

# Indian River County Florida



## Solid Waste Disposal District Draft Meeting Minutes

### Board of Commissioners

*Susan Adams, District 1, Chairman*  
*Joseph Flescher, District 2, Vice Chairman*  
*Joseph H. Earman, District 3*  
*Deryl Loar, District 4*  
*Laura Moss, District 5*

**John A. Titkanich, Jr., County Administrator**  
**William K. DeBraal, County Attorney**  
**Ryan L. Butler, Clerk of the Circuit Court and Comptroller**  
**Randi Wardlow, Deputy Clerk**

Indian River County  
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Tuesday, January 23, 2024

Commission Chambers

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#### 15. SPECIAL DISTRICTS AND BOARDS

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

#### B. Solid Waste Disposal District

**15.B.1.**

Amendment No. 4 to Landfill Gas Agreement with Nopetro Eco District, LLC

Utility Services Director Sean Lieske presented the changes included in Amendment 4 to the Nopetro Eco District LLC (NED) Landfill Gas Agreement. Per the changes requested by the Board at the January 9, 2024 regular meeting, staff and the NED met and agreed to the following: a clarified definition of gross receipts/net proceeds, assignment of responsibility for certain expenses, reduction in the psi, and an extension of the landfill gas (LFG) Termination Date to May 31, 2025; an agreement to finalize standard operating procedures would be forthcoming.

County Administrator John Titkanich, and County Attorney Bill DeBraul detailed the financial scenarios in the Agreement, addressed the Board's questions, and discussed the risks versus the estimated returns.

Under discussion, Vice Chairman Flescher stated he was not in favor of the final Agreement as it had changed into a different type of project over the last three revisions, and he would rather let the contract go than proceed. Chairman Adams and staff discussed the offset costs, as well as the financial and environmental gains for the County.

Representatives from the NED appeared before the Board to expound on the evolution of the project and answer questions regarding the financing of the Renewable Natural Gas (RNG) production plant. During this discussion, it was revealed the contract between NED and Symbiont (the plant's engineering firm) was fully bonded; Attorney DeBraul confirmed this meant the facility which would convert LFG to RNG was insured to be completed. Further discussion ensued regarding the wording of the contract in regard to net proceeds. NED's attorney displayed all four (4) iterations of the Agreement to demonstrate the financial projections and returns to the County were unchanged; only the definitions of "gross", "expenses" and "net" were clarified per the Board's request at the last regular meeting.

Commissioner Earman spoke in favor of this public-private partnership, noting the minimal risk to the County coupled with the environmental and economic gains. Commissioner Loar maintained concerns regarding the financing and the exhibits in the contract, but noted the bond was a welcome revelation.

Tom Sullivan, County resident, received confirmation from the Board that the County's risk was limited to the amount of profits realized, and spoke in support of the project.

**A motion was made by Commissioner Earman, seconded by Chairman Adams, to approve staff's recommendation. The motion carried by the**

**following vote:**

**Aye:** 3 - Chairman Adams, Commissioner Earman, and Commissioner Moss

**Nay:** 2 - Vice Chairman Flescher, and Commissioner Loar