

**Authority Meeting Minutes
379th Meeting
December 3, 2024 at 12:00 p.m.**

Members Present: Joseph J. Siemek
Rhody Holthaus
Guillermo (“Willie”) Wainer
Mark DeLuca
Cliff Engle
Anthony Russell
Dr. Charles Glass

Other Participants: Lee Zimmerman (Frederick County)
Andrew Kays (NMWDA)
Kim Gordon (NMWDA)
John Schott (NMWDA)
Traci Baker (NMWDA)

Public access via livestream at the following link:

<https://youtube.com/live/snh3H4Sy-zM?feature=share>. This stream was turned on at 12:10 p.m. local time.

Board Chairman, Joseph Siemek opened the meeting at 12:12 p.m. local time after confirming the presence of a quorum. Mr. Siemek noted that the instructions for the public to view the meeting were provided in advance and that there were no plans for any portion of the meeting to be held in closed session. Mr. Siemek requested that Members identify themselves when speaking.

Andrew Kays identified the non-voting individuals present at the meeting as Lee Zimmerman (Frederick County) and Kim Gordon, John Schott and Traci Baker (Authority Staff).

Mr. Siemek noted consideration of the minutes of the previous Board Meeting on October 1, 2024 and that such minutes were approved and posted on the Authority website.

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Tower II – Suite 402, 100 S. Charles Street, Baltimore, MD 21201-2705

Comprehensive Waste Management Through Recycling, Reuse, Resource Recovery and Landfill

MEMBERS:

Rhody R. Holthaus, Anne Arundel County / Vacant, Baltimore City / Anthony Russell, Jr., Baltimore County / Clifford J. Engle, Carroll County
Phillip S. Harris, Frederick County / Joseph J. Siemek, Harford County / Mark A. DeLuca, Howard County / Guillermo Wainer, Montgomery County
Charles Glass, Maryland Environmental Service / Andrew Kays, Executive Director



**ACTION ITEM NO. 2024-6-1 - APPROVAL OF AUDITED FINANCIAL STATEMENTS
(June 30, 2024 and 2023)**

A motion was made by Dr. Charles Glass and seconded by Cliff Engle to approve this item.

Kim Gordon explained that the Authority's Audited Financial Statements for June 30, 2024 and 2023 as provided to the Board for review were prepared by CliftonLarsonAllen LLP. There are no changes to the audited financial statements since the draft audited financial statements were submitted to the Board for review on November 7, 2024.

Staff is requesting approval of the Audited Financial Statements for June 30, 2024 and 2023.

Joseph Siemek asked if there were any questions or matters for discussion.

There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2024-6-2 — ON-CALL CONTRACT AMENDMENT(S)

A motion was made by Mark DeLuca and seconded by Anthony Russell to approve this item.

John Schott explained that an amendment to an Authority on-call contract is needed as follows:

SCS Engineers (SCS) – An increase in the total amount of \$560,000 is needed for the SCS contract, of which \$210,000 is needed for landfill gas services for Carroll County, and \$350,000 is needed for minor repairs at the Kane Street Sanitation Yard for Baltimore City.

Staff is requesting increases for the on-call contract as set forth above.

Joseph Siemek asked if there were any questions or matters for discussion.

There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2024-6-3 – BUDGET AMENDMENTS

A motion was made by Dr. Charles Glass and seconded by Willie Wainer to approve this item.

John Schott explained that amendments to the Authority's budget are needed as follows:

- (1) Carroll County Landfill Account - A budget increase in the amount of \$210,000 is needed for the Carroll County Landfill Account to support Action Item 2024-6-2. The County will pay the Authority via purchase order, as and when approved by the County.

- (2) Frederick County – Reichs Ford Landfill Account – A budget increase in the amount of \$98,950 is needed for the Frederick County Reichs Ford Landfill Account to support efforts in connection with the Continued Methane Rule Compliance Support. The County will pay the Authority via purchase order, as and when approved by the County.

Staff is requesting increases to the Authority’s budget in the amounts as set forth above.

Joseph Siemek asked if there were any questions or matters for discussion.

There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2024-6-4 - APPROVAL OF EMERGENCY PROCUREMENT FOR MONTGOMERY COUNTY SERVICE AGREEMENT EXTENSION

A motion was made by Cliff Engle and seconded by Rhody Holthaus to approve this item.

Andrew Kays explained that on May 31, 2024, the Montgomery County Office of the County Executive sent a written directive (“May 31 County Executive Letter”) to the Authority to seek an emergency extension (pursuant to COMAR 14.13.01.12) of the Resource Recovery Facility (“RRF”) and Transfer Station (“TS”) Service Agreement with Reworld Montgomery, Inc. (“Reworld”) on behalf of Montgomery County, Maryland (the “County”). The County intended to provide for municipal solid waste (“MSW”) processing technology alternatives that differ from the current waste management operations at the TS and RRF by April 2026, which is when the current Service Agreement for the operation of the facilities expires. Such alternatives are in active evaluation and procurement by the County. However, due to unexpected conditions and circumstances beyond the County’s control (including the pandemic, global/national economic forces and challenges in global supply chains that have impacted staffing activities, and the development/procurement of advanced MSW processing and diversion systems in the County), which the County could not reasonably foresee, such alternatives and their resulting contracts will not be in place by April 2026.

Mr. Kays further explained that the County, led by the Department of Environmental Protection (DEP), and the Authority recently reached an agreement in principle (as evidenced by the letter from the County Executive dated November 20, 2024 (“November 20 County Executive Letter”), for a short-term extension of the current Service Agreement with Reworld for continued operations of the County’s RRF and TS for the acceptance, transfer, processing, and disposal of MSW generated in the County. The extension will be through April 1, 2031. The Authority did issue a Notice of Intent (NOI) for this extension to County Council and the County Executive, as required under Maryland Code Natural Resources § 3-920, such notice was sent on November 25, 2024 at the County’s direction.

Staff is requesting approval to enter into a contract for the extension of the Service Agreement, substantially in the form of the draft change order provided to the Board for review and made publicly available on the Authority's website, as well as the extension of any contracts related to the Service Agreement that will be necessary for continued operations at the RRF and TS through April 1, 2031. The approval to enter into the Service Agreement extension (as well as any extensions for related documents) is subject to the County's approval of the NOI, and the written direction of the County to proceed.

Andrew Kays noted that the draft Change Order and the May 31 County Executive Letter were part of the November 1, 2024 transmittal memorandum to Montgomery County, and the November 2024 County Executive Letter, were provided to the Board, and made publicly available on the Authority's website, as attachments to the draft Change Order to extend the Service Agreement.

Staff is requesting approval of the emergency extension, subject to the County's approval.

Joseph Siemek asked if there were any questions or matters for discussion.

There being none, a vote was taken, and the item was unanimously approved.

Joseph Siemek added a new business item for discussion purposes only and requested Andrew Kays to provide a status update on the OPEGA review of the Authority. Mr. Kays noted the update is in reference to HB 161 of 2023 which required the Department of Legislative Services (DLS) and the Maryland Environmental Service (MES) to review the Authority and its activities. Mr. Kays explained that Authority staff met with staff of the DLS Office of Program Evaluation and Government Accountability (OPEGA) and MES as directed under HB 161. Staff and Board members responded to data inquiries and requests for clarifications from both agencies as they separately worked on their respective reports as required under HB 161. Both agencies have indicated that they have the data/information needed to complete their reports at this time. Each agency controls the timing of submissions of their respective final reports based upon their internal review process.

Andrew Kays took the opportunity to thank the staff of OPEGA and MES for their professionalism and thoroughness throughout the entire process.

Joseph Siemek inquired whether there was any discussion from the board members regarding the briefing provided by the Executive Director. Dr. Charles Glass took the opportunity to thank Mr. Kays and his staff for their professionalism. Dr. Glass noted that a lot of information was requested; and it was great working with the Authority through a process that could be perceived otherwise. Mr. Kays noted that he would pass along Dr. Glass' comments to staff.

Joseph Siemek asked if there were any additional matters for discussion. There being no additional comments or discussion items, the meeting adjourned at 12:22 p.m.

TRUE TEST COPY

A handwritten signature in black ink, appearing to read "Andrew Kays", written over a horizontal line.

Andrew Kays, Executive Director