

WILLIAM MERRY, P.E., DEE
GENERAL MANAGER/
DISTRICT ENGINEER

TIMOTHY S. FLANAGAN
ASST. GENERAL MANAGER

RICHARD SHEDDEN, P.E.
SENIOR ENGINEER

RICHARD NORTON
ADMIN. SERVICES MGR.

ROBERT WELLINGTON
COUNSEL



MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT REGULAR MEETING MINUTES

9:30 a.m., Friday
December 15, 2006

Boardroom
Monterey Peninsula Landfill
Marina, CA

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

MEMBERS ABSENT: Ken Gray
Jerry Smith

STAFF PRESENT: William Merry, General Manager
Timothy Flanagan, Assistant General Manager
Rob Wellington, Legal Counsel
Richard Shedden, Senior Engineer
Richard Norton, Administrative Services Manager
Charles Rees, Finance Manager
Gary Metzler, Safety Manager
Don Prescott, Information Systems Manager
Jeff Lindenthal, Public Education and Recycling Manager
Harry Hunzie, Materials Recovery Facility Manager
Glen Evett, Last Chance Mercantile/Hazardous Waste Manager
Ron Mooneyham, Equipment Maintenance Manager
Rebecca Aguilar, Administrative Support Supervisor
Kimberly Herring, Public Education Assistant
Sonia Haro, Administrative Support Specialist II
Gracie Arreola, Site Support Specialist/OE3 Support Steward
Suzan Fine, Recycling Attendant/SEIU President
Clyde Walkup, MRF Supervisor/ OE3 Operations Shop Steward

OTHERS PRESENT: Bjorn Lundegard, City of Seaside
Jay Jefferson, Martin Jefferson Farms
Martin Jefferson, Martin Jefferson Farms
John Ramirez, Monterey County Environmental Health Department
Matt Fore, Monterey County Environmental Health Department
Jerry Verhasselt, Pebble Beach Community Services District

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the December 15, 2006, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Albert at 9:30 a.m.

PUBLIC COMMUNICATIONS

Suzan Fine, District's Recycling Attendant and Service Employees International Union (SEIU) President, wished the Board a happy holiday season.

INTRODUCTION OF NEW EQUIPMENT MAINTENANCE MANAGER RON MOONEYHAM

General Manager introduced Equipment Maintenance Manager Ron Mooneyham who began working for the District on October 23rd. General Manager stated that Ron came to the District with a solid background in the maintenance of heavy equipment used at landfills and in the construction industry. The Board welcomed Ron to the District.

CONSENT AGENDA

Following a motion by Vice Chair McCloud, and seconded, the Board approved the following actions:

- 1) **Approve Minutes of November 17, 2006 Regular Board Meeting**
- 2) **Approve Report of Disbursements**

ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

- 3) **Accept Low Bid and Award Contract to Peterson Pacific for \$580,534.25 to Supply and Install New Portable Wood Grinder at the Materials Recovery Facility**

The Board reviewed a memorandum from MRF Manager Harry Hunzie regarding the purchase of a wood grinder for MRF operations. General Manager stated that staff had been considering an upgrade to the wood line operation for several years. The current grinder was ten-years old and needed to be replaced. He stated that Assistant General Manager Tim Flanagan, who had a lot experience in this type of operations, had provided input in order to move the project forward. Staff had received two bids and recommended that the Board accept the low bid from Peterson Pacific to supply and install a new portable grinder at a cost of \$580,534.25, including sales tax. The throughput of the new grinder will be nearly three times greater than the old one, saving on the labor costs in that operation.

It was moved by Director Bales, seconded, and Unanimously Carried To: Award Contract to Peterson Pacific in the Amount of \$580,534.25 to Supply and Install New Portable Wood Grinder.

4) Approve Renewal of Farming Lease with Jefferson Farms

The Board reviewed a memorandum from Senior Engineer Rick Shedden regarding the renewal of Jefferson Farms' lease. General Manager stated the District had leased property to the Jeffersons for the last ten years and they had been very good neighbors during that time. The property is located in the lowlands on the north east portion of the site. He stated that the Jeffersons had cleared and created a 20 acre parcel of farmland and farmed other lands surrounding District property.

Martin Jefferson addressed the Board and stated their organic operation was located on the leased property. They also provided emergency access routes to the District through their property and looked forward to continuing to work with the District.

Board discussion followed regarding water supply and the proposed rubber dam, and security. General Manager stated the Jeffersons were working directly with the Monterey County Water Resources Agency (MCWRA) regarding any issue presented to their farming operation as a result of the proposed rubber dam. He also stated the Jeffersons had access to the District property and provided extra security. Director Laska asked if during the construction of the rubber dam, the Jeffersons might be impacted. General Manger responded that any impact would be temporary and the Jeffersons would be compensated during that time by the MCWRA.

It was moved by Director Bales, seconded, and Unanimously Carried To: Approve Five Year Renewal of Farming Lease with Jefferson Farms with the Option to Renew for Another Five Years.

5) Approve Commodity Sales Pricing Policy

The Board reviewed a memorandum from Assistant General Manager Tim Flanagan and Senior Engineer Rick Shedden regarding commodity sales pricing. The Board also reviewed the historical sand sales during the last 15 years. General Manager stated the primary goal of staff was to excavate and move the sand to prepare for the next module, regardless of the pricing. He stated that District staff currently had the authority to adjust pricing on commodities such as the landscaping materials, woodchip sales, and sand. Annual sand sales had decreased and General Manager was requesting the authority to sell sand at a negotiated price, for short term removal.

Board discussion followed regarding advertising, amount, and time limits of purchase. Director Bales commented the Board should set a tonnage limit that the General Manager could authorize and anything higher would require Board approval. Chair Albert asked what amounts were historically purchased in order to set a limit. General Manager stated that normally it was not higher than 20,000 tons. Director Laska expressed some concern that regular customers might be upset that they did not receive a discount. Assistant General Manager stated that one of the terms to receive the discount would be to haul out the sand over a short period of time. Regular customers normally hauled out small amounts throughout the year. Director Bales commented that with the State Bonds, an increase of sand sales may be anticipated with the highway repairs. Vice Chair McCloud expressed concern that if the Board were to set tonnage limits, the District could still lose the sale.

Legal Counsel reviewed the discussion and stated that in most cases, the need for the sand was immediate, requiring an immediate decision. He suggested that staff report to the Board sales over 20,000 tons.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Authorize General Manager to Approve Commodity Sales Discounts and Report Volumes Larger than 20,000 Tons to the Board.

6) Approve Green Purchasing and Sustainable Practices Policy

The Board reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal. General Manager stated the proposed policy would serve as a guideline for the District and could be used by other local public agencies as well. He stated the District had a history of buying reused, recycled content, and environmentally friendly products. This policy would expand the current practice. General Manager stated that on non-capital purchases, staff would analyze any price differential. On capital purchases, above \$10,000, a 10% price preference would be considered by staff, subject to Board approval.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Approve Green Purchasing and Sustainable Practices Policy.

7) Adopt Travel Reimbursement and Ethics Training Policy Required by AB 1234

The Board reviewed a memorandum from Administrative Services Manager Rich Norton. General Manager stated the proposed policies were similar to those drafted by other local public agencies over the past year. He stated that all Directors, and District staff that reported directly to him, needed to provide certificates for District files of having received AB1234 training during 2006. The training is required every two years.

It was moved by Director Pendergrass, seconded, and Unanimously Carried To: Adopt Travel Reimbursement and Ethics Training Policy Required by AB 1234.

8) Approve Contract with Carl & Manor to Provide Media Outreach Services to Central Coast Recycling Media Coalition (CCRMC)

The Board reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal. General Manager stated the District was currently serving as the administrator for the Central Coast Recycling Media Coalition (CCRMC). District staff issued an RFP for consulting services, the CCRMC committee has made a consultant selection, and the District Board needed formalize the selection on CCRMC's behalf. There was no cost to the District resulting from this action.

It was moved by Director Bales, seconded, and Unanimously Carried To: Approve Contract with Carl & Manor to Provide Media Outreach Services to Central Coast Recycling Media Coalition.

9) Approve Three Year Contract with Carl & Manor to Provide Public Outreach Services to District

The Board reviewed the same memorandum in Item 8 from Public Education and Recycling Manager Jeff Lindenthal describing the work proposed by the consultant. The funds to cover the cost of the proposed work were included in the 2006-2007 Public Education expense budget.

It was moved by Director Jordan, seconded, and Unanimously Carried To: Approve Three Year Contract with Carl & Manor to Provide Public Outreach Services to District.

STAFF REPORTS

10) Financial, Operating and Recycling Reports

The Board reviewed the financial report for the month of October. Total Operating Revenues for the month were \$1,619,322. For the month, total operating expenses were at \$1,458,297, and net operating income was \$161,024. The Board also reviewed the operating and recycling reports. The Total Solid Waste Accepted into the site during November decreased slightly from October to 31,902 tons, and was down slightly from November last year.

The Board reviewed the AB939 Recycling Rates, as of November 15, 2006. District staff applied an alternate adjustment rate factor methodology, made available by the California Integrated Waste Management Board in 2004, which provided significant positive impacts to the recycling rates for local cities.

The Board also reviewed a memorandum from Jeff Lindenthal summarizing the efforts by the California Department of Conservation (DOC) and the local community around the upcoming Comprehensive Recycling Community (CRC) Project.

OTHER CORRESPONDENCE

11) Letter from Department of Transportation – Adopt-A-Highway RE: Use of Separate Bags to Collect Recyclables

The Board reviewed a letter received from CalTrans offering adopt-a-highway participants the opportunity to use separate bags for recyclables when picking litter along the highway. District staff will request and use the bags.

CLOSED SESSION

The Board went into closed session at 10:17 a.m. regarding the following:

- 1) Conference with Property Negotiators
 - Property: Landfill Site Space/Capacity
 - District Negotiators: William Merry, Tim Flanagan, and Rick Shedden
 - Negotiating Parties: Santa Clara County, Santa Cruz County,
Salinas Valley Solid Waste Authority
 - Terms: All Terms and Conditions
- 2) Conference with Legal Counsel - Anticipated Litigation
 - a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54965.9: 1 case
- 3) Conference with Labor Negotiators
 - District Negotiators: William Merry and Richard Norton
 - Employee Organizations: Service Employees International Union

- 4) Conference with Legal Counsel - Existing Litigation
 - a) Don Prescott v. Monterey Regional Waste Management District, et al.
Monterey County Superior Court Case No. M75658
- 5) Personnel Matter
 - a. Public Employee Discipline
 - b. Public Employee Performance Evaluation: General Manager

The Board came back into open session at 11:35. Legal Counsel Wellington announced that with regard to each of the items numbered 1) through 4) on the closed session agenda, the Board received information, gave instructions to the negotiators or legal counsel, and no action was taken.

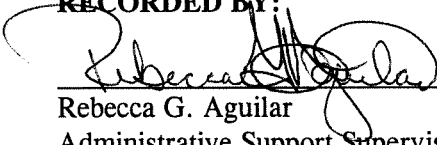
With regard to agenda item 5)a, the Board voted unanimously to approve and adopt the Board Ad Hoc Personnel Committee's recommendation to uphold the disciplinary decision of the General Manager.

With regard to agenda item 5)b, the Board discussed the process it wished to take with regard to the performance evaluation of the General Manager; no action was taken. The meeting was then adjourned at 11:36.

ADJOURNMENT

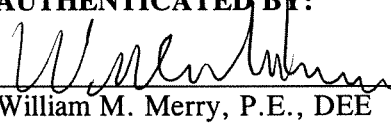
There being no further business to come before the Board at this time, the December 15, 2006 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to January 19, 2007 by Chair Albert at 11:37 a.m.

RECORDED BY:



Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:



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