



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.indianriver.gov

Meeting Minutes - Final

Board of County 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. DeBaal, County Attorney
Ryan L. Butler, Clerk of the Circuit Court and Comptroller

Tuesday, March 19, 2024

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 5 - Chairman Susan Adams
Vice Chairman Joseph Flescher
Commissioner Joe Earman
Commissioner Laura Moss
Commissioner Deryl Loar

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

2.B. INVOCATION

Sheriff Eric Flowers

3. PLEDGE OF ALLEGIANCE

William K. DeBaal, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve the Agenda as presented. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [24-0236](#) Presentation of Proclamation Recognizing the Week of March 17, 2024 as National Surveyors Week

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Vice President of the Indian River chapter of the Florida Surveying and Mapping Society Bob Johnson accepted the Proclamation and discussed the variety of surveyors' work from infrastructure planning to property boundary determination. He made mention there was a need for surveyors, and entered into discussion with the Board on the evolution of the profession and the importance of safety considerations.

Read and Presented by Commissioner Loar

- 5.B. [24-0251](#) Presentation of Proclamation Achieving Excellence: Proclamation for the School District of Indian River County Attaining an "A" Grade

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Superintendent of the School District of Indian River County (SDIRC) Dr. Moore acknowledged the time and effort teachers, administrators, staff, and coaches put into their jobs to make the SDIRC an A-rated district. The Board thanked Dr. Moore and the representatives from the SDIRC who joined in accepting the Proclamation.

Read and Presented by Commissioner Moss

- 5.C. [24-0268](#) Presentation of Proclamation Recognizing Indian River County as a Moonshot Community For Literacy

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Barbara Hammond, CEO and Co-Founder of the Learning Alliance, shared the organization's journey to increase literacy rates in the County using science and research. At the ten-year mark of the Moonshot Moment, the County had reached a 63 percent literacy rate among third graders, and ranked number five (5) in the state. School Superintendent Dr. Moore thanked the Learning Alliance for their dedication and service to the County's children.

Read and Presented by Chairman Adams

6. APPROVAL OF MINUTES**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.** [24-0227](#) Distinguished Budget Presentation Award

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[Result Letter](#)
[Budget Award](#)
[Certificate of Recognition](#)
[Press Release](#)

No Action Taken or Required

7.B. [24-0244](#) Code Enforcement Complaint Intake

Attachments: [Staff Report](#)

Commissioner Loar requested clarification regarding the practice of having Commissioners stand-in as complainants for constituents who wished to report code violations anonymously. Deputy County Attorney Susan Prado informed Florida State Statute 162.21(3)(b) required citizens to leave a name and address when reporting a code violation; staff could not respond to anonymous complaints. However Attorney Prado confirmed there was no precedent barring Commissioners from acting as complainant on behalf of their constituent, if they chose.

Chairman Adams noted the issue had been raised at a recent Florida Association of Counties' (FAC) meeting, and it was not an uncommon practice for an elected official to act as the complainant on behalf of a constituent who wished to remain anonymous when reporting a code violation.

No Action Taken or Required

7.C. [24-0246](#) The Hospital District's Public Official Bonds for Michael Kint, Paul Westcott, William Cooney, and Continuation Certificates for Marybeth Cunningham and Kerry Bartlett have been received from the Law Offices of Attorney Jennifer D. Peshke. The Bonds are on File in the Office of the Clerk to the Board.

Recommended Action: Information Only

Attachments: [Hospital District Bonds](#)

No Action Taken or Required

7.D. [24-0247](#) Introducing the Opening of the New Dick Bird Disc Golf Course

Recommended Action: There is no action required by the BoCC at this time as this is being presented for informational purposes only.

Attachments: [Staff Report](#)

No Action Taken or Required

7.E. [24-0262](#) WWII Tribute March 23, 2024

Recommended Action: No action required

Attachments: [WWII Tribute Flyer](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Consent Agenda as presented. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

8.A. [24-0229](#) Miscellaneous Budget Amendment 04

Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2023-24 budget

Attachments: [Staff Report](#)

[2023 2024 Resolution](#)

[Exhibit "A"](#)

Approved staff's recommendation and Resolution 2024-009, amending the fiscal year 2023-2024 budget.

- 8.B. [24-0214](#) Award of Bid 2024031 for New Restroom Facility at Fran B. Adams North County Regional Park

Recommended Action: Staff recommends the Board award Bid 2024031 to De La Hoz Builders, approve the agreement, and authorize the Chairman to sign the agreement after receipt and approval of the agreement and the required public construction bond by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager. So long as there are no changes in the dollar amount under the agreement, upon adequate completion of the work set forth in the agreement, staff is directed to make final payment and release any retainage to De La Hoz Builders, after review and approval by the Purchasing Manager and the County Attorney's Office.

Attachments: [Staff Report](#)
[Agreement](#)

Approved staff's recommendation

- 8.C. [24-0216](#) Award of Bid 2024033 - Annual Right-of-Way Mowing

Recommended Action: Staff recommends the Board award Bid 2024033 to STS Maintain Services (Sections 1 and 3), Jeffery Hogues Lawncare (Section 2), Fullers Lawn Care (Section 4), Kerner Environmental (Section 5), and BrightView Landscape Services (Section 6) and authorize the Purchasing Division to issue blanket purchase orders with the selected contractors. Staff also recommends the Board authorize the Purchasing Manager to renew this bid at the same rates for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.D. [24-0225](#) Approval of Agreement for RFP 2024014 - Jones' Pier Conservation Area Design & Fabrication of Interpretive Center Exhibits

Recommended Action: Staff recommends the Board approve the agreement, and the cost attached for Ritacco & Chan Architecture, LLC, and authorize the Chairman to execute the agreement after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report Agreement](#)
[Staff Report \(Jan 23\) - Award & Negotiation](#)

Approved staff's recommendation

- 8.E. [24-0232](#) Second Extension and Amendment to Agreement for Disaster Debris Monitoring Services (RFP 2019062)

Recommended Action: Staff recommends the Board approve the Second Extension and Amendment and authorize the Chairman to sign it after the County Attorney has approved it as to form and legal sufficiency.

Attachments: [Staff Report](#)
[Second Extension and Amendment](#)

Approved staff's recommendation

8.F. [24-0239](#) Award of Bid 2024038 - Annual Custodial Services for County Buildings

Recommended Action: Staff recommends the Board award the custodial services to: American Facility Services, Inc. (Group 1) and CER Signature Cleaning (Group 2). Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute it after review and approval by the County Attorney as to form and legal sufficiency and after the required certificates of insurance have been received and approved by the Risk Manager. Staff also recommends the Board authorize the Purchasing manager to renew this agreement, under the same terms and conditions for two additional one-year periods subject to satisfactory performs, vendor acceptance, and determination by the Department that renewal of this agreement is in the best interest of Indian River County.

Attachments: [Staff Report](#)
 [Sample Agreement](#)
 [American Facility Services Pricing](#)
 [CER Signature Pricing](#)

Approved staff's recommendation

8.G. [24-0243](#) Award of RFP 2024032 for a Vulnerability Assessment Study

Recommended Action: Staff recommends the Board approve the final ranking of firms, award the RFP to Tetra Tech, Inc., and after the receipt and approval of the required insurance by the Risk Manager, approve the agreement, and authorize the Chairman to execute it, after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [Agreement](#)

Approved staff's recommendation

- 8.H. [24-0238](#) Approval of Renewal for a Class "B" Certificate of Public Convenience and Necessity for Coastal Health Systems of Brevard, Inc. to Provide Interfacility Ambulance Transportation Services

Recommended Action: Staff respectfully recommends that the Board of County Commissioners approve renewal of the Class "B" Certificate of Public Convenience and Necessity for Coastal Health Systems of Brevard, Inc. to be effective for a period of two (2) years from May 4, 2024 to May 4, 2026.

Attachments: [Staff Report](#)
[Coastal Health Systems of Brevard Application](#)
[Coastal Health Systems of Brevard Certificate](#)

Approved staff's recommendation

- 8.I. [24-0240](#) Indian River County Stormwater Management Plan, Environmental Science Associates, Work Order No. 1

Recommended Action: Staff recommends the BCC approve Environmental Science Associates Work Order No. 1 in the amount of \$475,629.00 for professional water resource engineering support services associated with supporting County staff in meeting the data collection and analyzing and prioritizing the County Stormwater Needs and developing a Stormwater Management Plan. In addition, staff recommends that the Board authorize the Chairman to execute Work Order No. 1.

Attachments: [Staff Report](#)
[IRC Stormwater Management Plan Scope](#)
[Work Order #1 Execution Form](#)

Approved staff's recommendation

- 8.J. [24-0189](#) Dick Bird (South County) Regional Park Disc Golf Course Adopt-A-Park by Discography Disc Golf

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve the attached adoption agreement and authorize the Chairman to execute the same after review and approval for legal sufficiency by the County Attorney.

Attachments: [Staff Report](#)
[Adopt A Park Agreement](#)
[Adopt-A-Park Program](#)

Approved staff's recommendation

- 8.K. [24-0226](#) Request for Use of Holman Stadium for Annual Sawbones vs. Jawbones Event to be held May 17, 2024

Recommended Action: Staff respectfully requests that the Board of County Commission approve the Agreement, authorize the Chairman to sign and grant the User Group's request for waiver of the standard security deposit required by the Stadium Use Agreement.

Attachments: [Staff Report](#)
[Use Agreement](#)

Approved staff's recommendation

- 8.L. [24-0197](#) Memorandum of Agreement between the Florida Fish and Wildlife Conservation Commission and Indian River County for Boating Ramp Projects and Maintenance

Recommended Action: Staff respectfully request that the Board of County Commissioners approve this Memorandum of Agreement #19202 and authorize the Chairman to execute the same after review and approval for legal sufficiency by the County Attorney

Attachments: [Staff Report](#)
[Memorandum Of Agreement](#)

Approved staff's recommendation

- 8.M. [24-0234](#) Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Service Development Grant

Recommended Action: Staff recommends that the Board of County Commissioners approve the attached Public Transportation Grant Agreement and adopt the resolution authorizing the Chairman to sign the agreement.

Attachments: [Staff Report](#)
[Resolution](#)
[Agreement](#)
[Budget Form](#)

Approved staff's recommendation and Resolution 2024-010, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.

8.N. [24-0144](#) Request for Release of a Ten-Foot Conservation Easement at 5180 95th Street

Recommended Action: Staff recommends that the Board, through adoption of the attached Resolution, approve the release of a ten-foot conservation easement at 5180 95th Street.

- Attachments:** [Staff Report](#)
 [Aerial of Subject Property](#)
 [The River Boat Club Final Plat](#)
 [Map Depicting Easement for Release](#)
 [Proposed Resolution](#)

Approved staff's recommendation and Resolution 2024-011, releasing a conservation easement of Lot 3 of the River Boat Club Subdivision.

8.O. [24-0249](#) West Wabasso Phase 3 Septic to Sewer (S2S) FDEP Cost-Share Funding Agreement (DEP Agreement No. WG001) Change Order No. 1

Recommended Action: Staff recommends the Board of County Commissioners authorize the Director of Utility Services or designated representative to sign the Department of Environmental Protection Agreement No. WG001 - Change Order No. 1 and all necessary documents to effectuate the grant time extension.

- Attachments:** [Staff Report](#)
 [Change Order No 1](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1. [24-0228](#) Miscellaneous Budget Amendment 03

Recommended Action: Staff recommends the Board of County Commissioners approved the budget resolution amending the fiscal year 2023-24 budget

Attachments: [Staff Report](#)
[2023 2024 Resolution](#)
[Exhibit "A"](#)
[Public Hearing Advertisement](#)

County Attorney Bill DeBaal introduced the item and noted that State Statute required a public hearing when the budget was amended to allocate actual cash balance dollars.

The Chairman opened the public hearing. There being no comments, the Chairman closed the public hearing.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve Resolution 2024-012, amending the fiscal year 2023-2024 budget. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

10.A.2. [24-0242](#) Consideration of Mod Units LLC., Request For an Economic Development Ad Valorem Tax Exemption (Tax Abatement) [Legislative]

Recommended Action: Based on the analysis conducted, staff and the EDC have determined that the proposed Mod Units LLC., facility qualifies for the County's tax abatement program.

Attachments: [Staff Report](#)
[Indian River County Tax Abatement Ordinance](#)
[Mod Units LLC. Tax Abatement Application](#)
[Economic Development Policy 2.5](#)
[Tax Abatement Scoring Guidelines](#)
[Preliminary Scoring and Tax Abatement Amounts](#)
[Chamber of Commerce Report](#)
[Property Appraisers Office Report](#)
[Ordinance for Mod Units LLC. Exemption](#)
[Agreement with Mod Units LLC.](#)

Chief of Long Range Planning Chris Balter presented Mod Units LLC.'s request for tax abatement, as the company expanded its existing location and projected the creation of twenty-four (24) full-time jobs building modular housing units. Mr. Balter's presentation detailed the review process, evaluation scorecard, conclusion, and staff's recommendation for approval. It was noted the Indian River County Chamber of Commerce and the Economic Development Council (EDC) had recommended approval of the tax abatement request.

The Chairman opened the public hearing. There being no comments, the Chairman closed the public hearing.

A motion was made by Commissioner Moss, seconded by Vice Chairman Flescher, to adopt Ordinance 2024-006, creating a new Section 1100.16 (Economic Development Ad Valorem Tax Exemption granted to Mod Units LLC. ("Business")) of Chapter 1100 (Economic Development Ad Valorem Tax Exemption) of Title XI (Economic Development Ad Valorem Tax Exemption) of the Code of Indian River County granting an economic development ad valorem tax exemption to Mod Units LLC.; making findings and providing for severability, codification and an effective date. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

B. PUBLIC DISCUSSION ITEMS

- 10.B.1. [24-0177](#) Request to Speak from Siobhan McGoorty of State Attorney's Office re: Sexual Assault Awareness Month

Attachments: [Request to Speak](#)

County Administrator John Titkanich provided details of Sexual Assault Awareness Month, filling in for Siobhan McGoorty who was unable to present. Administrator Titkanich furnished statistics on the prevalence of sexual assault, and discussed events during the month of April to raise awareness of sexual violence.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

- 11.A. [24-0265](#) IRC Strategic Plan Formulation

Recommended Action: Based on the extensive experience that consultants Dr. Saviak and Dr. Levey bring to the process, and to provide consistency, it is recommended that the requirement for bids be waived, and that the attached formal proposal to facilitate the design, implementation, and evaluation of Strategic Planning development, be accepted at the proposed rate of \$45,000 plus normal expenses associated with travel as outlined in the document.

Attachments: [Staff Report](#)
[Proposal](#)

County Administrator John Titkanich led discussion of the proposal to create a Five-year Strategic Plan (Plan) for the County which would operationalize the goals from the Goal-Setting Workshop which were accepted on February 20, 2024. A proposal for the Plan was submitted by Drs. Saviak and Levey, who led the previous workshop. Administrator Titkanich reviewed the steps, which included public input, and estimated the completion of the Plan in November of 2024. He requested the requirement for bids be waived for consistency and experience.

Commissioner Loar noted it had been more than twenty (20) years since the County had a strategic plan. Commissioner Moss received confirmation that a web page could be created with a section for the public to submit comments.

A motion was made by Commissioner Loar, seconded by Chairman Adams, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

12. DEPARTMENTAL MATTERS

- A. Community Services**
- B. Emergency Services**
- C. Human Resources**
- D. Information Technology**
- E. Natural Resources**
- F. Office of Management and Budget**
- G. Parks, Recreation, and Conservation**
- H. Planning and Development Services**

12.H.1. [24-0241](#) Updated Liberty Park Conceptual Planned Development Plan

Recommended Action: Staff recommends that the Board of County Commissioners review the updated Liberty Park conceptual PD plan and determine its consistency with the BCC's adopted CDD guidelines.

Attachments: [Staff Report](#)
[Previously Approved Conceptual PD Plan](#)
[Updated Conceptual PD Plan](#)

Assistant Planning and Development Services Director Ryan Sweeney presented updates to the Liberty Park Conceptual Planned Development Plan (Plan). Following a timeline of the project, Mr. Sweeney analyzed the changes to the Plan and confirmed that each change was consistent with the approved amended Developer's Agreement. Before and after illustrations were shown and confirmed adherence to the County's established Community Development District (CDD) guidelines. Mr. Sweeney noted these changes would typically be approved at the staff level, and this update was presented out of an abundance of caution for the County's first CDD project.

Under discussion, Chairman Adams discussed the connection of 64th Avenue to 81st Street on the eastern side of the development, which developers added in response to the community's traffic concerns. Mr. Sweeney and Andy Sobczak, Planning and Services Director, provided information to Commissioner Moss regarding the revised number of units, open space, park acreage, and greenway connection. Mr. Sweeney confirmed that though the retention ponds were larger, the park acreage remained in compliance. The Board also received confirmation the amended Developer's Agreement provided the County with land for a future fire station.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 4 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, and Commissioner Loar

Nay: 1 - Commissioner Moss

I. Public Works**J. Utilities Services**

12.J.1. [24-0253](#)

One Water Pilot Project, Application for Funding from St Johns River Water Management District Cost-Share Program, Water Research Foundation Tailored Collaboration Program

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners approve the Department of Utility Services to proceed with submitting applications for the St Johns River Water Management District Cost-Share Program and Water Research Foundation Tailored Collaboration Program for the One Water Pilot Project, and further to submit additional applications for other appropriate funding or grants that may be identified, and to authorize the County Administrator or designee to sign the application forms on its behalf. If any awards are received, separate agenda items will be brought to the Board of County Commissioners at future dates outlining agreement terms, funding, and to request appropriate actions.

Attachments: [Staff Report](#)

Utility Services Director Sean Lieske appeared before the Board requesting approval to apply for participation in the One Water Pilot Project, which would study the feasibility of reuse potable water, and to apply for any related grants. Mr. Lieske noted that the County's growth necessitated exploring additional water sources, and options to dispose of reuse water. Howard Richards, Capital Projects Manager, provided statistics on water usage, and discussed other utilities in the State pursuing similar studies.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, approved staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

13. COUNTY ATTORNEY MATTERS

13.A.1. [24-0250](#) Demolition Lien Reduction - 43 Highlands Dr SW, Vero Beach, FL 32962

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners waive 90% of the accrued interest, so long as the lien and 10% of the outstanding interest for a total of \$6,966.13 is paid within 60 days and that once paid, the Board authorizes the Chairman to execute a release of the lien.

Attachments: [Staff Report](#)
[Boodhoo Demo Lien](#)
[Boodhoo tax deed](#)

Deputy County Attorney Susan Prado came before the Board on behalf of a constituent seeking a lien reduction. Prior to their purchase of the property, a demolition lien had been recorded in the amount of \$6,538.54 and now totaled \$10,814.45 with accrued interest. Ms. Prado noted in past similar cases, the Board offered to waive all but 10 percent of the interest as long as the lien plus the reduced interest was paid in 60 days. The revised cost to release the lien would be \$6,966.13; the new owners planned to build their home on the land.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

14. COMMISSIONERS MATTERS

- A. Commissioner Susan Adams, Chairman**
- B. Commissioner Joseph E. Flescher, Vice Chairman**
- C. Commissioner Joseph H. Earman**
- D. Commissioner Deryl Loar**
- E. Commissioner Laura Moss**

The Chairman called for a recess at 10:07 a.m., and reconvened the meeting at 10:13 a.m.

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District**B. Solid Waste Disposal District**

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.

15.B.1. [24-0252](#) Renewal with Tiger Inc for Sale and Purchase of Natural Gas

Recommended Action: Staff recommends approval from the Solid Waste Disposal District Board to approve the Transaction Confirmation #3 with Tiger, Inc. for Sale and Purchase of Natural Gas, and authorize the Chairman to sign the necessary documents to effectuate the approval.

Attachments: [Staff Report](#)
[Transaction Confirmation #3](#)

Himanshu Mehta, Managing Director of the Solid Waste Disposal District, requested the Board's approval of an extension to the agreement with Tiger, Inc. for the sale and purchase of natural gas. Director Mehta explained Tiger, Inc. was a third party which provided the natural gas used in the leachate evaporator project at a fixed cost which was less expensive than purchasing the gas directly.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

15.B.2. [24-0289](#)

Consent and Agreement with Pathward, NA for Nopetro's Landfill Gas Construction Loan

Recommended Action: The County Attorney's Office recommends that the Board, acting in its capacity as the Solid Waste Disposal District, discuss the Consent and Agreement, weigh the risks against the benefits of the Consent and approve the Consent and authorize the Chairman to execute the Consent and Agreement on behalf of the Solid Waste Disposal District.

Attachments: [Staff Report](#)
[Consent and Agreement](#)

County Attorney Bill DeBaal presented the Consent and Agreement document related to the construction of the landfill gas facility project, as discussed at the January 23, 2024 Board meeting where the final Nopetro Eco District LLC's contract was approved. Nopetro's lender, Pathward, NA, requested the Consent and Agreement document as a condition of approving Nopetro's construction loan.

Attorney DeBaal further discussed the County's exposure to risk by signing the Agreement, as detailed in staff's memo dated March 14, 2024. He touched upon the language staff added to the document to better protect the County's interest while still allowing the project to proceed.

Chairman Adams led discussion by confirming the document provided the County's express consent to the bank, and that Nopetro provided indemnification and a letter of credit to help cover construction costs and lessen the County's risk exposure. The Chairman stated she was comfortable with the terms and advocated for moving forward. Commissioner Loar sought to clarify that this Agreement was a practice undertaken by other counties; County Administrator John Titkanich confirmed and provided a list of the other counties. Administrator Titkanich also expanded on a meeting attended by council, Nopetro, County staff, and the bank. He praised the work staff had done to add language to better protect the County.

A motion was made by Commissioner Loar, seconded by Chairman Adams, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:22 a.m.