

BOARD OF DIRECTORS MEETING

January 27, 2012

9:30 a.m.

Licking County Annex

Newark

Fred Shriner called the meeting to order at 9:37 a.m.

ATTENDANCE

Attending: Tim Bubb, Steve Davis, Brad Feightner, Gary Fischer, Ed Keister, Mike Kiger, Curtis Lee, Dane Shryock, Judy Shupe, Lonnie Wood and Fred Shriner.

Not attending: Doug Smith.

AMENDMENT OF AGENDA

Fred Shriner advised the Board that a request for funding had been received from the Perry County Sheriff's Office after the agenda was approved and mailed out. Judy Shupe made a motion to add the Perry County Sheriff's request for funding at the end of new business. Tim Bubb seconded the motion. The motion carried without opposition.

Judy Shupe then made a motion to add an Executive Session for the purpose of discussing personnel to the agenda. Lonnie Wood seconded the motion. The motion carried without opposition.

APPROVAL OF MINUTES

Motion to approve the minutes from the November 18, 2011 Board meeting as submitted was made by Mike Kiger and seconded by Brad Feightner. Motion carried without opposition.

COORDINATOR REPORT

Treasurer's Report – Carol advised the Board that the cash balance in the solid waste account at the end of December was \$4,270,971.92. She reviewed a graph on district finances and a handout showing appropriated versus unappropriated funds. The unappropriated balance included the unspent funds which will be paid back from the 2011 contracts and cancelled purchase orders. Motion to approve the treasurer's report as presented was made by Tim Bubb and seconded by Mike Kiger. The motion carried without opposition. Carol asked if the Board wished to appropriate additional funds and consensus of the board members was that they would look at that at a later time.

Renewal of Auditor & Treasurer – The by-laws state that the Board of Directors’ will elect an auditor & treasurer for the district every two years. This responsibility has historically remained with Licking County for ease of administration. Mike Kiger made a motion to retain the Licking County Auditor & Treasurer. Dan Shryock seconded the motion. The motion carried without opposition.

OLD BUSINESS

NONE

NEW BUSINESS

STATEWIDE REVIEW OF HB592

Carol advised the committee that HB592 (which established solid waste districts) is being reviewed. The track record of results, efficiency, stewardship of funds and future needs are being questioned. The OEPA began meeting with parties in December and will continue holding meetings in February and March to find consensus on issues then pursue legislative changes yet in 2012. CCAO (County Commissioners Association of Ohio) has a legislative committee addressing solid waste issues. The private waste industry is taking this opportunity to discuss changes they would like to make. SWACO (Solid Waste Authority of Central Ohio) is continuing to promote district consolidation (they would like to see the current 52 districts consolidated into 5 “mega” districts). No one has yet heard if the Ohio Health Association has taken a position. Carol further advised the committee that CCAO and OSWDO (Organization of Solid Waste Districts of Ohio) have hired a consultant to facilitate meetings to create a CCAO position that OSWDO will support. Carol represents our district on the OSWDO Legislative Committee. Additionally, it appears OEPA is attempting to move the Division of Recycling and Litter Prevention from ODNR to their agency. A bill has been introduced in Indiana that allows counties to opt out of being a solid waste district (or part of a joint district). As they are structured like Ohio solid waste districts, this bill is being watched carefully.

Carol advised the Board that in the Policy Committee meeting held prior to this meeting, members recommended actively pursuing the “pro solid waste” position with their individual associations.

Motion to support the Policy Committee recommendation was made by Tim Bubb. Mike Kiger seconded the motion. The motion carried without opposition.

CONTRACT LANGUAGE

The Licking County Prosecutor’s office has asked that the Board of Director’s change language in the solid waste district’s contracts. In both the recycling (section 10) and the litter prevention (section 14) contracts, the prosecutor’s office would like the following sentence removed “if the Contractor is a political subdivision, expenses of litigation payable to the District under the preceding sentence shall not exceed the greater of \$25,000 or the amount

awarded to the Contractor for the purchase of equipment.” David Northrop (District legal counsel) stated that the Board has to decide if they want to require that political subdivisions set aside money or change the language to only apply this clause to private businesses. Mark Zanghi (Assistant Prosecutor, Licking County) stated that this clause would require that the Licking County Commissioners certify \$50,000 (\$25,000 for each contract) from their budget annually to be set aside in the event litigation occurred.

Additionally in both contracts there is a paragraph regarding “Security Interest in Equipment”, the Licking County Prosecutor’s office is questioning the necessity and the legality of the clause regarding a political subdivision granting the District security interest in equipment (under Uniform Commercial Code, ORC Chapter 1309). Mark Zanghi (Assistant Prosecutor) stated that he can’t find anything in ORC which allows for the placing of liens on government equipment.

Fred Shriner stated that he would have liked to have time to read this information prior to today’s meeting. Carol stated that she just received documentation yesterday. Mark Zanghi apologized for his tardiness in providing the documentation.

Fred asked if a decision had to be made today, both Mark Zanghi and David Northrop stated that a decision did not have to be made today, as the 2012 contracts have already been signed and are in effect.

Note: Steve Davis left the meeting (10:11).

Tim Bubb made a motion to table this discussion. Mike Kiger seconded the motion. Dane Shryock asked the Licking County Commissioners if certifying the \$50,000 was a problem for their office. They concurred that it is not a problem. Motion carried without opposition.

PERRY COUNTY SHERIFF’S OFFICE REQUEST FOR FUNDING

The Perry County Sheriff’s Office is requesting additional funding in the amount of \$6,572.40 for new radios. Judy Shupe asked if the Perry County Commissioners supported this request. The Perry County Commissioners replied that they are in support of the request. Tim Bubb asked if the new radios are MARCS capable. Doug Gill (Perry County Litter Deputy) stated that they are. Judy Shupe made a motion to approve the request as submitted. Tim Bubb seconded the motion. The motion carried without opposition.

PUBLIC COMMENT

Seth Ellington (Big O Refuse) asked if there were any plans to reduce fees since revenue came in higher than projected in 2011. The Board responded that there are no plans to reduce fees at this time.

EXECUTIVE SESSION

Motion was made by Brad Feightner to enter into Executive Session for the purpose of discussing personnel matters as permitted under ORC-121.22G. Ed Keister seconded the motion. A roll vote was taken. Those voting yes were: Tim Bubb, Brad Feightner, Gary Fischer, Ed Keister, Mike Kiger, Curtis Lee, Dane Shryock, Judy Shupe and Lonnie Wood. Those voting no were: None. Motion carried unanimously 9-0. Executive Session began at 10:20 a.m.

General Session reconvened at 10:37 having conducted no business in Executive Session. Curtis Lee made a motion that a 3% pay increase be given to Carol Philipps and a 4% increase to Kim Masters and that the increases be retroactive to January 1, 2012. Brad Feightner seconded the motion. A roll call vote was called. Those voting yes were: Tim Bubb, Brad Feightner, Gary Fischer, Ed Keister, Mike Kiger, Curtis Lee, Dane Shryock, Judy Shupe and Lonnie Wood. Those voting no were: None. Motion carried unanimously 9-0.

ELECTION OF OFFICERS

Fred Shriner advised the board members that it is Licking County's turn to chair the board. He then asked for nominations. Tim Bubb nominated Brad Feightner as chairman. Dane Shryock seconded the nomination. There were no other nominations.

Fred asked for nominations for vice-chair. Mike Kiger nominated Steve Davis. Lonnie Wood seconded the nomination. There were no other nominations.

A roll call vote was called (for both nominations). Those voting yes were: Tim Bubb, Brad Feightner, Gary Fischer, Ed Keister, Mike Kiger, Curtis Lee, Dane Shryock, Judy Shupe and Lonnie Wood. Those voting no were: None. Motion carried unanimously 9-0.

NEXT MEETING

The next meeting is scheduled for March 23, 2012 at **9:00 a.m. at the Don Hill County Administration Bldg, 20 S. Second Street** in Newark.

Motion to adjourn was made by Brad Feightner, seconded by Ed Keister. The meeting adjourned at 10:40 a.m.

Secretary, Kim Masters

Date Approved