



Memorandum
MONTEREY REGIONAL
WASTE MANAGEMENT DISTRICT

DATE: October 12, 2007
TO: Board of Directors
FROM: General Manager
SUBJECT: Agenda Information for the October 19, 2007 Board Meeting

CALL TO ORDER AT 9:30 AM

ROLL CALL AND ESTABLISHMENT OF QUORUM

PLEDGE OF ALLEGIANCE

PUBLIC COMMUNICATIONS

Anyone wishing to address the Board on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the agenda at the time the matter is being considered by the Board.

CONSENT AGENDA

These matters include routine financial and administrative actions, which are usually approved by a single majority vote. Individual items may be removed from Consent for discussion and action.

- 1) **Approve Minutes of September 21, 2007 Regular Board Meeting**
- 2) **Approve Report of Disbursements**

ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

- 3) **Adopt Resolution 2007-09 Approving an Upgraded Waste Screening Program at the Monterey Peninsula Landfill**

Please refer to the enclosed memo and attachments, from Assistant General Manager Tim Flanagan. This matter first came to the attention of the District in January 2006, resulting in significant staff effort in response throughout 2006. The matter was brought to the Board for

consideration at the November 2006 meeting, but no action was taken due to concerns by the District Attorney's office that all permits be in place related to the upgraded waste screening program, prior to final action by the Board to adopt the upgraded program. Since that time, staff has been working closely with the County Environmental Health Department, as the Local Enforcement Agency (LEA), and other regulatory agencies to amend the District's Facilities Permit to include the upgraded waste screening program. On September 28th, the Notice of Acceptance was received from the LEA, to amend the Facilities Permit.

Also enclosed, is a letter the City of Monterey has sent to the District, in support of the District's September 14th letter to the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The MBUAPCD staff has said they have received the letter request, and would like to expedite the request for consideration for their Board.

Enclosed, for your information, is a copy of a September 21, 2007 news article from the Santa Cruz Sentinel reporting that a Capitola car dealer was fined \$600,000 for illegally disposing of asbestos at the District's landfill.

This matter has required significant District and staff resources over the last two years. This recommendation is the culmination of staff effort resulting from Board direction on the matter and has been prepared in cooperation with District consultants. The proposed upgraded waste screening program will provide a significant improvement in reducing hazardous and prohibited materials from being placed in loads arriving at District facilities. This in turn will provide a significant reduction in hazardous material exposure to District employees and customers and will further enhance protection of the environment locally.

On the national level, for your information, two recent news articles are enclosed, reporting that Congress is proposing to ban asbestos containing products in the U.S., which will help future generations avoid exposure.

For the Board meeting, we anticipate the LEA, and perhaps other local stakeholders in this matter, to be present.

Recommendation: Adopt Resolution 2007-09 Approving an Upgraded Waste Screening Program at the Monterey Peninsula Landfill.

4) Authorize Issuance of Request for Proposals for Classification and Compensation Study for Management Employees

This item was tabled at the September meeting and staff was directed to place it on the October meeting agenda. Staff was directed to gather additional information on the item at the California Special Districts Association Annual Meeting held in Monterey during the week of October 3rd.

Please refer to the enclosed memo from Administrative Services Manager Rich Norton, which is an updated version of his September memo. As Rich explains in his memo, the Classification and Compensation Study is required under the Memorandum of Understanding signed with the management group in 2005.

Since this matter may be considered a matter of negotiation with the management bargaining group, it may be adjourned to closed session for discussion.

Recommendation: Authorize Issuance of Request for Proposals for Classification and Compensation Study for Management Employees.

5) Report on Acceptance of Regional Waste

Please refer to the enclosed memo from Assistant General Manager Tim Flanagan. You will note the City of Watsonville took action at their October 9th meeting to deliver waste to the District landfill for disposal, by Agreement. The City has already delivered some waste for disposal, under a trial basis and at the regular tipping fee. District staff will need to review the Agreement which went before their Council, before bringing it to the District Board for consideration.

Recommendation: No Action Required

STAFF REPORTS

6) Financial, Operating, and Recycling Reports

The financial statements for July and August 2007 are enclosed, the Operating Income is \$117,000 and \$283,000, respectively. The year-to-date total Operating Expenses are below budget levels at \$2,640,000. Year-to-date Operating Revenues are \$3,040,000, slightly above last year and slightly below budget projections.

The Operating Report for September is enclosed. The Total Solid Waste Accepted into the site (excluding regional waste from Santa Cruz County) during September was 27,528 tons, a decrease of 3,641 tons from August, and down 3,334 tons, or (10.8%) from September of last year. The tonnage from Santa Cruz County was 1,621 in September, 1,892 in August, 1,680 in July and 1,874 in June.

Staff has been working on the items recommended from the August meeting of the Ad Hoc Finance Committee, and recommended by the Board in September, as follows:

Finances. A 5-Year Operations and Financial Strategic Plan, or Strategic Operating Plan is under development. The Plan, containing a number of measures to raise revenues and to further trim expenses, will be presented for discussion during the next meeting of the Finance Committee, scheduled for October 25th.

Revenue. The waste received from the City of Watsonville is a new source of revenue, projected to result in an initial annual increase to revenues of approximately \$300,000.

Expenses. Staffing levels continue within spending guidelines established in the Budget.

Declining Tonnages. Tonnages into the site were down during September. Staff continues efforts to reduce waste from traveling outside the wasteshed. A meeting was held with City of Marina staff to discuss the Joint Powers Authority (JPA) Agreement provisions related to waste flow control. As a result, District staff will set up meetings with developers working on former Fort Ord. Additionally, a meeting has been scheduled to make a presentation to the FORA Administrative Committee on October 31st. Staff met with City of Monterey officials on October 10th to discuss their model Construction Demolition (C&D) ordinance and provisions of the JPA Agreement around flow control.

7) Report on Public Education, Recycling, and Litter

Please refer to the enclosed memo from Public Education and Recycling Manager Jeff Lindenthal.

Enclosed is an article featured in the July/August edition of MSW Management by Director Bales entitled "Reflections on the 38th Annual Earth Day". Also enclosed is a letter to the Department of Conservation (DOC) Director Bridgett Luther in appreciation of the strong support for recycling the DOC provided at the recent Monterey Jazz Festival.

8) Strategic Plan Update

Please refer to the enclosed status report on Strategic Planning initiatives, which has been prepared for your information.

9) Report on October 16, 2007 Meeting of Special Districts Association of Monterey County

Enclosed, for your information, is the agenda for the October 16th meeting of the Special Districts Association of Monterey County. Director Jordan and I will not be able to attend the meeting, since we will be attending the SWANA Wastecon Symposium during the week. Also enclosed is a report on their meeting of July 17th.

OTHER CORRESPONDENCE

10) Letter to Central Coast Regional Water Quality Control Board RE: Annual Wet Weather Preparedness Report

This is a required, annual letter submittal.

GENERAL MANAGER COMMUNICATIONS

- SWANA Wastecon next week. District staff, along with Directors Bales and Jordan, will be attending the annual Wastecon Symposium and Exposition in Reno from October 15th to 18th. The District will receive the Gold Excellence Award for Landfill Gas Utilization on Thursday.
- SWANA Senior Executive Seminar. I have been invited to speak at this annual Seminar of Waste Management Executives on January 10-11, 2008 in New Orleans. I will participate in a panel discussion on the topic of waste flow control. A tour of the area impacted by Hurricane Katrina will be arranged while we are there.
- CSDA Annual Conference. Director Jordan, along with Rich Norton and I, attended the presentations and vendor exhibits of the conference, all of which was of value for the District. The local committee of Special District's put forth a strong show of support to help make the conference a success.
- Ad Hoc Personnel Committee Meeting. A meeting of the Committee is planned for the week November 26th. Would the members of the Committee please let Becky or me know your availability the week of November 26th for a meeting?

BOARD COMMUNICATIONS

CLOSED SESSION

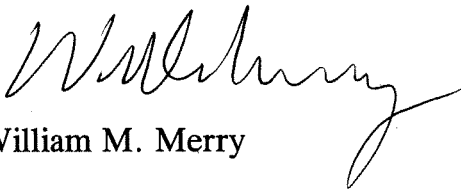
A confidential packet is enclosed.

As permitted by Government Code Section 54956 et seq., the Board may adjourn to a Closed or Executive Session to consider specific matters dealing with pending or prospective litigation, real property negotiations, certain personnel matters, or to confer with District's Meyers-Milias-Brown representative.

- 1) Conference with Legal Counsel – Matters of Potential Litigation (3 Cases)
- 2) Conference with Labor Negotiators:
District Negotiators: William Merry and Richard Norton
Employee Organizations: Operating Engineers, Service Employees International Union,
Management Employees
- 3) Conference with Legal Counsel - Existing Litigation
 - a) Don Prescott v. Monterey Regional Waste Management District, et al.
Monterey County Superior Court Case No. M75658

NEXT MEETING DATE: NOVEMBER 16, 2007

Respectfully submitted,



William M. Merry