



Authorization for the Solid Waste Authority of Central Ohio to pick up the statutorily required contribution to the Ohio Public Employees Retirement System for employees pursuant to Internal Revenue Code Section 414(H)(2).

WHEREAS, pursuant to federal and Ohio laws, the employees of the Solid Waste Authority of Central Ohio ("SWACO") could defer the federal and state income taxes on a portion of their wages or salaries if SWACO would "pick up" (assume and pay) the statutorily required contribution by covered employees to Ohio Public Employees Retirement System ("OPERS"); and

WHEREAS, SWACO will not incur any additional costs in the deferment of federal and state income taxes.

Requested by: Jeff Wilkins, Director of Administration

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

1. Effective September 10, 2019 the full amount of the statutorily required contributions to OPERS shall be withheld from the gross pay of each person within any of the classes established in Section 2 herein and shall be "picked up" (assumed and paid to OPERS) by SWACO. This "pick up" by SWACO is, and shall be designated as, public employee contributions and shall be in lieu of contributions to OPERS by each person within any of the classes established in Section 2 herein. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it "picked up" by SWACO or of being excluded from the "pick up." SWACO shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this "pick up" has been made as provided by the statute.
2. The "pick up" by SWACO provided by this ordinance shall apply to all persons that are employees of SWACO who are or become contributing members of OPERS.
3. SWACO's method of payment of salary to employees who are participants in OPERS is hereby modified as follows, in order to provide for a salary reduction pick-up of employee contributions to OPERS.
4. The total salary for each employee shall be the salary otherwise payable under SWACO policies. Such total salary of each employee shall be payable by SWACO in two parts: (a) deferred salary and (b) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by OPERS to be paid as an employee contribution by that employee, and shall be paid by SWACO to OPERS on behalf of that employee as a pick-up and in lieu of the OPERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. SWACO shall compute and remit its employer contributions to OPERS based upon an employee's total salary. The total combined expenditures of SWACO for such employees' total salaries payable under applicable SWACO policies and the pick-up provisions of this Resolution shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

5. The Treasurer is hereby authorized and directed to implement the provisions of this Resolution to institute the "pick up" of the statutorily required contributions to OPERS for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferments and other benefits.

6. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: September 10, 2019


Vote:
For: 5 Against: 0 Abs: 0



Tracie Davies
Madam Chair, Board of Trustees



Danielle Kuskowski, Secretary

Approved as to Form: 

Rebecca L. Egelhoff, Managing Counsel

Brief Summary of Resolution

Resolution 034-19: Authorization for the Solid Waste Authority of Central Ohio to pick up the statutorily required contribution to the Ohio Public Employees Retirement System for employees pursuant to Internal Revenue Code Section 414(H)(2).

Requested by: Jeff Wilkins, Director of Administration

Description

This resolution authorizes the Solid Waste Authority of Central Ohio (SWACO) to pick up the statutorily required contribution to the Ohio Public Employees Retirement System (OPERS) for SWACO employees pursuant to Internal Revenue Code Section 414(H)(2).

Background and History

On October 6, 1992, SWACO passed Resolution No. 68-92 establishing a fringe benefit pick-up plan for all employees who are or become contributing members of the Ohio Public Employees Retirement System. The plan was reviewed by OPERS and approved as compliant with IRS guidelines on July 1, 2008.

This plan was discontinued and replaced with Resolution No. 17-10, which established a salary reduction pick-up for SWACO employees. The plan is not on file with OPERS but SWACO provided a copy after an onsite data validation review. However, the resolution as written is not compliant with IRS guidelines but clearly shows the intent of SWACO to offer the salary reduction pick-up. OPERS requested that SWACO provide a compliant plan and provide a copy of the salary reduction plan by resolution using the resolution template provided by OPERS.

Fiscal Impact

There is no additional cost impact to SWACO. SWACO reduces the employee's gross salary by the amount of the employee contribution (the pick-up), so there is no cost to SWACO. The employee pays less in federal and state income taxes because of the reduction in gross salary, so there is an increase in take-home pay. The IRS requires the salary reduction to be reported on the year-end W-2.



Authorizing the Executive Director to modify the contract with Columbus Peterbilt and expend an additional sixty-one thousand six hundred three dollars and sixty-four cents (\$61,603.64), for a total amount not to exceed one hundred twenty-six thousand six hundred three dollars and sixty-four cents (\$126,603.64).

SWACO currently has a contract with Columbus Peterbilt for the provision of parts and services to its twenty-nine (29) Peterbilt transfer trucks supporting the operations of the Franklin County Sanitary Landfill, Morse Road Eco-Station, and Jackson Pike Transfer Station. This initial contract was for sixty-five thousand dollars (\$65,000.00), and Staff is requesting a modification of an additional sixty-one thousand six hundred three dollars and sixty-four cents (\$61,603.64) to the contract.

Columbus Peterbilt is located less than two (2) miles from the SWACO repair shop which maintains the Peterbilt trucks in the SWACO fleet. Given the close proximity, parts are often delivered within minutes of placing an order, ensuring no interruptions in service. For these reasons and in order to continue to efficiently maintain the SWACO equipment fleet, Staff respectfully requests the Board authorize the modification to the contract with Columbus Peterbilt and waive the procurement requirements in the best interest of SWACO pursuant to Section 9.1.b of the Amended Procurement Policy.

Requested By: Bill Burns, Fleet and Facilities 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 Columbus Peterbilt for the provision of parts and services, expend an additional sixty-one thousand six hundred three dollars and sixty-four cents (\$61,603.64), for a total amount not to exceed one hundred twenty-six thousand six hundred three dollars and sixty-four cents (\$126,603.64).
2. Pursuant to Section 9.1.b. of the SWACO Procurement Policy, it is in the best interest of SWACO to waive the procurement requirements as contained in Section 8 of said Policy.
3. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: September 10, 2019

Vote:
For: 5 Against: 0 Abs: 0

Tracie Davies
Madam Chair, Board of Trustees

Danielle Kuskowski, Secretary

Approved as to Form: Rebecca L. Egelhoff, Managing Counsel

Brief Summary of Resolution

Resolution 035-19: Authorizing the Executive Director to modify the contract with Columbus Peterbilt and expend an additional sixty-one thousand six hundred three dollars and sixty-four cents (\$61,603.64), for a total amount not to exceed one hundred twenty-six thousand six hundred three dollars and sixty-four cents (\$126,603.64).

Requested by: Bill Burns, Fleet and Facilities Manager

Description

SWACO owns and operates twenty-nine (29) Peterbilt trucks that are used in the daily operations and support functions of the Franklin County Sanitary Landfill (FCSL), Morse Road Eco-Station, and Jackson Pike Transfer Station.

Purpose

This resolution modifies the current contract with Columbus Peterbilt for the continued provision of the parts and services necessary to effectively maintain the equipment for daily transfer and landfill operations.

Strategic Priority

Ongoing maintenance and repairs to transfer and landfill support equipment used in daily operations upholds SWACO's guiding principle to "contribute to a safe and healthy community."

Background and History

Columbus Peterbilt has supplied parts and services for SWACO's fleet of trucks for several years, and Staff has been very satisfied with the consistent level of service and quality provided. Due to the additional parts and services required for those Peterbilt trucks no longer covered under warranty, a modification to the current contract with Columbus Peterbilt is necessary for additional funding.

Process Used

SWACO entered into a contract with Columbus Peterbilt, effective until January 2021, but a modification of said contract is necessary for additional funds. Columbus Peterbilt is located less than two (2) miles from the SWACO repair shop which maintains the Peterbilt trucks in the SWACO fleet. Given the close proximity of the vendor, quality level of service, and necessary working knowledge of the parts and equipment in the SWACO Fleet, Staff respectfully requests the Board authorize the modification to the contract with Columbus Peterbilt and waive the procurement requirements pursuant to Section 9.1.b of the Amended Procurement Policy as in the best interests of SWACO.

Fiscal Impact

2019 Operating Budget
Adopted by Resolution No. 052-18 on December 11, 2018
DIRECT EXPENSES

Category: Vehicle Expense – All SWACO

Resolution Amount	\$126,603.64
Current Contract Amount	\$65,000.00
Total Vehicle Expense Budgeted Amount	\$4,711,723.00
Amount Expended	\$2,339,448.51
Funds Remaining	\$2,372,274.49

**multi-year contracts are subject to the approved budget within the year expenditure(s) are made.*



Authorizing the Executive Director to modify the contract with Company Wrench and expend an additional fifty-nine thousand eight hundred twenty-one dollars (\$59,821.00), for a total amount not to exceed one hundred nine thousand eight hundred twenty-one dollars (\$109,821.00).

SWACO currently has a contract with Company Wrench for parts, mobile welding, and fabrication repair services for SWACO's transfer station and landfill support equipment. These repair services are necessary for the fleet of equipment utilized in daily operations. Due to much needed repairs to certain essential transfer equipment, a modification for additional funds to the current contract is necessary. This initial contract was for fifty thousand dollars (\$50,000.00), and Staff is requesting a modification of an additional fifty-nine thousand eight hundred twenty-one dollars (\$59,821.00) to the contract.

SWACO staff requests the Board approve this modification to the contract with Company Wrench for the necessary parts and services for the daily operations of the transfer and landfill equipment and waive the procurement requirements in the best interest of SWACO pursuant to Section 9.1.b. of the SWACO Amended Procurement Policy.

Requested By: Bill Burns, Fleet and Facilities 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 Company Wrench for the purchase of parts and mobile welding and fabrication repair services and expend an additional fifty-nine thousand eight hundred twenty-one dollars (\$59,821.00), for a total amount not to exceed one hundred nine thousand eight hundred twenty-one dollars (\$109,821.00).
2. Pursuant to Section 9.1.b. of the SWACO Amended Procurement Policy, it is in the best interest of SWACO to waive the procurement requirements as contained in Section 8 of said Policy.
3. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: September 10, 2019

Vote:

For: 5 Against: 0 Abs: 0

Tracie Davies
Madam Chair, Board of Trustees

Danielle Kuskowski, Secretary

Approved as to Form:

Rebecca L. Egelhoff, Managing Counsel

Brief Summary of Resolution

Resolution 036-19: Authorizing the Executive Director to modify the contract with Company Wrench and expend an additional fifty-nine thousand eight hundred twenty-one dollars (\$59,821.00), for a total amount not to exceed one hundred nine thousand eight hundred twenty-one dollars (\$109,821.00).

Requested by: Bill Burns, Fleet and Facilities Manager

Description

SWACO owns and operates several pieces of specialty equipment that are used daily in transfer operations and support functions at the Franklin County Sanitary Landfill (FCSL).

Purpose

This resolution modifies the existing contract for parts and services to enable SWACO to effectively maintain the equipment integral to the daily needs of transfer and landfill operations.

Strategic Priority

Ongoing specialty fabrication, maintenance, and repairs to transfer and landfill support equipment used in daily operations upholds SWACO's guiding principle to "contribute to a safe and healthy community."

Background and History

Company Wrench has been providing parts and specialty services for SWACO's equipment for several years, and Staff has been pleased with the level of service and quality parts provided. Currently, the contract with Company Wrench is effective until June 2020, but a modification to said contract is necessary to add funding due to a large number of repairs performed.

Process Used

Company Wrench provides mobile service on a variety of equipment utilized at the transfer stations and the FCSL, including mobile welding and fabrications services, as well as rental services for scrap handling equipment. Due to the special nature of the SWACO equipment and unique types of services required, as well as the familiarity of the vendor with the equipment and needs of the organization, Staff has determined that Company Wrench is best qualified to perform these functions. Staff is therefore requesting the Board waive the requirements pursuant to Section 9.1.b of the Amended Procurement Policy as in the best interests of SWACO.

Fiscal Impact

2019 Operating Budget
Adopted by Resolution No. 052-18 on December 11, 2018
DIRECT EXPENSES

Category: Vehicle Expense – All SWACO

Resolution Amount	\$109,821.00
Current Contract Amount	\$50,000.00
Total Vehicle Expense Budgeted Amount	\$4,711,723.00
Amount Expended	\$2,339,448.51
Funds Remaining	\$2,372,274.49

**multi-year contracts are subject to the approved budget within the year expenditure(s) are made.*



Authorizing an Issuance of Waiver to The Ohio State University for the diversion of recyclable and compostable materials generated at Zero Waste events.

The Ohio State University (“OSU”) began its Zero Waste Initiative in 2011 at its Ohio Stadium facility, which was the largest stadium in the country to attempt “Zero Waste” at that time. After realizing success with an average 85–90% diversion rate for the subsequent seasons, OSU was granted an Issuance of Waiver allowing for the expansion of the program to include all large events to be held at the Stadium facility, which comprised the football season, the Spring Game, commencement, and concerts. In 2015, OSU expanded diversion activities to include events at the Jerome Schottenstein Center. In furtherance of its commitment to continuing diversion, OSU is requesting a renewal of the waiver for materials generated at all Zero Waste events held at the Ohio Stadium and Jerome Schottenstein Center for a one (1) year period. OSU is continuing its partnerships with the Ohio Department of Corrections and Price Farms as the destinations for sorting and processing activities of recyclable, pre-, and post-consumer organic materials. It is estimated that approximately one hundred (100) tons per month of materials generated at events held on the Columbus campus will be diverted from landfill disposal.

In an effort to further SWACO’s mission of reducing reliance on landfills and encouraging sustainable methods of waste management, Staff is recommending the Board of Trustees approve an Issuance of Waiver to The Ohio State University for the diversion of recyclable and compostable materials generated at the Zero Waste events held at the Ohio Stadium and Jerome Schottenstein Center for a one (1) year period.

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 with The Ohio State University for the diversion of recyclable and compostable materials generated at Zero Waste events for a one (1) year period.
2. This resolution shall be in full force and effect from and immediately upon its adoption.

Date Adopted: September 10, 2019

Vote:

For: 0 Against: 0 Abs: 1

Tracie Davies
Madam Chair, Board of Trustees

Danielle Kuskowski, Secretary

Approved as to Form:

Rebecca L. Egelhoff, Managing Counsel

Brief Summary of Resolution

Resolution 037-19: Authorizing an Issuance of Waiver to The Ohio State University for the diversion of recyclable and compostable materials generated at Zero Waste events.

Requested by: Danielle Kuskowski, Staff Attorney

Description

The Ohio State University (“OSU”) is requesting a renewal of the Issuance of Waiver for Zero Waste activities held at the Ohio Stadium and Jerome Schottenstein Center of the Columbus campus. Materials will be transported to Price Farms and/or the Allen Oakwood Correctional Institute (AOCI) for the sorting and processing of both recyclable and compostable items.

Purpose

The purpose of this resolution is to authorize the Executive Director to grant an Issuance of Waiver to Ohio State for the diversion of recyclable and compostable materials generated at the OSU Columbus campus.

Strategic Priority

SWACO’s sponsorship of this program promotes a message of environmental stewardship to the student body and event attendees, as well as the participating Department of Corrections inmates. Further, support of this program builds upon the collaborative relationships with community members in effecting sustainable waste solutions. Issuance of the requested waiver to OSU aligns with SWACO’s strategic goal of maximizing waste reduction and diversion.

Background and History

Since 2012, the SWACO Board of Trustees (“Board”) has granted Issuance of Waiver agreements to Ohio State for the diversion of organic and recyclable materials generated at the Ohio Stadium. This waiver will allow materials at Zero Waste events to be diverted for recycling and composting purposes.

Process Used

Graham Oberly, Sustainability Coordinator for the Business and Finance Sustainability Department at OSU, submitted a request to SWACO for the Issuance of Waiver. Ohio Revised Code §343.01(I)(2) provides that the Board shall act on a request for such a waiver within ninety (90) days after receiving the request from a person or legislative authority.

Fiscal Impact

This is tonnage that would otherwise be disposed of at the Franklin County Sanitary Landfill (“FCSL”) but will be transported to either Price Farms or the AOCI facility for processing, recycling, and composting.

General Guidelines for Consideration of an Issuance of Waiver Request

STATUTORY PROVISIONS

- Request is not inconsistent with the projections contained in the district's amended plan
- Request will not adversely affect the implementation and financing of the district's amended plan

STAFF GUIDELINE EVALUATIONS

Environmental Impacts

- A. Identify the type/composition and quantity of materials that is the subject of the waiver request.

Solid waste materials that can be recycled (glass, plastics, paper, aluminum food and beverage packaging and consumer service products), as well as pre- and post-consumer food wastes.

- B. State the method(s) to be utilized, type of processing, and the extent of the processing capabilities.

- 1) Is this material being utilized as feedstock and/or to what facility is the requester proposing it be sent (i.e., a recycling facility, incineration facility, resource recovery operation)?

The organics (pre and post-consumer food waste and limited compostable products) processed at Price Farms Organics will be tipped, visually inspected, contamination will be hand removed, then processed mechanically in aerated static piles (through added wood chips and additional materials). The commingled recycling materials processed at the AOCI are sorted by hand in trays and separated by commercially marketable streams. Compostable products processed at AOCI consist of mostly post-consumer food waste and service products are tipped, visually inspected, contamination will be hand removed, then processed mechanically in aerated static piles (through piped air).

- 2) Is the material being reused or repurposed?

Yes, the recyclable materials will be sorted and baled for eventual reintroduction to the marketplace as repurposed items, while all the organic materials will be composted.

- C. State the anticipated tons to be collected and recycled, reused, or recovered, the goals of the waiver request, and the methods employed to measure and evaluate the project.

Approximately one hundred (100) tons per month are anticipated for diversion as a result of this request. The goal is to assist OSU in its quest to achieve Zero Waste and promote sustainable methods of waste management.

- D. Does this request result in positive environmental impacts or encourage environmental efficiencies?

Yes – utilizing alternative waste management options help minimize the amount of materials disposed of at the Franklin County Sanitary Landfill and promotes the transformation of solid waste into usable products and materials.

- E. Does this request align with SWACO's stated mission to improve the community's solid waste stream through effective reduction, recycling, and disposal?

Yes, and it serves to further the 2018-2020 goal to increase waste reduction and diversion.

STAFF GUIDELINE EVALUATIONS

- F. Is the request consistent with the objectives of the SWACO District Plan and OEPA State Solid Waste Management Plan to reduce Ohio's reliance on landfills to manage the State's solid wastes and establish objectives for solid waste reduction, recycling, reuse, and minimization?

Yes (see above).

- G. Does approval of the request demonstrate and encourage the use of innovative solid waste management practices?

Yes – this material will be repurposed as compost and/or recycled material products, thereby serving to reduce the energy and economic costs for the community.

Community and Business Impacts

- A. Is there a demonstration or potential for positive economic and environmental impact on the local and/or regional community?

Yes (see above).

- B. Consider the individual or entity requesting the waiver and its relationship with SWACO:

- 1) Weigh the long-term best interests of SWACO and the residents of its District as related to this request and requesting entity.

OSU continues to be a great partner in promoting environmental initiatives and sustainability programs in the SWACO District and consistently garners attention both locally and nationally for its innovation and educational opportunities.

- 2) Are there any outstanding financial or compliance issues?

No.

- 3) Performance under past waiver requests?

OSU has operated under an Issuance of Waiver since 2012 for diversion efforts at the Ohio Stadium, and since 2015 for the Jerome Schottenstein Center.

- C. Does the request propose changes to the current operations which will increase efficiency and/or create the potential for job creation and retention?

It increases efficiency relating to disposal options.

- D. What is the current and proposed impact on the community as related to this request? Will any level of services to the community decrease as a result of the request, and why?

- 1) Does this serve to help subsidize services currently provided to the community (i.e., recycling services)?

Yes, this serves as a benefit to the local community, as it decreases the amount of materials being landfilled for disposal, and it benefits the regional community by decreasing the amount of raw materials harvested for manufacturing processes.

- 2) Will the approval/denial of said request result in economic hardship to the community?

It will affect the disposal costs incurred by OSU.

STAFF GUIDELINE EVALUATIONS

Financial Impacts

- A. State the tonnage of material being diverted from the SWACO designated facilities and being received by an alternate facility.

Approximately one hundred (100) tons per month are included in the waiver request.

- 1) Is any residual material from the proposed diversion being returned to a SWACO facility for final disposal?

No – OSU has requested that the residual materials from processing be combined with those solid waste materials from the AOCI; it is estimated that the residual will not exceed five (5) tons for the waiver period. This will result in an annual cost savings to the diversion program of about eight thousand four hundred dollars (\$8,400.00).

- B. What is the financial impact to SWACO should the projected tonnage be diverted?

- 1) What, if any, portion of fees could SWACO lose as a result of the diversion?

SWACO will lose its tip fee for the material diverted and the residual previously disposed of at the FCSL.

SWACO Fees: \$41,700.00 (100 tons/month * \$34.75 Fee * 12 months)

+ Township Fees: \$300.00 (100 tons/month * \$0.25 Fee * 12 months)

+ 5 Tons Residual: \$173.75 (5 tons * \$34.75 FCSL Tip Fee)

\$42,173.75 Total Fee Amount

- 2) What, if any, fees are required to be paid to SWACO per the waiver request?

None – since the material is being utilized for recycling/composting purposes, no fees apply.

Current Effective Waivers

Requesting Agency	Destination Facility	Method of Disposal	Tonnage
Nestle NQAC	Covanta	Incineration	25 Tons/Month
Ohio State (Campus Wide)	Ohio Department of Corrections, Price Farms	Recycling, Composting	100 Tons/Month
Suburban LF (Waste Mgmt)	Suburban Landfill	Solidification	550 Tons/Month
MARS Petcare	Quincy, Renergy, GA Wintzer, Price Farms, Masser Metals, Local Waste Services, Rebox, Rumpke, Covanta	Recycling, Anaerobic Digestion, Composting, Rendering/Feed, Composting, Incineration	1000 Tons/Month
TS Trim (Waste Mgmt)	Covanta	Incineration	250 Tons/Year

SWACO BOARD OF TRUSTEES CONSIDERATIONS

Listed below are the General Considerations, which are being suggested as the overarching policy issues for the Board to weigh before voting either to approve or deny the request.

General Board Considerations

- A. Does this waiver request meet the statutory criteria for granting such a request? (i.e., does not affect the financing and implementation of the District Plan)
- B. Does this request align with SWACO's goals and mission, the District Plan, and the State Solid Waste Management Plan objectives to reduce Ohio's reliance on landfills to manage the State's solid wastes and establish objectives for solid waste reduction, recycling, reuse, and minimization?
- C. Does this request provide positive environmental impacts and increase environmental efficiencies?
- D. Does the request provide benefits to the local/regional community?
- E. What is the projected financial impact to SWACO as a result of the diversion?