

SOLID WASTE MANAGEMENT AUTHORITY

Solid Waste Management Authority Board Meeting
10:00 A.M.

January 25, 2017

M I N U T E S

PRESENT: Chairman Jeffrey E. Turner (SWMA Member), Vice-Chairman Michael Edmondson (SWMA Member), Tax Commissioner Terry Baskin (SWMA Member), Mary-Ann Carp (SWMA Member), Victor Lett, Sr., (SWMA Member) and Andrew Love (SWMA Member). Also present were Jeff Metarko (Director of Transportation and Development), Tim Gilliam (Landfill Manager), Dennis Johnson (Budget Manager), Jack Hancock (Interim Chief Staff Attorney), Chuck Button with Jacobs Engineering, Mayor Bobby Cartwright- Lovejoy, Chief Operating Officer Detrick Stanford and Sandra T. Davis (Clerk).

ABSENT: Earl Randall (SWMA Member).

I. CALL MEETING TO ORDER

Chairman Turner called the meeting to order.

II. ADOPTION OF OCTOBER 20, 2016 MEETING MINUTES

Chairman Turner advised that we currently do not have a quorum to vote on the minutes and would move forward with the Landfill Update.

BOARD MEMBER RESIGNATION: County Clerk Davis advised that she received an email resignation from Mr. Earl Randall effective immediately.

III. LANDFILL UPDATE

Transportation and Development Director Mr. Jeff Metarko explained the six-month update time frame after we increased the cost back around the start of the fiscal year. He pointed out that the months of June and July were totally different operations at the landfill, because the information was out there regarding the increase; therefore, we got flooded. It took a little while to stabilize, but all of the averages in this data incorporate June and July. From January to June as outlined on the chart graph, shows the revenue that was generated with an average of \$254,059 for the six months preceding the price increase. From July through December, the average is now approximately \$60,152 and that is based off the current gate rate. He advised that we knew that we were going to drive away revenue and customers, and that was kind of the intent to a degree to assist with pressing the pause button at the landfill collections to give the authority an opportunity

to look at the greater path with the potential collection system, and future of how the authority wants to treat the landfill. From a tonnage perspective, Transportation and Development Director Metarko noted that the data is broken down into monthly average and daily average. Also, shown is what we consider to be revenue and what is considered non-revenue. He further explained that non-revenue is what we don't charge for, which includes internal county operations: Refuse Control pick-ups on the road, T & D old asphalt, concrete, etc. and the county does not charge itself. Similar to the revenue side, the tonnage has stabilized. He noted that the graph shows that now the non-revenue is more than 50% of what is coming through the scales every day. One concern was if this would increase the illegal dumping in the county; one could argue that it is trending up a little bit, but it is not a huge amount. He does not believe it has been realized to that degree since the price has gone up. Likewise, he provided a graph that displays the monthly average of customers; this was also affected before and after too. Transportation and Development Director Metarko maintained that we are still working six days a week through Saturday. However, for a couple of months during the winter, we are open two Saturdays a month and closed the traditional other two. The after-affect has somewhat stabilized and we have no reason to believe that it would go up or down based off the current operation for the customers, revenue and tonnage.

In summary, Transportation and Development Director Metarko maintained that it has addressed underlying reasons of why we increased the price and bought us some time on the immediate need of direction to expand the landfill to the other cells and reduce gas extractions. He recommended that we stay the course on this until this authority entertains anything further with a collection system or any other changes to the landfill operation and solid waste countywide.

Chairman Turner agreed that there has not been a significant increase in dumping as a result of the rate increase.

IV. COUNTY CONTROLLED FRANCHISING PROGRAM

Transportation and Development Director Metarko advised that Josh Lawson with Jacobs Engineering would not be present for this meeting; however, Mr. Chuck Button is in attendance and would be taking the lead this evening. Transportation and Development Director Metarko then began by recapping that this authority gave direction approximately six to eight months ago about proceeding with the development of a collection system. At that time, we began negotiations with Jacobs Engineering on a Task Order contract for them to deliver the program as directed by the Solid Waste Management Authority. Unfortunately, it took longer to negotiate the contract than what was anticipated. He explained the scope of services in the Task Order that we provided as the timeframe is now really condensed and consolidated. The overall idea was to stay true to the delivery of a collection service starting in March of 2019. He maintained that in order to stay in-tune to that and meeting of our tax commissioner's deadline to impose the fees, go through the county's bid process on the development of an RFP and selection of haulers is now condensed. He recalled the three phases: development phase, bidding phase and implementation phase. He

explained that due to the time frame, we need to push off some of the things originally identified in Phase I, which is mainly the public outreach, and bring forward the RFP development and some of the preliminary work in order to deliver this in time. He maintained to meet that March 2019 implementation, it's between now and July of this year. We have to have an RFP ready to go and negotiations with haulers in order to meet Tax Commissioner Baskins' time frame next spring time to identify the fees that need to be implemented on the tax bill. Transportation and Development Director Metarko explained that the idea was to mutually bring a change next month of the scope of the first phase of the contract. The focus for this meeting is identifying the contents of the service and what the RFP is going to take hold. Now is the time to walk the members through the decision making process about what the members want to see, and that would be crafted into the RFP in a couple of months. There are certain elements that the authority does not have authorization to do and must come before the Board of Commissioners, such as; setting the rates. He then asked if there were any questions before we get into the first topic of discussion.

Vice Chairman Edmondson recalled a meeting with Interim Chief Staff Attorney Jack Hancock and had asked County Clerk Davis to provide some information. He explained that first, he is wanting to gain some perspective about what Mr. Metarko has stated with regards to what this Solid Waste Management Authority wants to see and what their authorities are or are not. He said that his perspective in looking at the enacting legislation at the State, the Solid Waste Management Authority has the authority to own, operate and provide the different services with regards to solid waste. He then recalled how the Solid Waste Management Authority came into existence. He maintained that it was set up as a funding mechanism to issue bonds to buy and develop the landfill. To-date, the Solid Waste Management Authority does not, as he understands it, operate the landfill; the county does.

In comparison, he mentioned the Hospital Authority as it relates to Southern Regional. He then questioned the authority of this board as it relates to the operation of the landfill; since, this board does not operate the landfill. Vice Chairman Edmondson then explained the difference being that the Hospital Authority, as a funding mechanism, had a MOU (Memorandum of Understanding) or a lease with the county, as well as, the hospital itself that conducted the operations of it. However, that MOU or lease does not exist with the county that provides the operation of the landfill; therefore, the roles and authorities of the Solid Waste Management Authority, he thinks, are unclear because we have never memorialized the actual role of the Solid Waste Management Authority, itself.

With regards to the RFP, the Solid Waste Management Authority certainly with no letter of the law has the right to do a RFP or to engage a contract with Jacobs Engineering to conduct a study, because it doesn't have the money to pay Jacobs Engineering to do the study. He noted that there is a "Notice to Proceed" in there, but that would suggest that the proposal has the backing of the Board of Commissioners or at some point been financed by the Board of Commissioners, and as a commissioner, that has not happened or come before us. He explained as it relates to the collection and the tipping fees, the Solid Waste Management Authority is operated by the county

as an enterprise fund, those collections go into an enterprise fund with the original intent, he would believe, is that it would be self-funded, but it is not and is \$1 million to \$2 million a year that comes out of the General Fund to subsidize the shortfalls in collections. He would think that the authority would want to see the landfill be self-sufficient. Vice Chairman Edmondson then made some brief comments with regards to illegal dumping. He further noted that in defining the scope of a mandated garbage collection, the authority does not have the authority to mandate garbage pickup; however, the county does but the Board of Commissioners has never discussed that. He pointed out that mandated garbage collection may not even solve illegal dumping or the longevity of the landfill; it may just be an enforcement issue. He said the members may want to consider memorializing this authority.

Chairman Turner then asked Interim Chief Staff Attorney Hancock for his opinion on the legislation. Interim Chief Staff Attorney Hancock recalled the discussion he had with Vice Chairman Edmondson as it relates to the authority of this board. He recalled that there is no question that this board has the authority to enter into a contract with Jacobs Engineering and if they had the money internally within this authority, the members could enter into any contract they wanted to. If the goal is to go to a franchising program, it would take the involvement of both the Board of Commissioners and the Solid Waste Management Authority to do that. Vice Chairman Edmondson asked could the Board of Commissioners do a mandated franchise garbage collection without the Solid Waste Management Authority. Interim Chief Staff Attorney Hancock responded yes, it does not have to go through the Solid Waste Management Authority.

Chairman Turner said there is no need to continue until the Board of Commissioners can move on this, according to Interim Chief Staff Attorney Hancock. Mr. Baskin maintained that he was under the impression that the authority was working with the Board of Commissioners on this. Vice Chairman Edmondson shared that he would like to see the landfill be self-sufficient and to address illegal dumping. Chairman Turner then mentioned there were other options that the authority has taken into consideration to extend the life of the landfill, but they were costly. Vice Chairman Edmondson explained this is the reason he is asking if the role of the authority has been memorialized with the Board of Commissioners.

Mr. Chuck Button then shared the experience of Gwinnett County and spoke of the information that could be obtained from the haulers. He said this is when it was discovered that about 20,000 residents did not have garbage collection; this is what drove the board. He shared that Gwinnett County did it, but there was a lot of controversy to include a legal case. However, today in Gwinnett County, most residents would say it was the best thing that ever happened. Mr. Button explained that every city in this community has mandatory collection, and it would not be run by the county but would be bidded out; in a sense, it would still be privatized.

Vice Chairman Edmondson suggested that this could be a discussion for the Board of Commissioner's Retreat in March. Chairman Turner asked what this would do to the timeline.

Mr. Baskin determined that this would push it back to 2020. Mr. Baskin said we want to submit something to the board to show that we want to move forward.

When Mayor Cartwright asked who owns the landfill, Interim Hancock advised that he doesn't know which entity owns the landfill, but he believes it is titled to the authority. Mayor Cartwright shared the struggles of the City of Lovejoy with mandated solid waste collection and getting the fee on the tax bill, but it worked for the City of Lovejoy.

Mr. Love asked if Vice Chairman Edmondson is asking to be brought up-to-date on everything the authority has done to get to this point. Vice Chairman Edmondson responded by saying that according to Interim Chief Staff Attorney Hancock, the Solid Waste Management Authority doesn't technically need to exist. Chairman Turner added that the Board of Commissioners could make that decision to dissolve this authority. Vice Chairman Edmondson said that we want it to exist if we can get some value out of it.

Chairman Turner suggested that since the board's retreat is on March 18, 2017, Transportation and Development Director should compile all of this information together for a presentation to the Board of Commissioners; then, a decision could be made as to the direction of this authority.

In conclusion, Chairman Turner recommended tabling this matter until after the retreat and requested that Jacobs Engineering be present at the retreat to do a presentation and make certain to provide Vice Chairman Edmondson with any material or documentation as it pertains to the discussions over the years. He then asked that Interim Chief Staff Attorney Hancock get together with Jacobs Engineering, Transportation and Development Director Metarko, himself and any board member to get some input in terms of possible MOU (Memorandum of Understanding) and draft it and send it to the board members.

When Transportation and Development Director Metarko asked about the February 16th meeting that had been scheduled, Chairman Turner said to cancel that meeting; the information for the next meeting would be forthcoming.

V. ADOPTION OF OCTOBER 20, 2016 MEETING MINUTES

At this time, Chairman Turner entertained a motion to adopt the minutes. Motion by Tax Commissioner Baskin to approve the October 20, 2016 Meeting minutes, second by Mr. Love. The motion passed 5-0-1 with Vice Chairman Edmondson abstaining due to him not being an authority member at the time of the meeting.

There being no further business to discuss, motion by Tax Commissioner Baskin, second by Chairman Turner, to adjourn the Solid Waste Management Authority Board Meeting of January 25, 2017 at 6:24 p.m. Vote unanimous.

