of Waiver to WM, effective for a one (1)-year period, for the transport of solid waste materials generated at the Canal Winchester Materials Recovery Facility to the WM RDF for disposal.

Requested by: Danielle Kuskowski, Staff Attorney

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 an Issuance of Waiver to Waste Management of Ohio, Inc., for the transport of residual solid waste materials generated at the Waste Management Canal Winchester Materials Recovery Facility to an alternative facility for solidification and disposal.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: December 6, 2016

Vote:

For: 6 Against: 0 Abs: 0

Kenneth N. Wilson

Chairman, Board of Trustees

Katherine M. Schwartz, Secretary

Rebecca L. Egelhoff, Managing Counsel

Approved as to Form:



RESOLUTION NO. 067-16

Authorizing the Executive Director to enter into a one (1)-year contract with Wells Fargo Insurance Services USA, Inc., for excess liability insurance and to expend an amount not to exceed eighty thousand dollars (\$80,000.00).

Committee of the Whole

SWACO purchases excess liability insurance to minimize some of its risk exposures. Excess liability coverage includes general liability, public officials' liability, motor vehicle liability, Ohio employers' liability, and employee benefits liability insurance. The insurance covers up to five million dollars (\$5,000,000.00) with one million dollars (\$1,000,000.00) retention.

Wells Fargo Insurance Services USA, Inc., SWACO's risk management firm, has determined it to be in SWACO's best interest to renew its current policy. The current policy incorporates combined coverage that would normally require multiple policies.

Requested by: Patrick O'Block, Budget and Management Administrator

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 one (1)-year contract with Wells Fargo Insurance Services USA, Inc., to purchase excess liability insurance and to expend an amount not to exceed eighty thousand dollars (\$80,000.00).
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: December 6, 2016

Vote:

For: 6 Against: 0 Abs: 0

Kenneth N. Wilson
Chairman, Board of Trustees

Katherine M. Schwartz, Secretary

Approved as to Form:

Rebecca L. Egelhoff, Managing Counsel



RESOLUTION NO. 068-16

Authorizing the Executive Director to enter into a Global Settlement Agreement and Mutual Releases with Team Gemini Project Cardinal, LLC, Manhattan Construction Company, and all subcontractors and related entities, and to expend an amount not to exceed one million six hundred thousand dollars (\$1,600,000.00).

Not Referred from Committee

Pursuant to Resolution No. 025-16, on April 6, 2016, SWACO terminated the Land Development and Operating Agreement (“Operating Agreement”), as amended, with Team Gemini Project Cardinal, LLC (“TGPC”), as well as the two Ground Lease Agreements for the: (1) Material Recovery Facility on approximately ±22 acres (“MRF Lease”) and (2) Sustainable Industrial and Business Park on approximately ±343.51 acres (“Development Lease”), part thereof to the Operating Agreement.

As part of the Operating Agreement, the parties agreed that TGPC would build the new entrance road to the Franklin County Sanitary Landfill and SWACO would split the cost of the construction with TGPC, up to a cap of \$2.75Million. Subsequently, TGPC entered into a separate agreement with Manhattan Construction Company (“MCC”) for the construction of the new entrance road and the COR3 facility. Following termination of the Operating Agreement and Ground Lease Agreements by SWACO, MCC has submitted unpaid invoices for the construction to SWACO, who has disputed and denied complete liability.

After extensive settlement negotiations, SWACO, TGPC, MCC, and their related entities have agreed to a global settlement for any and all claims, known or unknown, in any way related to the construction project, as well as the Operating Agreement and Ground Lease Agreements, including an obligation of TGPC and MCC to pay all subcontractors and suppliers and indemnify and hold SWACO harmless based on any subcontractor or supplier claims. As such, this settlement shall constitute the complete and final settlement of any and all claims, differences, and causes of action among the parties, with SWACO reserving its rights for warranty claims or latent defects.

SWACO staff recommends the Board adopt this resolution authorizing the Executive Director to enter into the global settlement agreement and to expend an amount for settlement not to exceed one million six hundred thousand dollars (\$1,600,000.00), as it is in the best interest of SWACO and acts as a final and expeditious solution to this matter.

Requested by: Ty Marsh, Executive Director

RESOLUTION NO. 068-16

Authorizing the Executive Director to enter into a Global Settlement Agreement and Mutual Releases with Team Gemini Project Cardinal, LLC, Manhattan Construction Company, and all subcontractors and related entities, and to expend an amount not to exceed one million six hundred thousand dollars (\$1,600,000.00).

Page 2 of 2

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 Global Settlement Agreement and Mutual Releases with Team Gemini Project Cardinal, LLC, Manhattan Construction Company, and related entities, and to expend an amount not to exceed one million six hundred thousand dollars (\$1,600,000.00).
2. This resolution shall be in full force and effect from and immediately upon its adoption.

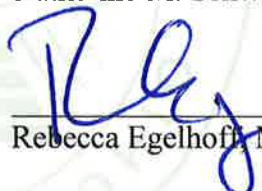
Date Adopted: December 6, 2016

Vote:

For: 6 Against: 0 Abs: 0


Kenneth N. Wilson
Chairman, Board of Trustees


Katherine M. Schwartz, Secretary


Approved as to Form: Rebecca Egelhoff, Managing Counsel