

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

9:30 a.m., Friday
July 21, 2006

Boardroom
Monterey Peninsula Landfill
Marina, CA

MEMBERS PRESENT: Dan Albert, Chair
Sue McCloud, Vice Chair
Gary Bales
David Pendergrass
Ken Gray
Leo Laska
Jerry Smith (seated at 10:30 a.m.)
Joseph Russell
Don Jordan

MEMBERS ABSENT: None

STAFF PRESENT: William Merry, General Manager
Timothy Flanagan, Assistant General Manager
Rob Wellington, Legal Counsel
Richard Norton, Administrative Services Manager
Jeff Lindenthal, Public Education & Recycling Manager
Don Prescott, Information Systems Manager
Charles Rees, Finance Manager
Gary Metzler, Safety Manager
Richard Petitt, Site Manager
Harry Hunzie, Materials Recovery Facility Manager
Jack Cook, Assistant Materials Recovery Facility Manager
Rebecca Aguilar, Administrative Support Supervisor
Julia Partida, Administrative Support Specialist II
Clyde Walkup, Materials Recovery Facility Supervisor/OE3 Operations Shop Steward
Suzan Fine, Recycling Attendant/SEIU President

OTHERS PRESENT: Angela Brantley, City of Monterey
Bjorn Lundegard, City of Seaside
Lewis Leader

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the July 21, 2006, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Albert at 9:35 a.m.

CONSENT AGENDA

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

- 1) **Approve Minutes of June 16, 2006 Regular Board Meeting**
- 2) **Approve Report of Disbursements**

ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

3) Adopt Resolution 2006-05 Establishing District Investment Policy and Guidelines for Fiscal Year 2006-2007

The Board reviewed a memorandum from Finance Manager Chuck Rees regarding the District Investment policies and guidelines for fiscal year 2006-2007.

It was moved by Director Russell, seconded, and Unanimously Carried To: Adopt Resolution 2006-05 Establishing District Investment Policy and Guidelines for Fiscal Year 2006-2007.

4) Approve Amendment to Agreement With 3 Phases Energy to Sell Electricity at \$67.50/Megawatt-Hour (MWh)

The Board reviewed a memorandum from Information Systems Manager Don Prescott regarding an amendment to the 3 Phases Energy agreement. General Manager stated that the amendment would provide the District with \$67.50 per megawatt-hour for the sale of renewable electric power generated by the District's four engine/generators. The District would continue to comply with the terms and conditions of the 30-year (now in year 23) Power Sales Agreement with PG&E, but this contract amendment would allow the District to take advantage of higher electricity rates.

Board discussion followed regarding peak hour delivery provisions, liability of the District in case of power failure, and risk mitigation. General Manager stated that there were provisions in the PG&E agreement for firm capacity energy deliveries during the summer. Assistant General Manager stated that earlier in the year, and as approved by the Board, the District had installed energy efficient lighting to reduce the power usage on site so that more power was available for delivery. Information Systems Manager stated that the contract with 3 Phases allowed them to seek reimbursement if the District failed to produce, but to date no such claims have been made. He also stated that there was an Act of God clause in both agreements. Administrative Services Manager stated that the District had some insurance coverage to mitigate property damage and loss of District revenue from the sale of electricity. Staff was requested to report back on this at a future meeting.

It was moved by Director Bales, seconded, and Unanimously Carried To: Approve Amendment to Agreement With 3 Phases Energy to Sell Electricity at \$67.50/Megawatt-Hour (MWh).

5) Authorize Implementation of Homeland Security Presidential Directive-5

The Board reviewed a memorandum from Safety Manager Gary Metzler requesting authorization to implement Homeland Security Presidential Directive-5, a federal requirement that all state and local governments align their emergency management systems with the National Incident Management System (NIMS) and State Incident Management System (SIMS).

Board discussion followed regarding security on site. Safety Manager stated that the site, in its obscurity from the main road, was fairly secure. Vice Chair McCloud recommended that the security issue be discussed with staff. Director Russell inquired whether the emergency plan would be divulged to the public. Safety Manager responded the emergency response plan was a public document and is shared with emergency response crews.

It was moved by Vice Chair McCloud, seconded, and *Unanimously Carried To: Authorize Implementation of Homeland Security Presidential Directive-5.*

6) Status Report on County-Wide Construction and Demolition (C&D) Model Ordinance

The Board reviewed a memorandum from Assistant General Manager Tim Flanagan regarding the countywide proposed Construction and Demolition Model Ordinance. He stated that the Committee working on the ordinance had made further progress and it was expected to come to be completed in the near future.

Board discussion followed regarding the need to finalize the ordinance to the extent possible since some cities were ready to move forward with an ordinance. Board instructed staff to bring this matter to a close, as soon as possible.

7) Status Report on Litter Abatement and Cleanup Efforts

The Board reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal regarding litter abatement and clean up efforts. General Manager stated that there had been several recent meetings regarding litter and a media event had been scheduled for Thursday, July 27, at 10 a.m. at the Window on the Bay in Monterey. The Board also reviewed two letters to the *Herald* editor regarding litter.

Lewis Leader addressed the Board and stated that several speakers were scheduled for the event. Chair Albert asked Board members to attend the event, if possible. He stated that the highways seemed cleaner. Mr. Leader stated that with the help of the California Highway Patrol issuing citations for untarped loads and staff efforts enforcing the District's tarping policy, the highways were looking better. General Manager acknowledged Public Education and Recycling Manager and Lewis Leader for their efforts, as well as efforts of all District staff. Vice Chair McCloud emphasized the importance to acknowledge all involved since it took the efforts of many agencies and people to improve the litter situation in Monterey County.

8) Approve Scale Kiosk Remodeling Conceptual Plan and Authorize Preparation of Construction Plans and Specifications and Issuance of Call for Bids

The Board reviewed a memorandum from Senior Engineer Rick Shedden. General Manager stated that staff had been working with District consultants on the conceptual plan to accommodate an increased number of customers and amount of tonnage traveling across the scales. In addition, the weighmasters were required to collect an increasing amount of information from each customer about the origin and type of waste in each load, therefore increasing the amount of time for each transaction. The remodeling was also necessary to incorporate more efficient and ergonomically-sound work stations within the kiosk.

Paul Davis of The Paul Davis Partnership addressed the Board to discuss the conceptual plans and answer questions.

It was moved by Director Laska, seconded, and *Unanimously Carried To: Approve Scale Kiosk Remodeling Conceptual Plan and Authorize Preparation of Construction Plans and Specifications and Issuance of Call for Bids.*

9) Accept June 27, 2006 Safety Committee Meeting Minutes

The Board reviewed the June 27, 2006 safety committee minutes.

Vice Chair McCloud requested that the Board be given a summary of the type of incidents and injuries that were occurring on site. Administrative Services Manager responded that such a report would be forthcoming and presented to the Board.

It was moved by Vice Chair McCloud, seconded, and *Unanimously Carried To: Accept the June 27, 2006 Safety Committee Meeting Minutes.*

STAFF REPORTS

10) Financial, Operating, and Recycling Reports

The Board reviewed the financial statements for the month of May. May was a good month financially, due to steady municipal solid waste deliveries to the site. The June financials will be presented at the August Board meeting. The Board also reviewed the Operating Report for June. Total solid waste accepted into the site was 10% below both last month and June of last year.

11) Report on April 18, and July 18, 2006 Monterey County Special District Association

The Board reviewed the minutes of the April 18th Special Districts Association of Monterey County meeting. General Manager stated that he, Director Jordan, and Assistant General Manager, had attended the July 18th meeting.

OTHER CORRESPONDENCE

12) Letter From County Supervisor Chair/Boardmember Smith RE: Fluorescent Tube Disposal Fees

The Board reviewed a letter from County Supervisor Chair/Boardmember Smith to Chair Albert requesting that the topic of hazardous waste disposal fees related to disposal of fluorescent tubes be reviewed. The fees for fluorescent tube management and disposal will be reviewed by staff and presented to the Board for discussion and action at the August meeting.

Director Gray asked when the District would commence acceptance of e-waste for free. Last Chance Mercantile/Household Hazardous Waste Manager responded that the District was coordinating acceptance of e-waste for free with the Salinas Valley Solid Waste Authority with an anticipated effective date of September 1.

13) Letter From Monterey Peninsula Chamber of Commerce RE: Congratulations on MRWMD Litter Efforts

The Board reviewed a letter from the Monterey Peninsula Chamber of Commerce recognizing the District for taking a leadership position to abate and cleanup litter along Peninsula highways.

14) Letter From USC School of Engineering RE: Thank You to District Staff for Assistance with Course

The Board reviewed a letter from the USC School of Engineering thanking the District and staff for their assistance during a Cross-Connection Control Program Specialist Course held at the Monterey Regional Water Pollution Control Agency.

15) Letter From Old Monterey Preservation Society RE: Thank You for Composting Demonstrations

The Board reviewed a letter from the Old Monterey Preservation Society thanking Cheryl Hall and Jeff Lindenthal for the composting demonstrations at the annual Cooper Historic Garden Day held on May 20, 2006.

16) Letter From AMBAG RE: Thank You for Sponsorship of and Presentation at Regional Forum on Energy

The Board reviewed a letter from AMBAG thanking the General Manager for his presentation on the District's landfill gas to energy project at their 8th Annual Community Planning Forum on Energy held on June 15th.

GENERAL MANAGER COMMUNICATIONS

General Manager reported on the acceptance of Regional Waste. The Board reviewed a June 30th staff report to the Board of the SVSWA on the subject of study options for residual waste delivery to the District's landfill. General Manager also reported that Santa Cruz County staff was reviewing the draft agreement to bring Ben Lomand waste to the District.

CLOSED SESSION

The Board went into closed session at 10:35 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 Legal Counsel - Existing Litigation
 - a. Don Prescott v. Monterey Regional Waste Management a District, et al.
Monterey County Superior Court Case No. M75658

The Board returned into open session at 11:02 a.m. Legal Counsel reported that the Board had received information on all items listed. No action was taken by the Board.

ADJOURNMENT

There being no further business to come before the Board at this time, the July 21, 2006 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to August 18, 2006 by Chair Albert at 11:03 a.m.

RECORDED BY:

AUTHENTICATED BY:

Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

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