

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

9:30 a.m., Friday
January 20, 2006

Boardroom
Monterey Peninsula Landfill
Marina, CA

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

MEMBERS ABSENT: Dan Albert, Chair
Don Jordan

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
Richard Pettit, Assistant Site Superintendent
Gary Metzler, Safety Manager
Harry Hunzie, MRF Manager
Glen Evett, Last Chance Mercantile/Hazardous Materials Manager
Rebecca Aguilar, Administrative Support Supervisor
Julia Partida, Administrative Support Specialist II
Gracie Arreola, Site Support Specialist/OE3 Support Shop Steward
Angelica Salgado, Administrative Support Specialist I
Cheryl Hall, Public Education Assistant
Dave Hall, Equipment Shop Supervisor/OE3 Operations Shop Steward
Clyde Walkup, MRF Supervisor/OE3 Shop Steward
Suzan Fine, Recycling Attendant/SEIU President

OTHERS PRESENT: Angela Brantley, City of Monterey
Bjorn Lundegard, City of Seaside
Teri Wissler Adam, EMC Planning Group

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the January 20, 2006, 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.

CONSENT AGENDA

Following a motion by Director Gray, and seconded, with Director Smith abstaining from Agenda Item 1, the Board approved the following actions:

- 1) Approve Minutes of December 16, 2005 Regular Board Meeting.
- 2) Approve Report of Disbursements.
- 3) Adopt Resolution (2006-01) of Appreciation for Retiring Public Education Coordinator Heidi Feldman After Nine Years of Service to the District.

General Manager expressed appreciation to Heidi for her fine efforts over the last nine years. Vice Chair McCloud commented that Heidi's implementation of the fourth "R", meaning "Rot", as expressed in the Resolution, had captivated schools and garden clubs throughout her tenure at the District.

PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED BOARD ACTION TO ADOPT A SUPPLEMENTAL NEGATIVE DECLARATION RELATED TO ACCEPTANCE OF REGIONAL WASTE FROM SANTA CRUZ COUNTY

Vice Chair McCloud opened the public hearing at 9:35 a.m., and there being no comments, promptly closed the public hearing at 9:35 a.m.

ITEMS FOR BOARD CONSIDERATION, DISCUSSION, AND ACTION

4) Adopt a Supplemental Negative Declaration Related to Acceptance of Regional Waste from Santa Cruz County

The Board reviewed a memorandum from Assistant General Manager Tim Flanagan related to the acceptance of regional waste from Santa Cruz County. General Manager stated that the District had received comments from four agencies. The comments were considered to be not significant. The Board also reviewed the response, provided by EMC Planning Group, to comments received from the Monterey Bay Unified Air Pollution Control District, the Monterey County Health Department, and the California Department of Transportation (CalTrans). The fourth response, from the Association of Monterey Bay Area Governments, contained no comments. General Manager stated that Teri Wissler Adam from EMC Planning Group was at the meeting to answer any Board questions.

Ms. Wissler Adam addressed the Board and stated that EMC Planning had prepared a negative declaration during the environmental review for the District Master Plan which was why only a supplemental negative declaration was necessary at this time in order to accept waste from Santa Cruz County. There were no

significant impacts in acceptance of the regional waste. She reviewed with the Board, the comments received from CalTrans, since they had not been received in time to be included in the Board packets.

Director Bales inquired whether further analysis or environmental review would be necessary at a later date if the District were to receive more than the initial 30,000 tons per year proposed by Santa Cruz County. Ms. Wissler Adam responded that the supplemental negative declaration would include up to 150,000 tons per year. Legal Counsel stated that the project description was broad enough to cover the higher tonnage.

It was moved by Director Pendergrass, seconded, and Unanimously Carried To: Adopt the Supplemental Negative Declaration and Required CEQA Findings Related to Acceptance of Regional Waste from Santa Cruz County.

5) Consider and Approve Organizational/Staffing Changes Related to Elimination of Positions with Corresponding Adjustments to Salary Ranges and Changes in Memorandums of Understanding with Affected Bargaining Units.

The Board reviewed a memorandum from Administrative Services Manager recommending organizational changes related to the elimination of the Site Superintendent and Hazardous Waste Supervisor. Staff proposed creating a Senior Household Hazardous Waste Technician position and adjusting three management classifications by 10% (5% retroactive to July 1, 2005 and 5% effective July 1, 2006 if specific goals are met), and one management classification by 10% and three support personnel positions by 5% retroactive to July 1, 2005. General Manager stated that the memorandum was the same one that was provided to the Board in closed session at the December meeting. He also stated that the Board had received a letter, which had been provided at the meeting, from Don Prescott, Finance/Information Systems Manager, with regard to the salary adjustments.

Finance/Information Systems Manager addressed the Board and stated that he did not believe the adjustments had been fairly distributed and asked the Board to consider authorization of an independent salary survey for four positions in the accounting department. Legal Counsel stated that although the letter and comments by the Finance/Information Systems Manager were interesting and provided a different perspective, it did not impact what was before the Board at this meeting, since negotiations are conducted through the General Manager as the District negotiator and not directly with the Board and not in open session.

Vice Chair McCloud commented that she hoped that the goals mentioned in the memorandum from Administrative Services Manager in relation to the three management positions would be very specific and measurable since the additional 5% proposed for July 2006 would be merit pay.

Director Smith inquired whether the matter had been discussed with the affected units. General Manager stated that he had discussed this matter on a number of occasions with the management group since the departure of the Site Superintendent in February 2005 and had received the support of the group. The matter had also been discussed with, and fully supported by, the Operating Engineers bargaining groups.

It was moved by Director Smith, seconded, and Unanimously Carried To: Approve Organizational/Staffing Changes Related to Elimination of Positions with Corresponding Adjustments to Salary Ranges and Changes in Memorandums of Understanding with Affected Bargaining Units.

6) Award Contract to Koff & Associates, Inc. to Conduct Classification and Compensation Study for Service Employees International Union Bargaining Unit

The Board reviewed a memorandum from Administrative Services Manager recommending that the Board award a contract to, Koff & Associates, Inc. (Koff) to conduct a classification and compensation study for Service Employees International Union (SEIU) employees at a cost of \$11,546, the lowest of the four proposed prices. The study is a provision of the SEIU memorandum of understanding (MOU).

Administrative Services Manager commented that he had been very surprised at the proposed cost in comparison to the other three proposals received, which ranged from \$11,546 to \$29,000. He contacted Koff and learned that the fees were based on the fact that there were only five classifications in the study. He also had received very positive feedback from several references.

Board discussion followed regarding the low price proposed and what type of action would be taken once the study was completed. Administrative Services Manager stated that as per the MOU, upon completion of the study, the District and SEIU would meet and review the results and implications of the study.

It was moved by Director Gray, seconded, and Unanimously Carried To: Award Contract to Koff & Associates, Inc. to Conduct Classification and Compensation Study for Service Employees International Union Bargaining Unit at a Cost of \$11,546.

7) Ratify Agreement With Ecology Action to Authorize "Right Lights" Energy Saving Lighting Program Offered Through PG&E

The Board reviewed a memorandum from Assistant General Manager regarding the installation of cost efficient lighting through the "Right Lights" energy saving lighting program offered by PG&E. Staff anticipates a net savings of approximately \$12,424 annually through energy savings and resulting additional power sales. General Manager stated that since staff did not learn about the program until December and the program was expiring at the end of 2005, he had conferred with, and had received approval from Chair Albert to proceed and sign the agreement. Staff was therefore, at this time, requesting the Board to ratify the agreement with Ecology Action.

Board discussion followed regarding the life and cost of replacement bulbs. Assistant General Manager stated that the bulbs had a life of about 3-5 years and when replaced, would be done in conjunction with the program at a lower price.

It was moved by Director Bales, seconded, and Unanimously Carried To: Ratify Agreement With Ecology Action to Authorize "Right Lights" Energy Saving Lighting Program Offered Through PG&E at a Cost of \$21,707.

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

General Manager reported on the District's Ad Hoc Litter Abatement Task Force meeting held on December 19, 2005. The Board reviewed the meeting minutes as well as other information related to litter. General Manager stated that the Task Force, chaired by Vice Chair McCloud, had discussed the possibility of initiating an incentive program for very well tarped loads as opposed to double charging for untarped loads which is difficult to enforce by the weighmasters at the scales. It was also suggested that the California Highway Patrol (CHP) increase enforcement efforts at the entrance to the Monterey Peninsula Landfill, and the County continue inspections of garbage and private hauler trucks to reduce/eliminate sources of litter, and have the City of Monterey staff share their cost information and procedures used to enhance litter clean up on highway on/off ramps in their city. General Manager reported that the next meeting of the Ad Hoc Litter Task Force would be on February 23rd at 2:00 p.m. in Supervisor Dave Potter's office.

General Manager stated that the Monterey County Illegal Dumping and Litter Abatement Task Force had met on December 14th and planned to conduct a "County Cleanup Day" taken from the "beach clean up" idea, to be held in conjunction with Earth Day on Saturday, April 22, 2006. He stated that the idea would be to have the County free of litter for one day. District staff would be contacting member cities to request them to designate a person in their city to act as the lead to identify the most littered locations that need to be cleaned up in their city and to act as the lead person in that city on April 22nd to direct volunteers in the litter clean up effort.

Vice Chair McCloud stated that Chair Albert had conveyed to her that he believed the District needed to play a larger role financially in the litter issue year-round. Litter clean up for one day was good, but the issue of litter was ongoing and needed to be addressed more comprehensively. Director Gray commented that traditionally the District had taken the position that the litter issue was CalTrans' responsibility, but with the acceptance of regional waste, he believed that a portion of the additional revenue could be set aside for litter abatement.

Director Bales expressed appreciation to all involved in the litter clean-up efforts for their good ideas which now needed to be implemented since it was an issue that affected all local communities.

9) Receive Staff Report and Provide Direction on SWANA's Legislative Task Force Annual Meeting

General Manager reported on the Solid Waste Association of North America (SWANA) Legislative Task Force (LTF) annual workshop held in December. The Board reviewed the minutes and the LTF Draft Workplan for 2006, as well as highlights of several proposed Bills of chief concern for the LTF. He stated that proposed legislation the LTF was following was AB 1090 (Matthews) which defined conversion technology, SB 369 (Simitian) which promoted product stewardship, SB 420 (Simitian) and SB 928 (Perata), both of which would increase statewide diversion rates from 50% to as high as 75%. He urged Board members to express an opinion on the increased diversion rates in their own jurisdictions since it would come at a cost to local cities. He stated that although SWANA is supportive of diversion programs that are cost effective, they are concerned about the high cost to implement them and the resulting fiscal impact to the individual jurisdictions.

10) Receive Staff Report and Provide Direction on County General Plan Consideration of Buffer Zone Around Landfills

General Manager reported that he and Assistant General Manager had met with Supervisor Lindley, at his request, to discuss the topic of buffer zones around landfills. He stated that general buffer zone language has been in Monterey County's General Plan, and also stated there is a need for such a buffer zone around active and closed landfills in the county.

Vice Chair asked Director Smith, who is on the Board of Supervisors (BOS), whether a letter in support of the need for a minimum 1,000-foot buffer zone, with no residential development within the buffer zone, for the Monterey Peninsula Landfill would be appropriate to send to the BOS. Director Smith stated that a letter in support would be good to have on record. Vice Chair inquired whether a 1,000-foot buffer zone was adequate. General Manager stated that he felt a 1,000-foot buffer zone was appropriate, although 2,500-foot had been discussed previously and is also the width proposed for Salinas Valley Solid Waste Authority landfills. The Board also discussed liability issues associated with establishing a buffer zone. Legal Counsel stated that any liability would be the County's concern. Staff was directed to draft such a letter to the BOS.

11) Review December 15, 2005 Safety Committee Meeting Minutes

The Board reviewed the December 15, 2005 Safety Committee meeting minutes. General Manager stated that the minutes are presented for Board review in order to obtain a discount in premiums from the District's insurance carrier, Special District Risk Management Authority. He stated that the detailed tables showing incidents over the previous year were not included and were not required to obtain the premium discount. Staff proposes to make periodic presentations to the Board of accidents and incidents, more in the context of safety and training efforts, lowered rates of incidents and impacts on workers compensation rates. Director McCloud stated that it was note worthy that information provided in the minutes was of good value to the Board. General Manager stated that individual, more detailed, reports are available for the Board upon request.

STAFF REPORTS**12) Financial, Operating, and Recycling Reports**

The Board reviewed recycling and operating reports for December and financial reports for November. General Manager reminded the Board that the tonnage fee had increased from \$35 per ton to \$41 per ton on January 1, 2006, as approved by the Board in February 2005, with no complaints thus far from customers.

The Board also reviewed the AB939 Recycling Rates. General Manager stated that with the use of newly provided state adjustment factors, the diversion rates for 2004 have improved by 5% to 9% and that all of the Peninsula cities now have diversion numbers for 2004, above 50%.

13) Report of Special Districts Association of Monterey County Meeting of January 17, 2006

General Manager reported on the January 17, 2006 Special Districts Association of Monterey County Meeting. He reported that ethics training for Board members and for designated staff, as required by AB1234, will be provided locally.

OTHER CORRESPONDENCE**14) Letter from Special District Risk Management Authority (SDRMA) Provider of Insurance Coverage Refunding \$10,543.39 in Premiums**

The Board reviewed a letter from the Special District Risk Management Authority (SDRMA), the provider of insurance coverage, refunding \$10,543.39 in premiums, based on successful loss prevention efforts.

CLOSED SESSION

The Board went into closed session at 10:48 a.m. regarding the following:

- 1) **Public Employee Discipline**
- 2) **Conference with Legal Counsel – Existing Litigation**
 - a. **Don Prescott v. Monterey Regional Waste Management a District, et al.
Monterey County Superior Court Case No. M75658**

- 3) **Conference with Legal Counsel - Anticipated Litigation**
 - a. **Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54965.9: 1 case**
- 4) **Conference with Labor Negotiators**
 - District Negotiator: William Merry**
 - Unrepresented Employee: Assistant General Manager**

The Board returned into open session at 11:30 a.m. Legal Counsel stated that the Board had received information with regard to the agenda items. With regard to Items 1, 2, and 3, no action was taken by the Board. With regard to Item 4, direction was given to District negotiator. No other action was taken.

ADJOURNMENT

There being no further business to come before the Board at this time, the January 20, 2006 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to February 17, 2006 by Vice Chair McCloud at 11:31 a.m.

RECORDED BY:

AUTHENTICATED BY:

Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

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