

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

9:30 a.m., Friday
February 18, 2005

Boardroom
Monterey Peninsula Landfill
Marina, CA

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

MEMBERS ABSENT: None

STAFF PRESENT: William Merry, General Manager
Rob Wellington, Legal Counsel
Richard Shedden, Senior Engineer
Richard Norton, Administrative Services Manager
Heidi Feldman, Public Education Coordinator
Don Prescott, Finance/Information Systems Manager
Jim Griffith, Site Superintendent
Gary Metzler, Safety Manager
Richard Petitt, Assistant Site Superintendent
Rebecca Aguilar, Administrative Support Supervisor
Cheryl Hall, Public Education Assistant
Rodney Barber, Assistant Mechanic/Operating Engineers Shop Steward
Dave Hall, Equipment Shop Supervisor/Operating Engineers Shop Steward
Suzan Fine, Recycling Attendant/SEIU President

OTHERS PRESENT: Angela Brantley, City of Monterey
Karen Schkolnick, Monterey County Environmental Health Department
Mark Arsenault, Waste Management, Inc.
Mark Randazzo, Randazzo Enterprise

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the February 18, 2005, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Albert at 9:35 a.m.

INTRODUCTION OF NEW BOARDMEMBER DON JORDAN

Chair Albert introduced and welcomed new representative from Seaside, Don Jordan.

PRESENTATIONS

1) Adopt Resolution (2005-05) of Appreciation for Outgoing Seaside Representative Thomas Mancini.

Chair Albert presented Councilman Mancini with a resolution of appreciation for his six years of service to the Board. Councilman Mancini stated that he was sorry to no longer be on the Board, since it was one of the best that he had ever served on and he would miss everyone.

2) Adopt Resolution (2005-06) of Appreciation for Retiring Site Superintendent James T. Griffith, Jr.

Chair Albert presented Site Superintendent, Jim Griffith, with a resolution of appreciation upon his retirement from the District after eight years of service. Jim addressed the Board and stated that it had been a privilege to work for the District and he was sad to be leaving, but he knew that the existing staff was capable of continuing the excellent work that the District is known for and for which it has received many accolades.

General Manager expressed appreciation to Jim on behalf of staff and stated that although the District was sorry to see him leave, best wishes were well deserved.

CONSENT AGENDA

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

- 3) Approve Minutes of January 21, 2005 Regular Board Meeting.**
- 4) Approve Report of Disbursements.**

PUBLIC HEARING

- 5) Consider: A.) A \$6 Per Ton Tipping Fee Increase Effective January 1, 2006 and Tipping Fee Increases Of \$2 Per Ton On January 1, 2007 and January 1, 2008 and; B.) Consider Miscellaneous Tipping Fee Increases Effective March 1, 2005**

General Manager stated that the Board had been provided with extensive information with regard to the proposed increase to the landfill tipping fees and had agreed that the best option was a \$6 increase to the basic tip fee effective January 1, 2006 bringing it up to \$41 per ton and subsequent increases of \$2 per ton effective January 1,

2007 and January 1, 2008. At the December meeting, the Board had scheduled the public hearing which was then duly noticed. General Manager had made presentations to all member agency councils regarding the increase. Most of those meetings were televised on public access television, and there had been several newspaper articles as well.

Chair Albert opened the public hearing for any comments. There being no public comments, Chair Albert closed the public hearing.

Board discussion followed regarding the *Herald* article of January 29th where the photo caption accompanying the article incorrectly stated that the District intended to sell off a portion of its property to raise cash for operations. Director Gray stated that he was surprised that there had been no public comments since the article had been very misleading. General Manager responded that the *Herald* had printed a clarification on February 2nd, but would not accept his letter to the editor which would have clarified the matter. Director Russell requested verification on whether the proposed rate increase was setting fees for future years and would it allow for any variations or exclusions. General Manager responded that the proposed fees were included in the ten-year financial projection, which had been given to the Board in the fall and would be the fees for all customers coming to the District. The projections related to the proposed rate increase do not include acceptance of any outside waste by agreement.

Director Bales stated that the Board had looked at various options over the last several months and the increase would give the District financial security for a long period of time.

Director Jordan stated that although he was new to the Board, he had met with the General Manager and had held a detailed discussion with him so that he felt confident in voting on this matter at his first meeting.

ITEMS FOR BOARD CONSIDERATION, DISCUSSION, AND ACTION

6) Adopt Resolution 2005-07 Adopting Waste Disposal Fees

It was moved by Vice Chair McCloud, seconded, and *Unanimously Carried To: Adopt Resolution 2005-07 Adopting Waste Disposal Fees.*

7) Adopt Resolution 2005-08 Regarding Board Signatures on First National Bank Account

The Board reviewed a memorandum from Finance/Information Systems Manager that stated that with the election of Director McCloud as the new Vice Chair, the District needed to update the First National Bank Signature Cards. The bank required a resolution authorizing the Chair and Vice Chair as the signatures on the accounts.

It was moved by Director Russell, seconded, and *Unanimously Carried To: Adopt Resolution 2005-08 Regarding Board Signatures on First National Bank Account.*

8) Adopt Resolution 2005-09 Waiving Local Agency Deposit Security Requirements at First National Bank

The Board reviewed a memorandum from Finance/Information Systems Manager regarding the deposit security requirements. General Manager stated that First National Bank (Pacific Capital Bank) secures the District's public funds with investments in a pool of securities which include US Treasuries and municipal bonds. They maintain a minimum collateral balance of 110% of the total deposits. Those securities are held in a separate account at Bank of New York and are designated as pledged for Local Agency Deposits. Because the first

\$100,000 of District funds are also protected by FDIC, First National is requesting the District continue to waive the requirement for that same \$100,000 to be part of the pledged securities. This action required a Board resolution.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Adopt Resolution 2005-09 Waiving Local Agency Deposit Security Requirements at First National Bank.

9) Consider Accepting Fort Ord RCI Waste from Randazzo Enterprises for \$28/ton (Item May be Continued Until After Closed Session).

Legal Counsel recommended that the Board move this item to closed session to which the Board agreed.

Continued in Closed Session.

10) Consider Discontinuing Personal Check Cashing Policy For District Employees

The Board reviewed another memorandum from Finance/Information Systems Manager regarding the cashing of personal checks by District employees. During the Finance Committee's review of the audit in early January, all members of the committee concurred with the Auditors recommendation that the District halt the practice. At the January Board Meeting several board members were in favor of a provision allowing the General Manager, or his designee, to grant check cashing approval on an emergency basis only and had requested that this item be placed on the agenda as an action item for the February meeting.

It was moved by Director Laska, seconded, and Unanimously Carried To: Discontinue Personal Check Cashing Policy For District Employees, Except as Approved by General Manager, or his Designee, in an Emergency Situation.

11) Approve Changes to District Engineer/Assistant General Manager Position and Authorize Execution of Amendment to Memorandum of Understanding with Management/Confidential Unit and Authorize Filling of Vacant Assistant General Manager Position

The Board reviewed a memorandum from Administrative Services Manager regarding the changes to the District Engineer/Assistant General Manager position which removed the professional engineer requirement. General Manager stated that since the District employed two professional engineers, there was no need for another staff member to have the professional engineering requirement at this time and the removal of such would expand the pool of candidates for the Assistant General Manager. He stated that he had held two meetings with management staff to take their input related to both the position of Assistant General Manager and the idea of not filling the Site Superintendent position at this time. They had concurred that not filling the Site Superintendent position was the right decision for now, and were willing to assist in the reassignment of duties to accomplish the work. After the new Assistant General Manager is hired and enough time has been allowed for that person to adjust to the organization, staff will reevaluate this and other staffing needs.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Approve Changes to District Engineer/Assistant General Manager Position and Authorize Execution of Amendment to Memorandum of Understanding with Management/Confidential Unit and Authorize Filling of Vacant Assistant General Manager Position.

12) Adopt Resolution 2005-10 Authorizing Execution of Agreement with Monterey County for Installation of Left-Turn Lane on Del Monte Boulevard and Guaranteeing Completion of Work

The Board reviewed a memorandum from Senior Engineer regarding the installation of a left-turn lane on Del Monte Boulevard onto Charlie Benson Lane and into the District site. General Manager stated that this formal installation agreement requiring the District to make these necessary improvements to Del Monte Blvd was required as part of the District's application for a revised State Solid Waste Facilities Permit for landfill and recycling operations. The cost for the engineering design portion of this work has been included in this year's budget, although the engineer's cost estimate has increased from \$250,000 to nearly \$360,000. These additional costs will be included in the proposed FY 2005/06 budget.

Board discussion followed regarding the time frame of the approval of the revised permit. Senior Engineer responded that it was anticipated that the permits would be revised by June.

It was moved by Director Russell, seconded, and Unanimously Carried To: Adopt Resolution 2005-10 Authorizing Execution of Agreement with Monterey County for Installation of Left-Turn Lane on Del Monte Boulevard and Guaranteeing Completion of Work.

13) Declare Surplus and Authorize Sale of District Equipment

The Board reviewed a memorandum from Site Superintendent regarding the sale of surplus equipment. General Manager stated that all the equipment would be sold to the highest bidder, at auction, or salvaged for material value.

It was moved by Director Bales, seconded, and Unanimously Carried To: Declare Surplus and Authorize Sale of District Equipment.

14) Review January 13, 2005 Safety Committee Meeting Minutes

The Board reviewed the January 13, 2005 Safety Committee Meeting minutes.

No Action Necessary.

STAFF REPORTS

15) Financial, Operating, and Recycling Reports

The Board reviewed the financial, operating, and recycling reports for January 2005. General Manager stated the District has had a good month and the incoming wastestream has been steady.

16) Salinas Valley Solid Waste Authority Update

General Manager stated that at the January Board meeting the Board had authorized an Agreement with the Salinas Valley Solid Waste Authority (SVSWA) to accept South Santa Clara County waste at \$28 per ton when the SVSWA is in violation of its permit conditions and until their Facilities Permit is revised. He stated that at their February 17th board meeting, the SVSWA decided to carry over a decision on the Agreement until their

March meeting, to see if the California Integrated Waste Management Board (CIWMB) had approved their application for a revised permit. General Manager stated that he had talked to Steve Johnson, General Manager of the SVSWA, following the SVSWA meeting, but no additional information was available.

General Manager also stated that Rosario Marin, Chair of the CIWMB, had opened a workshop following the SVSWA meeting with information on conversion technologies since the SVSWA is looking at alternatives to siting a new landfill in south Monterey County. Additionally, he referred the Board to a staff memo from the Santa Cruz County Board of Supervisors and presented at their February 15th meeting. They are prepared to continue discussions with the District regarding hauling waste from the Ben Lomand transfer station to the District landfill for disposal. General Manager stated that he had a meeting scheduled with Patrick Mathews from Santa Cruz County at the end of February to continue those discussions.

17) Report on County Illegal Dumping and Litter Abatement Task Force Meeting of January 26

The Board reviewed a mock-up of the proposed coupons to be issued by the District and the SVSWA to allow volunteer groups to dump their collected litter at no charge. General Manager stated that the Task Force will be meeting in March to discuss a comprehensive package for illegal dumping and litter.

18) LAFCO Vote for Commissioner

General Manager reported that he had not yet received a ballot, but expected it shortly. He would cast a vote for Anne McGowan as directed by the Board in January.

19) Status Report on Department of Conservation Recycling/Litter Grant Funds

The Board reviewed a memorandum from Public Education Coordinator regarding the status of the Department of Conservation (DOC) recycling/litter grant funds and some changes to the process which may require member cities to adjust their application process. As in the past, the District would encourage the cities to contribute all or some of the DOC funding to the regional media and litter campaigns.

OTHER CORRESPONDENCE

20. Letter from PG&E Re: Resolution of Overpayments

The Board reviewed a letter from PG&E regarding the resolution of overpayments by PG&E to the District and stating that both the District and PG&E will be monitoring the monthly meter data carefully to be certain production of electricity matches payments so that overpayments no longer occur.

21. Letter from Olsen School 4th Graders Re: Thanking Heidi Feldman for Tour

The Board reviewed a letter from Olsen School in Marina thanking Heidi for a tour that was given to a group of 4th graders.

GENERAL MANAGER COMMUNICATIONS

General Manager reminded the Board that the Annual Statement of Economic Interests had been included in the Board packets and need to be filed with the County Clerk's office no later than April 1, 2005.

General Manager stated that he had included in the Board's packet a copy of a letter to the State Water Resources Board, from 14 co-signers, including the District, and representing the waste management industry in California. The subject of the letter was the proposed Industrial Stormwater Discharge requirements, which as proposed seemed to be unreasonable, not well researched, unattainable and extremely costly.

General Manager stated that the Assistant Site Superintendent, Richard Petitt, had attended a meeting of the Regional Water Quality Control Board (RWQCB) on February 10th and 11th held in Salinas. The RWQCB reviewed a staff report on waste plastics in the watersheds and the open ocean. Vice Chair McCloud commented on the problem of not only plastics, but also balloons and plastic six-pack holders in the ocean. The District will continue to monitor this issue.

CLOSED SESSION

The Board went into closed session at 11:02 a.m. regarding the following:

Conference with Property Negotiators

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| Property: | Landfill Site Space/Capacity |
| District Negotiators: | William Merry and Don Prescott |
| Negotiating Parties: | Randazzo Enterprises, Santa Clara County, Santa Cruz County, and Salinas Valley Solid Waste Authority |
| Terms: | All Terms and Conditions |

Conference with Labor Negotiators:

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|--------------------------------|------------------------------------------------------------------------|
| District Negotiators: | William Merry and Richard Norton |
| Employee Organizations: | Operating Engineers and Service Employees International Unions; |

The Board returned into open session at 11:24 a.m. Legal Counsel stated that the Board had voted unanimously on the first matter with regard to giving instructions to the negotiators. On the second matter, he stated that the Board gave instructions to the negotiators. No other action was taken.

ADJOURNMENT

There being no further business to come before the Board at this time, the February 18, 2005 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to March 18, 2005 by Chair Albert at 11:25 a.m.

RECORDED BY:

AUTHENTICATED BY:

Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

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