

Montgomery County Board of Commissioners

Resolution 2020-16

A RESOLUTION WITHDRAWING FROM WEST CENTRAL SOLID WASTE DISTRICT

WHEREAS, on June 17, 1991, Montgomery, Hendricks, Morgan, Parke, and Putnam Counties agreed to form a joint solid waste district, known as the West Central Solid Waste District; and

WHEREAS, Hendricks County withdrew from the joint district on January 1, 2005; and

WHEREAS, Morgan County withdrew from the joint district on December 31, 2007; and

WHEREAS, on February 25, 2008, Montgomery County approved Ordinance 2008-3 in which the Board of Commissioners determined that Montgomery County would remain in a joint district with Parke County and Putnam County, subject to the right of Montgomery County to withdraw from the joint district; and

WHEREAS, the Board of Commissioners has disagreed with the decision of the joint district Board of Directors to require annual contributions from each county rather than use the joint district's substantial and uncommitted cash reserves for the operation of the joint district; and

WHEREAS, the joint district Board of Directors has refused to address the concerns of the Board of Commissioners; and

WHEREAS, the Board of Commissioners has studied the operational needs of solid waste management in Montgomery County and worked with the City of Crawfordsville in order to determine whether Montgomery County can operate its own solid waste district at less expense than the annual contribution mandated by the joint district; and

WHEREAS, on June 8, 2020, the Board of Commissioners received a report from Commissioner Dan Guard and Crawfordsville Street Superintendent Scott Hesler which showed that Montgomery County could operate its own solid waste district for less than the annual contribution mandated by the joint district; and

WHEREAS, Indiana Code §13-21-4-4 provides that a county desiring to withdraw from a joint solid waste district must adopt a resolution at two meetings, not less than 15 days apart and not more than 45 days apart, and provide the resolutions to the board of the joint district and the Commission of the Indiana Department of Environmental Management (IDEM); and

WHEREAS, Indiana law provides that the effective date of the withdrawal is the date of delivery of the identical resolutions to the board of the joint district and the Commissioner of IDEM or the effective date stated in the resolutions; and

WHEREAS, on June 22, 2020, the Montgomery County Board of Commissioners approved Resolution 2020-15 which approved the withdrawal of Montgomery County from the West Central Solid Waste District, effective at 11:59 p.m. on December 31, 2020; and

WHEREAS, more than fifteen (15) days but not more than forty-five (45)

days have elapsed since the adoption of Resolution 2020-15; and

WHEREAS, Montgomery County hereby withdraws from the West Central Solid Waste District, effective at 11:59 p.m. on December 31, 2020; and

WHEREAS, the Montgomery County Board of Commissioners intends to form its own solid waste district by ordinance which will be effective at 11:59 p.m. on December 31, 2020

WHEREAS, this resolution should be approved in order to comply with Indiana law and its requirements for withdrawal from a joint district.

IT IS, THEREFORE, RESOLVED that Montgomery County hereby withdraws from the West Central Solid Waste District, effective at 11:59 p.m. on December 31, 2020.

IT IS FURTHER RESOLVED that upon adoption of this resolution, the Auditor shall mail to the Board of Directors of the West Central Solid Waste District, the Commissioner of IDEM, and the President of the Board of Commissioners of Parke and Putnam Counties copies of this resolution and Resolution 2020-15 and report to the Commissioners that such copies have been delivered in accordance with this resolution.


IT IS FURTHER RESOLVED that the County Administrator shall coordinate the County's participation in the State Board of Account's financial report, communication with IDEM, negotiations concerning the written agreement of the members of the existing joint district regarding their respective legal obligations, the scheduling of required public meetings on the tentative agreement

regarding the parties' legal obligations, the formulation of a district plan for the new Montgomery County Solid Waste District, the formulation of a solid waste management policy for the new district, and all other action necessary to complete the withdraw from the current joint district and the formation of the new district.

THIS RESOLUTION is hereby adopted this 13th day of July, 2020.

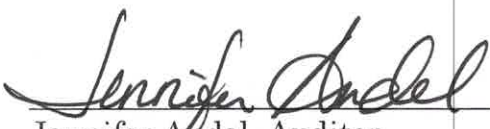
MONTGOMERY COUNTY BOARD OF
COMMISSIONERS:


James D. Fulwider, President


John Frey, Vice President


Dan Guard, Member

Attest:


Jennifer Andel, Auditor