



May 8, 2012

Dear Members of the Lexington Area Solid Waste Agency,

At the April 23, 2012 Full Board Meeting members present reviewed the Memorandums that Scott Trusdale (LASWA's Attorney) drew up on the Service Agreement and the Interlocal Agreement.

We have been communicating with Dave Johnson-NDEQ with the question: Is each entity/municipality required a destination for their trash? Answer given by Mr. Johnson was found in Title 132 - Integrated Solid Waste Management Regulations, Neb. Rev. Stat. 13-2032 number (3) The solid waste management plan shall be updated for compliance with federal and state laws and regulations **as required** by the department and may be updated, subject to approval by the department, at any time to reflect local needs and conditions. Mr. Johnson stated that NDEQ has not **required** a new Integrated Solid Waste Management Plan for each municipalities/counties.

The Executive Board would greatly appreciate your response to the Interlocal Agreement Memorandum by June 20, 2012.

This is your Agency and it is important that all members return an answer by the given date. If you choose to withdraw your membership, we will send you the proper paper work at that time.

Thank you for your cooperation ⁱⁿ ~~is~~ this issue. If you have any questions please call the Agency's office 308-324-3351.

Respectfully Submitted,

Byron Schuckman-Landfill Supervisor

Ann Eggleston-Administrative Supervisor



April 17, 2012

MEMORANDUM


In 1994 the Lexington Area Solid Waste Agency entered into a Service Agreement with numerous communities to provide for the disposal of solid waste. The main purpose of this Service Agreement was to insure that the Governmental Entities utilizing the services provided by LASWA would continue to deliver their solid waste to the Agency, thus guaranteeing an income stream. Additionally, each entity agreed to be responsible for a certain percentage of the principal amount of all Bonds owed by LASWA.

Obviously LASWA has functioned well based on these numerous Service Agreements and has been able to pay off all long term indebtedness in regard to the operation and acquisition of the facility. Users of the facility continue to supply a solid income stream to LASWA, allowing it to operate on solid financial ground.

Based upon the fact that all long term indebtedness has been retired and upon the situation where under an income stream has been historically developed based upon the operation, the Service Agreement is no longer necessary or appropriate. LASWA intends to continue receiving solid waste from all parties, with the cost thereof to be uniform, no matter who delivers that waste.

Based on the above information, it is the intention of the Executive Board of LASWA to terminate all Service Agreements effective on June 1, 2012. Communities and entities presently delivering solid waste to LASWA pursuant to a Service Agreement need to take no action to insure their continuing ability to utilize our facility.

Should you have questions in regard to this situation, please get in touch with Ann Eggleston at the LASWA Office. Thank you for your consideration.


SAM McCAIN
Chairman, Executive Committee



April 17, 2012

MEMORANDUM

TO: ALL MEMBERS OF THE LEXINGTON AREA SOLID WASTE AGENCY.

In 1993, a number of Governmental Entities participated in an Interlocal Agreement creating the LASWA. Some of the reasons for being a Member of the Agency no longer exist. Additionally, the Agency has paid off all long term indebtedness with regard to the acquisition and operation of the facility and is not dependent upon membership in order to guarantee its payment of obligations and operating expenses.

As you are probably aware, quorum problems often exist at the full Board Meetings of the Solid Waste Agency. There is a requirement that Forty (40%) Percent of the Members be represented at a full Board Meeting in order for there to be a quorum. It is often necessary to contact specific Members in order to obtain the necessary quorum to conduct business.

Paragraph Nine of the Interlocal Agreement allows Members to withdraw from membership in the Agency. This withdrawal has to be accomplished by appropriate Resolution enacted by the Governmental Entity. The purpose of this Memorandum is to determine whether any of the existing Members of the Lexington Area Solid Waste Agency are interested in withdrawing from Membership in order that the Agency can deal with its problems in governing at a full Board Meeting.

Please be advised that nothing contained in this Memorandum, nor any withdrawal from membership by any entity will limit that entity's ability to deliver solid waste to the Lexington Area Solid Waste Agency at the same price as paid by any other user.

Please indicate on the bottom of this Memorandum the intention of your entity with regard to membership in the Lexington Area Solid Waste Agency. If you chose to indicate that you are considering withdrawal from the Agency, appropriate Resolution Forms can be forwarded to you for your use in accomplishing this withdrawal.

We appreciate your consideration of this matter, and would ask that you return this instrument to the Office of the Lexington Area Solid Waste Agency as quickly as is appropriate. Questions in regard to this matter, can be directed to Ann at the Solid Waste Agency, or to Scott H. Trusdale, Legal Counsel for the Agency, (308-784-2212) (P. O. Box 540, Cozad, Nebraska 69130).

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Once again, this matter is of the utmost importance.

Respectfully,



Chairman of the Lexington Area Solid Waste Agency

_____ Will continue to be a Member of the Lexington Area Solid Waste Agency.

_____ Would like to withdraw from membership in the Lexington Area Solid Waste Agency.