

**MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT
REGULAR MEETING MINUTES**

9:30 a.m., Friday
October 21, 2005

Boardroom
Monterey Peninsula Landfill
Marina, CA

MEMBERS PRESENT: Sue McCloud, Vice Chair
Gary Bales
David Pendergrass
Leo Laska
Joseph Russell
Jerry Smith
Don Jordan

MEMBERS ABSENT: Dan Albert, Chair
Ken Gray

STAFF PRESENT: William Merry, General Manager
Timothy Flanagan, Assistant General Manager
Rob Wellington, Legal Counsel
Richard Shedden, Senior Engineer
Richard Norton, Administrative Services Manager
Don Prescott, Finance/Information Systems Manager
Charles Rees, Accounting Manager
Heidi Feldman, Public Education Coordinator
Richard Petitt, Assistant Site Superintendent
Harry Hunzie, MRF Manager
Gary Metzler, Safety Manager
Rebecca Aguilar, Administrative Support Supervisor
Julia Partida, Administrative Support Specialist II
Dave Hall, Equipment Shop Supervisor/OE3 Shop Steward
Suzan Fine, Recycling Attendant/SEIU President

OTHERS PRESENT: Angela Brantley, City of Monterey
Bjorn Lundegard, City of Seaside
Stan Cook, Fort Ord Reuse Authority
Michael Houlemard, Fort Ord Reuse Authority
Simon Whitney, Marina Community Partners
Roger Van Horn, Monterey County Environmental Health Department
Curtis Weeks, Monterey County Water Resources Agency

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the October 21, 2005, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Vice Chair McCloud at 9:30 a.m.

**RECOGNIZE WILLIAM MERRY FOR RECEIVING THE
SWANA PUBLIC SECTOR PROFESSIONAL ACHIEVEMENT AWARD**

Vice Chair McCloud, on behalf of the Board, congratulated General Manager for receiving the Solid Waste Association of North America Professional Achievement Award. General Manager expressed appreciation to the Board for their continued support in allowing him the opportunity to be a part of SWANA. He reported that he had been re-elected to the SWANA Gold Rush Chapter Board of Directors for a two-year term. He serves on the SWANA statewide legislative task force as well.

CONSENT AGENDA

Vice Chair McCloud requested that the September meeting minutes reflect that she had abstained only from approval of Consent Agenda Item 1 - *Minutes of August 19, 2005 Regular Board Meeting*.

Following a motion by Director Pendergrass, and seconded, the Board approved the following actions:

- 1) **Approve Minutes of September 16, 2005 Regular Board Meeting.**
- 2) **Approve Report of Disbursements.**

Moved Agenda Item #11:

Director McCloud stated that Michael Houlemard of the Fort Ord Reuse Authority was in attendance at the meeting to discuss Agenda Item #11 - *Authorize Execution of Agreement with Marina Community Partners and Marina Redevelopment Agency to Withdraw Application to Department of Toxic Substances Control for Disposal Variance*. She requested that the Board move Item 11, to follow Item 3.

It was moved by Director Smith, seconded, and Unanimously Carried To: Move Agenda Item 11.

ITEMS FOR BOARD CONSIDERATION, DISCUSSION, AND ACTION

- 3) **Receive Presentation and Provide Direction to Staff Related to Monterey County Water Resources Agency's Proposed Salinas River Diversion Project**

Curtis Weeks, General Manager of the Monterey County Water Resources Agency (MCWRA) addressed the Board and stated that he appreciated the opportunity to present the current status of the Salinas River Diversion Project and the proposed "rubber dam" to be located on the far northeast corner of District property. He also expressed appreciation to District staff for working with the MCWRA in bringing this

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project forward. He presented the Board with a brief overview of the critically needed project and its infrastructure. Mr. Weeks stated that the MCWRA was conducting a study on the need to either lease or purchase land from the District for the construction and operation of the Salinas River Diversion Project. Initial discussions with the State Water Resources Board have indicated that the MCWRA would have to own the property where the dam is to be constructed.

Board discussion followed regarding the pros and cons of purchasing versus leasing, and long term liabilities. District staff was directed to continue discussions with MCWRA staff and bring a recommendation back to the Board.

11) Authorize Execution of Agreement with Marina Community Partners and Marina Redevelopment Agency to Withdraw Application to Department of Toxic Substances Control for Disposal Variance

General Manager stated that the District has been trying to obtain a disposal variance for acceptance of lead based painted wood buildings from the former Fort Ord for the last three years from the Department of Toxic Substances Control (DTSC). Despite continued efforts, the approval of the application from DTSC has not yet been granted. Due to the pressing need for the commencement of building removal activities on the University Villages Phase 1 property by November 1, 2005, and the fact that the Disposal Variance and related permits would not be granted by that time, Marina Community Partners (MCP) formally requested a cessation of activities pursuant to the processing of the Disposal Variance by the MRWMD. The Board reviewed a proposed letter agreement between the MCP, the City of Marina Redevelopment Agency and the District. General Manager stated that staff agreed with the MCP and recommended acceptance of the letter agreement as proposed, which would reimburse the District and FORA for all costs incurred to date. The District would negotiate with FORA for the equitable distribution of the funds to be reimbursed, which would not exceed \$200,000.

Michael Houlemard, Executive Director of FORA addressed the Board and stated that he agreed with District staff. Even if DTSC approved the variance immediately, the next step would be approval of the Central Coast Water Quality Control.

Board discussion followed regarding proceeding with the variance application and alternate disposal methods. Mr. Houlemard stated that the variance was project specific for the buildings originating from this project and the material would probably be transported to Waste Management's Kettleman City, Class I hazardous waste landfill.

Director Jordan inquired on the impact to the budget. Finance/Information Systems Manager responded that there would be a \$300,000 loss of revenue for fiscal year 2005/2006. The Board continued discussion of the slow process of the State DTSC and the amount of staff time spent on this project.

It was moved by Director Smith, seconded, and Approved by Vice Chair Albert and Directors Laska, Russell, Smith, and Jordan; Opposed by Directors Bales and Pendergrass To: Authorize Execution of Agreement with Marina Community Partners and Marina Redevelopment Agency to Withdraw Application to Department of Toxic Substances Control for Disposal Variance.

4) Approve Draft Annual Report for Fiscal Year 2004/2005

The Board reviewed the final draft of the District annual report for fiscal year 2004/2005. The report, coordinated by Cheryl Hall with input from staff, is in the same format as in the past couple of years. The report will be printed and mailed to District member agencies and other interested parties.

It was moved by Director Smith, seconded, and Unanimously Carried To: Approve Draft Annual Report for Fiscal Year 2004/2005.

5) Authorize Reclassification of Heavy Equipment Mechanic Position to Power Systems Technician

The Board reviewed a memorandum from Administrative Services Manager requesting that the Board authorize the reclassification of a Heavy Equipment Mechanic to a Power Systems Technician. The landfill gas (LFG) project has grown over the years but the staffing has not and additional help is needed to maintain the LFG engine/generators on the four-megawatt project.

It was moved by Director Jordan, seconded, and Unanimously Carried To: Authorize Reclassification of Heavy Equipment Mechanic Position to Power Systems Technician.

6) Award Construction Contract to Monterey Peninsula Engineering, Inc. in the Amount of \$132,170 for Construction of Del Monte Boulevard Left-Turn Lane

The Board reviewed a memorandum from Senior Engineer requesting that the Board award a construction contract to the low bidder, Monterey Peninsula Engineering (MPE) of Marina, CA, in the amount of \$132,170 for the construction of the Del Monte Boulevard left turn lane. Senior Engineer stated that staff was happy that a well qualified local company had submitted the low bid.

Vice Chair McCloud stated that she hoped the actual work could be done quickly in order to minimize disruption to District operations. Senior Engineer responded that MPE did not anticipate any highway lane closures that would interrupt traffic to or from the Environmental Park.

It was moved by Director Laska, seconded, and Unanimously Carried To: Award Construction Contract to Monterey Peninsula Engineering, Inc. in the Amount of \$132,170 for Construction of Del Monte Boulevard Left-Turn Lane.

7) Ratify Landfill Gas Project Agreement with Enercon Engineering in the Amount of \$17,120

The Board reviewed a memorandum from Finance/Information Systems Manager requesting that the Board ratify the scope of work from Enercon Engineering Inc. in the amount of \$17,120. Due to the number of projects that Enercon was involved with, it had been necessary for General Manager to authorize Enercon to proceed on the project prior to Board approval.

It was moved by Director Jordan, seconded, and Unanimously Carried To: Ratify Landfill Gas Project Agreement with Enercon Engineering in the Amount of \$17,120.

8) Authorize Issuance of Request for Proposals for Concrete Crushing, Recycling and Marketing Services

The Board reviewed a memorandum from Senior Engineer requesting authorization from the Board to issue a request for proposals to provide concrete crushing, recycling, and marketing services. Senior Engineer stated that the District has a large stockpile of concrete and asphalt and has historically had a contractor come in and crush that material into baserock. The contractor would own the final product, but would pay the District a royalty for the material. The qualified contractor offering the highest royalty payment would be awarded the contract.

It was moved by Director Laska, seconded, and Unanimously Carried To: Authorize Issuance of Request for Proposals for Concrete Crushing, Recycling and Marketing Services.

9) Authorize Purchase of Litter Control Fencing from New Waste Concepts in the Amount of \$21,341.25

The Board reviewed a memorandum from Site Manager regarding litter control fencing and requesting authorization to purchase ten sections of Litter Fence Extreme from Waste Concepts at a cost of \$21,341.25.

It was moved by Director Jordan, seconded, and Unanimously Carried To: Authorize Purchase of Litter Control Fencing from New Waste Concepts in the Amount of \$21,341.25.

10) Receive Staff Report and Provide Direction on Litter Abatement Program

General Manager stated that at the September meeting, Chair Albert had requested that a meeting be coordinated with CalTrans and other affected parties to discuss the litter issue. The meeting was held on October 17 at Supervisor Potter's office. One discussion topic was to double up on the volunteers on the adopt-a-highway program so that the highway could be picked up more frequently. The center median and highway off ramps would continue to be a problem. Because of safety concerns, only properly trained CalTrans employees can now clean out the medians and off ramps. CalTrans has spent \$50,000 over the last few weeks in cleaning the Highway 1 median from the Carmel Hill to Castroville, and it was estimated that it could cost approximately \$300,000 per year for them to clean up once every two months. General Manager also stated that the Monterey County Illegal Dumping and Litter Abatement Task Force had also met and planned to coordinate litter pick up on a day in the spring, in conjunction with the Salinas Valley Solid Waste Authority and the County, using the same concept as the coastal litter cleanup in September each year.

Director Smith commented that the October 17 meeting on litter had been was a very effective meeting. Vice Chair McCloud stated that CalTrans had a vast amount of territory to cover with limited funds.

Angela Brantley, City of Monterey, addressed the Board and stated that safety is a major concern when it comes to road way clean up. She stated that Monterey had received a permit to pick up litter on Highway 1 off ramps which was not as much as they wanted, and that there are some roadways that are not adoptable.

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Public Education Coordinator Heidi Feldman addressed the Board and stated that the Monterey County 3R Committee would begin a countywide publicity campaign: "Say NO" to plastic bags in coordination with America Recycles Day on November 15. Each agency involved with 3R would donate 450 bags to give out at local supermarkets in an effort to educate the public on the hazards of plastic bags.

12) Provide Direction to Staff Regarding District Assistance in Response to Hurricane Katrina

The Board reviewed a memorandum from Administrative Services Manager requesting Board direction with regard to the request from a few District employees that the District allow them to use their sick leave and/or donate paid time off to match the use of their own time.

Board discussion followed regarding liability, impact to District operations, the use of public funds, and certainties that the time off was to provide volunteer services in disaster areas. Legal Counsel stated that any policy could include those parameters. Director Smith stated that the County of Monterey had just embarked on this process and specific language had been used and suggested that the District take a look at the County policy. Board discussion continued with several members expressing concern in implementing such a policy.

The Board directed staff to look at the County policy and come back to the Board with this topic at the November meeting.

13) Accept September 1, 2005 Safety Committee Meeting Minutes

The Board reviewed the minutes of the September 1, 2005 safety committee meeting. Director McCloud expressed that she would like the Board to be provided with more information with regard to the seriousness and outcome of employee incidents.

STAFF REPORTS

14) Financials, Recycling, and Operating Reports

The Board reviewed the financial statements for August and September. August and September were strong months financially. Total solid waste accepted in September, of 33,475 tons, was up by 10% over September last year. Cash flows were positive at \$100,000 for the month of September.

15) Status Report on Annual Audit

General Manager reported that Paul Nowinski of Kasavan and Pope, was scheduled to meet and present his findings and draft report to the District's ad hoc Finance/Personnel Committee on November 7, 2005. The final audit for FY 2005-2005 will be presented to the full Board at the November meeting.

16) Report on Special Districts Association of Monterey County Meeting of October 18, 2005

General Manager reported on the October 18, 2005 meeting of the Special Districts Association of Monterey County.

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CLOSED SESSION

The Board went into closed session at 11:23 a.m. regarding the following:

- 1) **Pending Litigation**
 - a. **Don Prescott v. Monterey Regional Waste Management District, et al.
Monterey County Superior Court Case No. M75658**

- 2) **Personnel Matter**
a. **Public Employee Performance Evaluation: General Manager**

The Board returned into open session at 11:54 a.m. Legal Counsel stated that the Board had received information with regard to both agenda items. No other action was taken.

ADJOURNMENT

There being no further business to come before the Board at this time, the October 21, 2005 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to November 18, 2005 by Vice Chair McCloud at 11:55 a.m.

RECORDED BY:

Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:

William M. Merry, P.E., DEE
General Manager/Secretary