

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

9:30 a.m., Friday
November 17, 2006

Boardroom
Monterey Peninsula Landfill
Marina, CA

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

MEMBERS ABSENT: Leo Laska

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
Gracie Arreola, Site Support Specialist
Suzan Fine, Recycling Attendant/SEIU President
Steve Montgomery, Industrial Electrician/ OE3 Operations Shop Steward

OTHERS PRESENT: Angela Brantley, City of Monterey
Bob Schaffer, Marina Community Partners
John Ramirez, Monterey County Environmental Health Department
John Piini, Piini Realty
Steve Johnson, Salinas Valley Solid Waste Authority
Jack Conner, Waste Management, Inc.
Lewis Leader

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the November 17, 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 Recycling Attendant and Service Employees International Union (SEIU) President, addressed the Board and commented that she had been employed by the District for over five years, and over those years, several of the differences between bargaining units had lessened; however there was still a great divide. She stated that the job titles of SEIU employees did not necessarily reflect their actual job duties. She further added that the pay for the highest step of an SEIU member was below the pay for the first step of other bargaining units. She urged the Board to consider the recommendations of the consultants's compensation and classification study.

CONSENT AGENDA

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

- 1) **Approve Minutes of October 20, 2006 Regular Board Meeting**
- 2) **Approve Report of Disbursements**
- 3) **Authorize Contract With Vision Recycling for Processing Oversized Tree Waste Material**

ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

- 4) **Authorize Execution of Agreement with Monterey County Water Resources Agency (MCWRA) for Sale of Property and Granting of Right-of-Way Easements for Construction of Salinas River Diversion Project (Rubber Dam)**

The Board reviewed a memorandum from Senior Engineer Rick Shedden and an Agreement with the Monterey County Water Resources Agency (MCWRA). General Manager commented that the Board had discussed this item at several previous meetings during open and closed session. The memorandum provided a summary of the conditions of sale in accordance with recent discussions and comments received from the Board.

Director Bales commented that this agreement was a good example of public agencies working together.

Chris Moss, MCWRA Project Manager, thanked the Board and District staff for their support and stated that the MCWRA looked forward to being good neighbors with the District.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Authorize Execution of Agreement with Monterey County Water Resources Agency for Sale of Property and Granting of Right-of-Way Easements for Construction of Salinas River Diversion Project (Rubber Dam) at a Price of \$96,000.

5) Adopt Resolution 2006-07 Approving an Upgraded Waste Screening Program at Monterey Peninsula Landfill

The Board reviewed a Resolution and a memorandum with attachment from Assistant General Manager Tim Flanagan regarding the proposed upgraded waste screening program. General Manager stated that this issue was before the Board due to recent concerns expressed from the Monterey County District Attorneys office. He stated that although the District was in full compliance with state regulations, staff believed it was appropriate to improve services to the community. Legal Counsel stated staff believed the resolution could be adopted at this meeting, but after discussion with other affected agencies, he recommended that General Manager provide the PowerPoint presentation to the Board describing the upgraded waste screening program and costs associated with it, but did not recommend adoption of the resolution for reasons that would be provided during closed session.

General Manager gave the PowerPoint presentation. Director Gray asked whether the program had been coordinated with Monterey Bay Unified Air Pollution Control District (MBUAPCD). General Manager responded that the program has been discussed with them. Legal Counsel added that any further discussions with the MBUAPCD would include discussion for some type of uniformity between jurisdictions pertaining to hazardous waste (asbestos) management. Director McCloud asked where the additional \$200,000 cost for the upgraded program would come from, to which General Manager responded that a mid year budget adjustment would be necessary and the additional funds would be drawn from reserves. Director Jordan suggested that information be provided to the individual cities that would educate the public on the proper disposal of hazardous and prohibited waste.

John Ramirez, Assistant Director for the Monterey County Environmental Health Department, addressed the Board and expressed appreciation to District staff for their efforts and stated that any proposed changes would have to be submitted to the California Integrated Waste Management Board as an amendment to the District's current Solid Waste Facilities Permit.

Steve Johnson, General Manager of the Salinas Valley Solid Waste Authority, addressed the Board and stated that the type of service that was provided to Monterey County residents by the District and the SVSWA was much better than in most parts of the state. He stated that both agencies deal with the public who are either misinformed or dishonest. He applauded District staff for putting together the proposed upgraded program, but felt that the responsibility needed to be put on the customers as well.

Jack Conner, General Manager for Waste Management, Inc. (WMI), addressed the Board and applauded the District's efforts and stated that WMI looked forward to partnering with the District and that they would be providing additional training to their staff.

The Board agreed to table this matter until after closed session or to a future meeting if no action is taken following closed session.

6) Approve Amended Agreement with Three Phases Power for Sale of Renewable Energy

The Board reviewed a memorandum from Information Systems Manager Don Prescott. General Manager stated that at the July 2006 meeting, the Board had authorized an amendment to the Agreement with 3 Phases Energy Services to sell renewable power generated from the landfill gas to energy project at a price of \$67.50 per megawatt hour. However, due to difficulties in delivering the power and the

fact that energy prices have declined, 3 Phases did not sign the amended agreement. This amendment would sell the renewable power at \$63 per megawatt hour, through October 2008.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Approve Amended Agreement with Three Phases Power for Sale of Renewable Energy at \$63 Per Megawatt Hour.

7) Report on Acceptance of Regional Waste

The Board reviewed several newspaper articles on local waste issues. General Manager reported that staff had resumed discussions with Santa Cruz County, with more information to be provided to the Board during closed session.

No Action Taken.

STAFF REPORTS

8) Financial, Operating, and Recycling Reports

The Board reviewed the financial statement for the month of September. September was a good month financially. Total Operating Revenues for the month were \$1,421,632. For the month, total operating expenses were at \$1,304,301, for a change in net assets of \$125,088.

The Total Solid Waste Accepted into the site during October increased from September to 32,436 tons, but was down from October last year.

The Board also reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal, reporting on State Department of Conservation activities aimed to assist the Monterey Peninsula area and the District, and related recycling efforts.

General Manager reported that a free E-waste collection event was being held at the Monterey County Fair Grounds on November 17-19.

9) Report on November 8, 2006 MRWMD Ad Hoc Litter Committee Meeting

The Board reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal, summarizing the quarterly meeting of the District's Ad Hoc Litter Committee.

OTHER CORRESPONDENCE

10) Letter from Safety Manager to U.S. Army Corps of Engineers RE: Documentation of Training Provided on Military Ordinance

The Board reviewed a letter sent to Clinton Huckins, a representative of the Corps of Engineers who provided a presentation to all employees at a general meeting on the topic of military ordnance.

The Board went into closed session at 10:15 a.m. regarding the following:

- 1) Conference with Property Negotiators
Property: Sale or Lease Land for Construction of Rubber Dam and Appurtenances
District Negotiators: William Merry, Tim Flanagan, and Rick Shedden
Negotiating Parties: Monterey County Water Resources Agency
Terms: All Terms and Conditions
- 2) 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
- 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 Negotiators: William Merry and Richard Norton
Employee Organizations: Service Employees International Union
- 5) Conference with Legal Counsel - Existing Litigation
 - a) Don Prescott v. Monterey Regional Waste Management District, et al.
Monterey County Superior Court Case No. M75658

The Board returned to open session at 10:45 a.m. Legal Counsel Rob Wellington announced that regarding each of the items listed on the closed session agenda, information was received by the Board from Legal Counsel or the District's labor negotiators. Instructions were given and no other action was taken.

ADJOURNMENT

There being no further business to come before the Board at this time, the November 17, 2006 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to December 15, 2006 by Chair Albert at 10:46 a.m.

RECORDED BY:

Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:

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