



## Legislation Details (With Text)

**File #:** 1727-2008      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/23/2008      **In control:** Utilities Committee

**On agenda:** 11/17/2008      **Final action:** 11/18/2008

**Title:** To authorize the Director of Public Utilities to enter into a Eleventh Modification of the Lease and Transfer Agreement by and between the Solid Waste Authority of Central Ohio and the City of Columbus.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/18/2008	1	MAYOR	Signed	
11/18/2008	1	CITY CLERK	Attest	
11/17/2008	1	Columbus City Council	Approved	Pass
11/17/2008	1	COUNCIL PRESIDENT	Signed	
11/10/2008	1	Columbus City Council	Read for the First Time	
10/27/2008	1	CITY ATTORNEY	Reviewed and Approved	
10/27/2008	1	Finance Drafter	Sent to Clerk's Office for Council	
10/24/2008	1	FINANCE DIRECTOR	Reviewed and Approved	
10/24/2008	1	Finance Drafter	Sent for Approval	
10/23/2008	1	Finance Drafter	Sent for Approval	
10/23/2008	1	Utilities Reviewer	Sent for Approval	
10/23/2008	1	UTILITIES DIRECTOR	Reviewed and Approved	
10/23/2008	1	Finance Reviewer	Reviewed and Approved	

Background: This ordinance authorizes the Director of the Department of Public Utilities to enter into the Eleventh Modification of the Lease and Transfer Agreement between the City and the Solid Waste Authority of Central Ohio ("SWACO"), dated April 1, 1993, ( as modified by the First through the Tenth Modifications to that Agreement, the "Lease Agreement") for the purpose of providing partial funding for the Office of the Environmental Steward through December 31, 2009, and for the purpose of terminating SWACO's ability to enter into lease agreements to mine minerals as permitted by the Eighth Modification.

The Office of the Environmental Steward was first established by the City and SWACO under the terms and conditions of the Seventh Modification. Since then it has been extended and modified several times to reflect ongoing commitment and support. The interest and need in the community for strong environmental leadership is at an all time high. The efforts of the Environmental Steward work to protect the SWACO landfill by reducing the amount of waste produced in our community, by increasing recycling, working to attract green businesses to our community, providing for public education, and protecting our air and water.

The Eighth Modification allowed SWACO to contract with Columbus Limestone Inc. (Shelly) for filling and compacting activities following the demolition and removal of the former Waste-To-Energy Facility in exchange for the rights to extract mineral at the site.

However, since then Columbus Limestone Inc. (Shelly) has approached the City for permission to expand quarrying activities at the site. SWACO no longer desires to be involved in leasing mining rights to the site and it has agreed to release any rights granted to do so under the Eighth Modification.

Fiscal Impact: The City's share of the operation of the Office of the Environmental Steward will continue to take the form of credits against the lease payments due from SWACO to the City. Since these are being largely deferred pending retirement of the SWACO bonds there will be no immediate fiscal impact on revenue to the City. The value of any agreement associated with mining in the area of the former Waste-To-Energy facility has not yet been determined. Any proposal is subject to approval by City Council.

To authorize the Director of Public Utilities to enter into a Eleventh Modification of the Lease and Transfer Agreement by and between the Solid Waste Authority of Central Ohio and the City of Columbus.

WHEREAS, the City and the Solid Waste Authority of Central Ohio ("SWACO") entered into a Lease and Transfer Agreement dated April 1, 1993 (together with the First through the Tenth Modifications to that Lease and Transfer Agreement, the "Lease Agreement") to, among other things, transfer possession of the City's Solid Waste Reduction Facility ("Facility") to SWACO as Lessee of the Facility and to require that SWACO make lease payments to the City; and

WHEREAS, the ongoing efforts of the Environmental Steward work to protect the SWACO landfill by reducing the amount of waste produced in our community, by increasing recycling, working to attract green businesses to our community, providing for public education, and protecting our air and water; and

WHEREAS, the City and SWACO now desire to enter into a Eleventh Modification of the Lease Agreement to account fully fund the office of the Environmental Steward through 2009 and to terminate SWACO's mining rights permitted by the Eighth Modification ; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

**Section 1.** That the Director of Public Utilities is hereby authorized to enter into and execute the Eleventh Modification to the Lease Agreement between the City and the Solid Waste Authority of Central Ohio.

**Section 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.