

January 13, 2009

SOLID WASTE DISPOSAL DISTRICT

The Board of Commissioners of the Solid Waste Disposal District met at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, January 13, 2009. Present were Chairman Wesley S. Davis, Vice Chairman Joseph E. Flescher, and Commissioners Peter D. O'Bryan, Bob Solari, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

The Chairman called the meeting to order at 1:03 p.m.

Commissioner O'Bryan requested Item 15.B.3. be heard first, since the New Planet Energy speakers had been waiting to give their presentation since early morning.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board unanimously made the above change to the Agenda.

15.B.1. APPROVAL OF MINUTES REGULAR MEETING OF NOVEMBER 18, 2008

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Minutes of the Regular Meeting of November 18, 2008, as written.

15.B.2. APPROVAL OF MINUTES REGULAR MEETING OF DECEMBER 9, 2008

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the amended Minutes of the Regular Meeting of December 9, 2008, as written.

15.B.3. UPDATE TO THE SWDD BOARD ON THE NEW PLANET ENERGY PROPOSAL FOR WASTE TO ENERGY

(Clerk's Note: This Item was heard prior to Item 15.B.1. and is placed here for continuity.)

Utilities Director Erik Olson recapped his Memorandum dated January 6, 2009, providing background and update on the proposal for waste to energy. He indicated that New Planet Energy (NPE) was selected above the other vendors because staff believed they would provide the most economical and environmental benefits. However, they could not provide the executed Joint Venture Agreement with INEOS Bio by the December 31, 2008 deadline, which precedes the process for staff to enter into negotiations. He brought two options to the Board for consideration: (1) begin negotiations with Ameresco (the number one bidder); or (2) allow 30 additional days for NPE to finalize the Joint Venture Agreement with INEOS.

Ray Crabbs, Vice President of New Planet Energy, summarized the complexity of building the \$400 million chemical facility. He provided an update on the project, the projected income stream, and the tax and employment bases. He acknowledged that his company would be willing to sell ethanol to the County's fleet for fuel, at wholesale prices, as long as there is a contract to use the waste streams.

Vice Chairman Flescher wanted to know if 30 additional days would be long enough to complete their negotiations.

Tex Carter, President and Chief Operating Officer of New Planet Energy, did not feel that 30 days would be sufficient time due to “legalisms” and/or other situations that might arise. He indicated that the details of the Joint Venture Agreement are the reason why the negotiations have taken so much time, and that his staff would continue to report any anticipated delays. He said that he would relocate to Indian River County when the construction phase begins.

Vice Chairman Flescher believed this program to be of “tremendous value” and wanted assurance from Mr. Carter that 60 days would be ample time to finalize the agreement with INEOS in lieu of 30 days.

MOTION WAS MADE by Vice Chairman Flescher,
SECONDED by Commissioner Solari, to approve sixty (60)
days additional time for New Planet Energy to finalize the
Joint Venture Agreement with INEOS Bio.

Michael McAllister, Attorney for Ameresco, provided a copy of the letter that was sent to the Board on January 9, 2009 (copy on file). He emphasized that the deadline was established for important reasons, and felt the result of a 60-day delay would push the project back even further, putting Ameresco in an awkward position as the number two bidder. He spoke about the changing of the energy and financial markets, project financing, and the comparison of annual revenue. He stressed Ameresco’s financial and technical ability to start the job “now.”

Director Olson clarified the comparative revenue streams and indicated that on the basis of their discussion and progress, he would support the Board's decision to allow NPE additional time to finalize the Joint Venture Agreement with INEOS Bio.

Commissioner Solari thanked Ameresco for their interest in the project and for standing by. He felt it would be worth the risk to allow NPE 60 additional days to finalize the Agreement.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved to grant New Planet Energy sixty (60) days of additional time to finalize the Joint Venture Agreement with INEOS Bio.

ALL BACKUP DOCUMENTATION IS ON FILE IN THE OFFICE OF THE CLERK
TO THE BOARD AND IS HEREBY MADE A PART OF THESE MINUTES

There being no further business, the Chairman declared the meeting adjourned at 1:28 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Wesley S. Davis, Chairman

Minutes Approved: _____

LAA/SWDD Minutes