

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

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

Boardroom  
Monterey Peninsula Landfill  
Marina, CA

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

**MEMBERS ABSENT:** Jerry Smith

**STAFF PRESENT:** William Merry, General Manager  
Timothy Flanagan, Assistant General Manager  
Rob Wellington, Legal Counsel  
Ken Buchert, Legal Counsel  
Richard Shedden, Senior Engineer  
Richard Norton, Administrative Services Manager  
Charles Rees, Finance Manager  
Richard Petitt, Site Manager  
Glen Evett, LCM/HHW Manager  
Jeff Lindenthal, Public Education & Recycling Manager  
Gary Metzler, Safety Manager  
Don Prescott, Information Systems Manager  
Rebecca Aguilar, Administrative Support Supervisor  
Julia Partida, Administrative Support Specialist II  
Amber Watson, Administrative Support Specialist I  
Genaro Jarrieta, Laborer/SEIU Shop Steward  
Suzan Fine, Recycling Attendant/SEIU President  
Steve Montgomery, Industrial Electrician/ OE3 Operations Shop Steward  
Clyde Walkup, Materials Recovery Facility Supervisor/OE3 Operations Shop Steward

**OTHERS PRESENT:** David Fortune, City of Seaside  
Chris Moss, Monterey County Water Resources Agency  
Chris Keehn, Monterey County Water Resources Agency  
Curtis Weeks, Monterey County Water Resources Agency

**ROLL CALL AND ESTABLISHMENT OF QUORUM**

Notice having been duly given and the presence of a quorum established, the September 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, SEIU President, addressed the Board and thanked them for contract improvements during last year's negotiations. As part of the contract, the District agreed to conduct a classification and compensation study, which had been completed. The study recommended increases and title changes for SEIU members. She stated that part of respect was being paid what you are worth and urged the Board to consider the monetary recommendations. District Laborers Clara Ortiz, Genaro Jaurrieta, and Antonio Moreno also addressed the Board to express their feelings on the study. Oscar Torres, SEIU Business Representative, addressed the Board and stated that a title change did not give employees respect. The District is a unique operation and the employees deserved unique pay. Chair Albert stated that this issue could not be discussed in open session, but the Board would discuss it in closed session.

General Manager introduced Kimberle Herring, new Public Education Assistant who began work on September 5<sup>th</sup>. Chair Albert welcomed her to the District. General Manager also stated that Administrative Support Specialist, Julia Partida's last day working for the District was today, after having worked for the District for over six years. Chair Albert thanked her for her years of service and wished her well.

**CONSENT AGENDA**

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

- 1) **Approve Minutes of August 18, 2006 Regular Board Meeting**
- 2) **Approve Report of Disbursements**
- 3) **Authorize Purchase of Replacement Pickup Truck, for Use by Senior Engineer**

**ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION**

- 4) **Receive Presentation from Monterey County Water Resources Agency (MCWRA) on Salinas River Diversion Facility (Rubber Dam) Project and Provide Direction**

The Board reviewed a letter, dated August 16, 2006, from Curtis Weeks, General Manager of the Monterey County Water Resources Agency (MCWRA) regarding their interest to purchase a 5.6 acre parcel in the easternmost corner of District property, in fee simple, and to obtain related easements including access, utility, pipeline, and construction for the Salinas River Diversion Facility (Rubber Dam) Project.

Mr. Weeks addressed the Board and thanked District staff for their cooperativeness during the discussions. He stated that the MCWRA would prefer to purchase the property, fee simple, free and clear of all encumbrances, instead of leasing. He also stated that the MCWRA believed there were several reasons for the preference such as strengthened financing, project stewardship, and assurance of long term use and rights as stated in their letter. Mr. Weeks gave a brief presentation to the Board on the status of their project.

Director Bales stated that he was not convinced that the MCWRA needed to purchase the property and expressed concern that the project was on a larger scale than initially anticipated, therefore potentially impacting District operations. He asked if there were any regulations that required that the MCWRA own the property. Mr. Weeks responded that although it was not necessary to own the property, it was the MCWRA's desire to be able to do so. He also stated that the only area that they believed could be impacted was with groundwater levels, but a study had been conducted and concluded those impacts were negligible.

Board discussion followed regarding potential water access, aesthetics, hold harmless clause, supplemental power, impacts to adjacent neighbors, such as the MRWPCA, and estimated timeline. Mr. Weeks stated that they anticipated design finalization by the end of the year so that they could go out to bid by April. He stated that the MCWRA was willing to address areas of concern in their negotiations with the District as they tried to keep this project within budget.

General Manager stated that right-of-way easements and access rights would be discussed in closed session.

*No action taken in Open Session; to be discussed in Closed Session.*

**5) Status Report on Acceptance of Regional Waste For Disposal**

The Board reviewed a staff report from Salinas Valley Waste Management Authority (SVSWA) General Manager Steve Johnson regarding Long Term Waste Management Plan-Marina Landfill Residual Waste Delivery Options. The staff report outlined waste management strategies for the SVSWA, including a 75% waste diversion goal by the year 2015. General Manager stated that the recommendation of SVSWA staff was for Scenario 4b in the report, which would direct SVSWA waste to the Monterey Peninsula Landfill when the Johnson Canyon Landfill, east of Gonzales, is full 41 years from now. He stated that this matter would be discussed further in closed session.

Director Russell expressed concern over the SVSWA's assumption that they would be able to bring their waste in 41 years.

*No Action Taken.*

**6) Appoint Directors Gray and Laska to Interagency Board Committee with Monterey Regional Water Pollution Control Agency**

Chair Albert had solicited volunteers for appointment to an Interagency Board Committee with the Monterey Regional Water Pollution Control Agency at the August meeting. The committee will discuss matters of mutual interest, including management of biosolids and biogas.

***It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Appoint Directors Gray and Laska to the Interagency Board Committee.***

**7) Report on Public Education, Recycling and Litter**

The Board reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal providing an update to the Board on the recent litter abatement and cleanup program. Staff had received notice from the California Integrated Waste Management Board (CIWMB) that the Reuse Assistance Grant that the District had applied for had scored successfully and was being recommended for award at the CIWMB meeting on September 12<sup>th</sup>. The grant will offset the cost of a tent structure that is planned for outside of the Last Chance Mercantile building.

Assistant General Manager stated that the District had received notification from the Department of Conservation that a joint grant application with Ecology Action had been approved to fund litter cleanup and recycling at large special events that take place on the Monterey Peninsula.

Board discussion followed and the Board directed staff to request input from member agencies regarding special events in their jurisdictions that could be of priority for this grant.

*No Action Taken.*

## **STAFF REPORTS**

### **8) Financial Reports**

The Board reviewed the financial statement for the month of July. July was a good month financially. Total Operating Revenues for the month were \$1,406,089. For the month, total operating expenses were at \$1,178,364 for an operating income of \$227,725.

### **9) Operating and Recycling Reports, Including AB939 Recycling Rates by Jurisdiction for Second Quarter 2006**

The Board reviewed the operating and recycling reports for August. Total solid waste accepted into the site was 32,472 tons, 13% below August of last year, primarily resulting from large projects at the former Fort Ord last year generating higher waste volumes.

The AB 939 Recycling Rates, as of August 22, 2006, were also reviewed by the Board. Marina, at 41% for the second quarter of 2006, is the only city below 50% diversion.

### **10) Receive Staff Engineering Report on Landfill Plans and Operations**

The Board reviewed a memorandum from Senior Engineer Rick Shedden, summarizing the work on the sliver fill construction, the updated aerial photography and topographic mapping, and the latest airspace utilization density calculation. General Manager stated that through exceptional operational and engineering efforts, the District's landfill life had been increased to over 100 years. He thanked Rick and District Heavy Equipment Operators, present at the meeting, for their efforts making these projects successful.

Richard Petitt, Site Manager, introduced to the Board, Heavy Equipment Operators Randy Evanger, Rupe Chaffin, Chauncey Hendley, Ed Lopez, Jon Houck, and Scott Curry, Heavy Equipment Supervisor.

Assistant General Manager Tim Flanagan gave a power point presentation outlining the recent engineering and operational activities related to the landfill, with particular emphasis on the sliver fill landfill construction during the summer. He stated that the District had over 40,000,000 tons of capacity, making it one of the largest landfill sites in the state and country. He thanked the Board for making the proper equipment available in order to conduct the various landfill site projects.

Director Jordan inquired whether the sliver fill had been a District staff innovation. General Manager responded that the sliver fill was an innovative approach, successfully implemented. Director McCloud suggested that it would be good to share the success story of the sliver fill project.

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## **CLOSED SESSION**

The Board went into closed session at 10:27 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, Tim Flanagan, and Richard Norton  
Employee Organizations: Service Employees International Union
- 5) 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 12:20 p.m. Legal Counsel reported that on Items 1, 2, 3, & 4, the Board had received information and given direction to staff and/or Legal Counsel, with no other action being taken. On Item 5, information had been received, with no other action taken by the Board.

### **ADJOURNMENT**

There being no further business to come before the Board at this time, the September 15, 2006 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to October 20, 2006 by Chair Albert at 12:21 p.m.

**RECORDED BY:**

**AUTHENTICATED BY:**

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Rebecca G. Aguilar  
Administrative Support Supervisor/  
Recording Secretary

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