

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

9:310 a.m., Friday
June 17, 2005

Boardroom
Monterey Peninsula Landfill
Marina, CA

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

MEMBERS ABSENT: Dan Albert, Chair

STAFF PRESENT: William Merry, General Manager
Rob Wellington, Legal Counsel
Richard Shedden, Senior Engineer
Richard Norton, Administrative Services Manager
Don Prescott, Finance/Information Systems Manager
Richard Petitt, Assistant Site Superintendent
Harry Hunzie, MRF Manager
Gary Metzler, Safety Manager
Rebecca Aguilar, Administrative Support Supervisor
Dave Hall, Equipment Shop Supervisor/Operating Engineers Shop Steward
Suzan Fine, Recycling Attendant/SEIU President

OTHERS PRESENT: Angela Brantley, City of Monterey
Ginger Buller, City of Monterey
Mark Arsenault, Waste Management, Inc.
Jeff Amaral, U.S. Fish and Wildlife Services

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the June 17, 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.

MOMENT OF SILENCE

Vice Chair McCloud asked for a moment of silence in memory of Frank Lichtanski, General Manager of Monterey Salinas Transit, who had passed away on June 9, 2005 and Lester Poole, a 13-year employee of the District who had passed away June 3, 2005.

PUBLIC COMMENTS

Jeff Amaral, from the United States Department of Agriculture Wildlife Services addressed the Board and stated he was currently working on the Snowy Plover project locally and had observed that there were a number of crows and ravens on the District site. Crows and ravens have been identified as one of the predators that are decimating the Western Snowy Plover population. He was requesting that the District allow him to enter the site for the purpose of reducing the population of crows and ravens and stated he operated on a Fish and Wildlife permit which allowed this type of activity.

Vice Chair McCloud requested that Mr. Amaral give the permit to Legal Counsel for review and asked whether this item could be agendaized for the July meeting. Mr. Amaral stated that the Snowy Plover nesting season ran through August and felt that any delay could result in a decreased rate of survival. Legal Counsel stated that the Board could add this item to the meeting agenda as an emergency item, but if it was added, he requested that it be added to the end of the agenda, thus allowing him time to look over the permit.

General Manager stated that there was memorandum regarding this item that had been prepared by Senior Engineer Rick Shedden which had been distributed prior to the meeting for the Board's review.

It was moved by Director Gray, seconded, and Unanimously Carried To: Add Emergency Item to Agenda to Consider Request from United States Department of Agriculture Animal and Plant Inspection Service – Animal Damage Control.

CONSENT AGENDA

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

- 1) Approve Minutes of May 20, 2005 Regular Board Meeting.**
- 2) Approve Report of Disbursements.**

ITEMS FOR BOARD CONSIDERATION, DISCUSSION, AND ACTION**3) Adopt Resolution 2005-12 Authorizing Expenditure of Funds Pending Adoption of Final Budget for Fiscal Year 2005-2006**

General Manager reported that due to a delay in negotiations, the 2005-2006 budget was not finalized and this resolution would enable the District to continue operations after July 1, 2005. The preliminary budget was adopted at the May Board meeting.

It was moved by Director Laska, seconded, and *Unanimously Carried To: Adopt Resolution 2005-12 Authorizing Expenditure of Funds Pending Adoption of Final Budget for Fiscal Year 2005-2006.*

4) Adopt Resolution 2005-13 Authorizing Three-Year Financing Through Municipal Finance Corporation for Purchase of Caterpillar 627G Scraper

The Board reviewed a memorandum from Finance/Information Systems Manager Don Prescott recommending a three-year financing arrangement through Municipal Finance Corporation.

Director Gray asked for a brief explanation of why staff was requesting to finance versus paying cash for the scraper. Finance/Information Systems Manager responded that there were significant capital outlay purchases in the 2005-2006 budget and since the rate increase would not occur until January 2006, paying cash for this purchase would result in the reserves dipping down to 18%, a level below the Board's established and recommended level of 25%.

It was moved by Director Russell seconded, and *Unanimously Carried To: Adopt Resolution 2005-13 Authorizing Three-Year Financing Through Municipal Finance Corporation for Purchase of Caterpillar 627G Scraper.*

5) Accept Report on Inventory of District Assets and Declare Surplus and Authorize Disposal of Surplus District Property

The Board reviewed a memorandum from Finance/Information Systems Manager outlining the process of inventorying District property and requesting the Board to declare certain District assets as excess. General Manager commented that it had been six years since a thorough inventory had been prepared. Staff would endeavor to conduct an inventory more frequently in the future.

It was moved by Director Smith, seconded, and *Unanimously Carried To: Accept Report on Inventory of District Property and Declare Surplus and Authorize Disposal of Surplus District Property.*

6) Accept May 5, 2005 Safety Committee Meeting Minutes

The Board reviewed the minutes from the May 5, 2005 Safety Committee meeting. General Manager commented that the safety committee was now chaired by Safety Manager Gary Metzler. He stated that Gary was doing an excellent job in working not only with the safety committee, but also in taking a good look at operations, and making recommendations and significant changes related to training and safety procedures. The District was fortunate to have such an experienced and reasonable person working in this capacity.

Director McCloud requested that the Board be provided with information on the accident reports with regard to what type of action was taken, for example, safety citation, disciplinary action, etc. as they had in the past. Safety Manager stated that he would revisit the report and consider the suggestions.

It was moved by Director Smith, seconded, and Unanimously Carried To: Accept May 5, 2005 Safety Committee Meeting Minutes.

7) Update on Fort Ord Disposal Variance Regarding University Villages Project

General Manager reported on a meeting that he attended on June 8, 2005 which included FORA staff and the University Villages development team. The purpose of the meeting was to provide the development team the latest information on the status of the District's request for permit approvals to allow disposal of lead based paint contaminated debris originating from the buildings principally within the proposed University Villages project. The Board was given several recent newspaper articles regarding this project.

General Manager provided the Board with a background document related to the Department of Toxic Substances Control (DTSC) Special Waste Determination made last year. The document presented a comprehensive chronicle of events on the variance request since December 2002.

General Manager stated that at the meeting, the question asked was whether the District was prepared to accept the waste for disposal in July. The short answer was it could not since an important approval was needed from the State DTSC in order for the Central Coast Regional Water Quality Control Board to consider a revision of the District's Waste Discharge Requirements, which would include the disposal of this lead contaminated debris.

The Board reviewed a draft letter prepared by FORA staff which was to be signed by Michael Houlemard, Executive Director of FORA, and District General Manager, that stated the urgency of having the disposal variance considered for approval. Director McCloud asked how much money had been spent on this project to date and if there was any information on where the lead contaminated debris would be taken if it was not brought to the District site. General Manager stated that it was estimated that the variance would cost approximately \$200,000 with over \$100,000 already being spent. The District had an agreement with FORA which stated that if the variance was not approved, FORA and the District would share the costs. If it was approved, the District would recover the cost of the variance through the tipping fees that would be generated when that waste was brought in for disposal.

Stan Cook with FORA addressed the Board and stated that FORA had spent approximately \$50,000 trying to get this variance approved. He stated that he had contacted the DTSC to notify them that a letter would be sent to Watson Gin, Deputy Director, requesting the DTSC to expedite the matter.

Board discussion followed regarding the variance process and permits that still needed to be obtained from the City of Marina. Director McCloud commented that at a minimum it would be good to get the costs reimbursed by the developers, but more importantly, having the waste come to the District was preferable. General Manager commented that tremendous effort had been put forth by FORA and District staff and that in many ways it was in the best interest of the community to have the debris come to the District site. Director Gray stated that it was also in the best interest of the community to not stall the project further. Director Pendergrass inquired whether an agreement was in place with the developers to reimburse any of the money already spent. Mr. Cook stated there was a clause in the agreement with Marina Community Partners for that. Legal Counsel recommended that there be a specific clause guaranteeing reimbursement to the District as well.

The Board continued the discussion regarding sending a second letter to Watson Gin from FORA and District Board Chairs that could be copied to State government. They also requested that Mr. Cook request a time frame from DTSC as to when they believed the variance would be considered.

It was moved by Director Gray, seconded, and Unanimously Carried To: Approve Sending Letter to Department of Toxic Substances Control Signed by District General Manager and FORA Executive Officer Regarding Expediting the Request for a Waste Disposal Variance.

It was moved by Director Jordan, seconded, and Unanimously Carried To: Approve Sending Letter to Department of Toxic Substances Control Signed by District and FORA Board Chairs Regarding Expediting the Request for a Waste Disposal Variance with Copies Sent to Congressman Sam Farr and State Assembly Member John Laird; and to Request that FORA Include a Provision in Its Agreement with Marina Villages Developers Reimbursing District for Expenses Already Incurred.

STAFF REPORTS

8) Financial, Operating, and Recycling Reports

The Board reviewed the financial reports for the period ending May 31, 2005.

General Manager reported that scrap metal prices had declined recently. A&S Metals of Castroville was the most recent high bidder, at \$85.56 per ton compared to the high bid received three months ago of \$115 per ton. It is anticipated that metal markets will once again go higher, but perhaps not to the \$115/ton level.

9) Outside Waste - Salinas Valley Solid Waste Authority (SVSWA) and Santa Cruz County Updates

The Board reviewed several newspaper articles related to the proposed siting of a new landfill by the SVSWA in southern Monterey County. General Manager reported that although there was no new information to report, a meeting with the Board Finance Committee would be scheduled for early July to review the EMCON draft report on disposal fee evaluation.

10) Report on County Illegal Dumping and Litter Abatement Task Force Meeting of June 1, 2005

General Manager reported that the Monterey County Illegal Dumping and Litter Abatement Task Force held a meeting on June 1, 2005 and was prepared to make a presentation to the Board of Supervisors. The presentation would consist of initiatives by various local and state agencies for prevention and clean-up of litter and illegal dumps, and a related public outreach campaign. He planned on attending the presentation scheduled for June 28, 2005.

General Manager also reported that Vice Chair McCloud had observed that once again there was an increase in the amount of litter in the center median along Highway 1 between Carmel and Marina. He had contacted Jerry Santori of CalTrans to request that a litter crew be sent out. However, CalTrans is short staffed locally, and litter cleanup is not their highest priority.

Board discussion followed regarding financial assistance to help clean up the center median, County allocations, and weed abatement. Director Gray expressed concern about one government agency helping another to do what they are primarily set up to do.

11) Green Business Certification

The Board reviewed a memorandum from Public Education Coordinator Heidi Feldman regarding the Building Green Program and a proposed construction and demolition (C&D) ordinance. The Board also reviewed another memorandum from Heidi summarizing the public education program for the month of May. There were a total of four presentations and six tours, with 575 participants.

EMERGENCY CLOSED SESSION AGENDA ACTION ITEM ADDED: Consider Request from United States Department of Agriculture, Animal, and Plant Inspection Service – Animal Damage Control.

The Board reviewed a memorandum from Senior Engineer regarding the request from the United States Department of Agriculture Animal and Plant Inspection Service (APHIS) to reduce the population of crows and ravens that commonly use the landfill site as a feeding and loafing area. Crows and ravens have been identified as one of the predators that are decimating the Western Snowy Plover population.

Legal Counsel stated that he had looked at the documents provided by Mr. Jeff Amaral and that they were in order. He did request that animal species not identified as being on the District site be removed from the agreement and provisions be added to the agreement stating that APHIS would hold the District harmless from any action resulting from the agreement, and APHIS would coordinate the dates and times it would be allowed to enter the District site.

Director Gray commented that he had some familiarity with this issue and several years experience in dealing with APHIS through his work with the State Parks.

Board discussion followed and concern was expressed about eliminating ravens and crows, as well as any concerns that the Audubon Society may have as a result. Mr. Amaral stated that the Audubon Society was aware of APHIS's activities and did not think that they would object. Vice Chair McCloud questioned the length of the agreement. Mr. Amaral stated that it was a yearly nesting season, but the length of the agreement would be at the discretion of the Board. Legal Counsel stated that a termination clause could also be included in the agreement. Discussion was held regarding the type of equipment to be used to eliminate the crows and ravens. Director Gray stated that he would provide the Board with the APHIS annual report.

It was moved by Director Gray, seconded, and Approved by Vice Chair McCloud, Directors Bales, Pendergrass, Gray, Laska, Smith, and Jordan, Opposed by Director Russell To: Approve Request from United States Department of Agriculture Animal, and Plant Inspection Service – Animal Damage Control; and Authorize Agreement with the Provisions Recommended by Legal Counsel Which Were to Hold the District Harmless for any Action Arising from Agreement, Coordinate Dates and Times of Entering District Property, and add a Termination Clause.

GENERAL MANAGER REPORT

12). Announce Hiring of Assistant General Manager

General Manager stated that he was not prepared to make an announcement of who he is planning to hire as Assistant General Manager and requested that this matter be discussed in closed session.

CLOSED SESSION

The Board went into closed session at 10:41 a.m. regarding the following:

1. Conference with Labor Negotiators:

District Negotiators: William Merry and Richard Norton
Employee Organizations: Operating Engineers
Service Employees International Union
Management Employees

2. Conference With Property Negotiators:

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

Emergency Item 3: Personnel Matter

Public Employee Appointment: Assistant General Manager

The Board returned into open session at 11:40 a.m. Legal Counsel stated that related to Item 1, the Board had received information and instructions were given to the negotiators. There was no discussion with regard to Item 2. With regard to Emergency Item 3, the Board received information only.

ADJOURNMENT

There being no further business to come before the Board at this time, the June 17, 2005 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to July 15, 2005 by Vice Chair McCloud at 12:03 p.m.

RECORDED BY:

Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:

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