



Memorandum

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

DATE: March 14, 2008
TO: Board of Directors
FROM: General Manager
SUBJECT: Agenda Information for the March 21, 2008 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 February 15, 2008 Regular Board Meeting**
- 2) **Approve Report of Disbursements**
- 3) **Adopt Resolution (2008-02) of Appreciation and in Memory of District Employee Steve Morrison**

I am very sad to report that Steve Morrison, a Maintenance Worker with the District for over 10 years passed away on March 5th. Steve had been in declining health for the past year. I was impressed with his craftsman skills when he first arrived, and his ability to fix anything. He was a dedicated and spirited individual, an excellent employee, well liked by everyone. We will miss him a lot.

**PUBLIC HEARING TO CONSIDER ADOPTION OF PUNITIVE MEASURES FOR
NON-COMPLIANCE WITH DISTRICT'S HAZARDOUS MATERIALS POLICY AND
UPGRADED WASTE SCREENING PROGRAM**

At this point in the meeting, comments will be received from the public on the proposed punitive measures for non-compliance with the District's hazardous materials policy and upgraded waste screening program.

ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

4) Presentation on Household Hazardous Waste (HHW) Operations

Glen Evett, Manager of the Household Hazardous Waste and Last Chance Mercantile Programs, will make a brief presentation on the household hazardous waste and related waste screening programs. He will also introduce the hardworking staff from the HHW. Please join in acknowledging their successful program and much appreciated efforts.

Recommendation: No Action Required

5) Adopt Resolution 2008-03 Establishing Punitive Measures for Non-Compliance with District's Hazardous Materials Policy and Upgraded Waste Screening Program

Please refer to the enclosed memo from Assistant General Manager Tim Flanagan. As Tim discusses in his memo, several punitive measures are recommended for consideration by the Board. These punitive measures are being considered for customers that refuse to, or fail to, comply with the District's request that they sign a letter stating they will comply with District policy on management of hazardous materials and keeping such materials out of their loads. In response to the Board's request at the February meeting, all customers were sent a letter notifying them of the public hearing and the proposed punitive measures.

Recommendation: Adopt Resolution 2008-03.

6) Support a Draft Model Environmentally Acceptable Food Packaging Ordinance and Forward Model Ordinance to Member Agencies for Their Consideration

Please refer to the enclosed memo and from Jeff Lindenthal, Public Education and Recycling Manager. As Jeff describes in his memo, the draft Model Ordinance has been reviewed, discussed and revised through input from a number of recent community meetings over the last couple of months, and it was presented to the Board at the February meeting for comments. The Model Ordinance has been revised further since then and is presented for your consideration.

Recommendation: Support Draft Model Environmentally Acceptable Food Packaging Ordinance and Forward Model Ordinance to Member Agencies for Their Consideration.

7) Award 10-Year Contract to the Don Chapin Company to Provide Sand Excavation and Marketing Services, and Concrete and Asphalt Rubble Recycling Services

Please refer to the enclosed memo from Senior Engineer Rick Shedden, along with the proposed Agreement between the Don Chapin Company and the District. As Rick discusses in his memo, staff has been working closely with District counsel and Don Chapin to develop the terms and conditions of the Agreement. This has been a carefully considered endeavor by both Mr. Chapin and the District. The District anticipates improving its financial position as a result of the Agreement, while ensuring the sand will be excavated as efficiently as possible to prepare for Module 6 construction. We are looking forward to the District's continued working relationship with the Don Chapin Company with this Agreement.

Recommendation: Award 10-Year Contract to the Don Chapin Company to Provide Sand Excavation and Marketing Services, and Concrete and Asphalt Rubble Recycling Services.

STAFF REPORTS

8) Finance, Operating and Recycling Reports, Including Final AB 939 Recycling Rates by Jurisdiction

The financial statements for February 2008 are enclosed. The Operating Income for the month is \$100,180 and \$1,085,215 year-to-date. The year-to-date total Operating Expenses are below budget levels at \$10,844,770.89. The year-to-date Operating Revenues are \$11,929,986.35, above last year, but below budget levels.

The Operating Report for February 2008 is enclosed. The Total Solid Waste Accepted into the site (excluding regional waste from Santa Cruz County) during February 2008 was 24,462 tons, a decrease of 4,498 tons from January and down 167 tons, or (0.7%) from February of last year. The variances from last month result from decreased tonnages from Commercial and Industrial customers (28.3%), Cash customers (1.7%) and Franchise haulers (13.7%). The tonnage from Santa Cruz County was 1,646 in February, 1,722 in January, 1,526 in December, 1,594 in November, 1,730 in October, 1,621 in September, 1,892 in August and 1,680 in July. Very little waste has been delivered from the City of Watsonville, although final signatures were obtained from City officials this week on the disposal Agreement, and deliveries will begin immediately.

The AB 939 Recycling Rates, as of March 10, 2008 are enclosed for you information. The final numbers for 2006 have been calculated by District staff on behalf of the District member agencies, are shown on the report, and have been forwarded to the State. All of the member agencies did very well on diversion efforts in 2006 and most of their diversion numbers have improved to well over 60% in 2007, due in part to declining tonnages to the landfill (a lower number in the denominator of the calculation)

9) Report on Public Education, Recycling, and Litter

Please refer to the enclosed memo from Jeff Lindenthal. Please note the 3rd Annual Monterey County Clean-Up Day will be held in conjunction with Earth Day on April 19th, from 8 a.m. to noon. The District has agreed to contribute to the event in the form of gloves, two banners and promotional items, all costing less than \$1,000, plus staff time. John Ramirez will be at the meeting to provide a brief status report of upcoming activities for the event.

10) Report on SWANA Legislative Task Force Activity

Please refer to my enclosed memo summarizing legislative and regulatory efforts related to recycling and waste management, including an update on proposed legislation to increase statewide diversion from 50% to 75%.

OTHER CORRESPONDENCE

11) Letter Dated February 11, 2008, to California Regional Water Quality Control Board RE: Report on Financial Assurance for Corrective Action, Closure and Postclosure Maintenance and Environmental Impairment

This letter is provided for your information and background.

12) Letter Dated February 27, 2008 From Sunland Garden Products RE: Change Of Company Ownership To Bella Carlo, LLC, Salinas, California

The District received notice this week, by way of the enclosed letter, that Sunland Garden Products will be purchased by Bella Carlo, a Salinas firm. Sunland Garden has been a tenant on District property for over 20 years, operating on a month to month lease. They currently rent 60 acres for the purpose of composting District green waste material. Staff will be contacting Sunland to determine what, if any, impacts may result from the change in ownership.

13) Notice from Monterey County Weekly RE: Selection of Monterey Regional Waste Management District as 2008 Best Environmentally Friendly Business in Monterey County

We were recently notified by the *Monterey County Weekly* that the District was voted by their readers as the 2008 Best Environmentally Friendly Business in Monterey County. We are so proud to have received this award, the first year this category was available to receive votes. It is a particular honor that in this selection, people in Monterey County thought of the District for the environmental service provided. This is a tribute to the District's mission to provide a high level of "customer service", to the vision and support provided by the Board of Directors and to the excellent efforts by all District staff who work both at the site and out in the community to provide such service.

You may recall that in 1998, the Last Chance Mercantile was selected as the "Best Place to go Panning for Gold." The March 13th edition of the Monterey weekly listed all of the "Best of" winners. To express our appreciation to District residents, and in anticipation of upcoming Clean Monterey County Day on April 19th, we have made a promotional offer through the *Weekly* of \$5 off the purchase price for a load of landscape material, offer good through Earth Day, April 22, 2008.

GENERAL MANAGER COMMUNICATIONS

- **Status of Proposed County Landfill Buffer Zone Ordinance.** Meetings were held by the County on February 12th, 19th and 26th to present the proposed buffer zone ordinance. District staff attended the February 12th meeting held at the very attractive Marina Library. There were 20 to 30 members of the public at the two-hour meeting. County staff presented the issues related to the proposed ordinance and a panel of local and state waste management experts answered many questions from the audience. There were no substantive concerns related to the proposed buffer zone of 1000 feet around the Monterey Peninsula Landfill. The County will take and review all comments and make appropriate revisions to the proposed ordinance over the next few weeks.
- **Status Report on Monterey Regional Biosolids Management Plan and work by Carollo Engineers.** The Boards of the Carmel Area Wastewater District (CAWD) and the Monterey Regional Water Pollution Control Agency (MRWPCA) have authorized signing on to a cooperative agreement between the three agencies to have Carollo Engineers perform the joint Study. Once signed, Carollo will begin their work. As a separate but related effort to the Study, MRWPCA and the District intend to jointly engage in a study to determine the appropriate rate to be charged for biosolids management and/or disposal at the District facilities.

- **Status Report on Feasibility Study with the Salinas Valley Solid Waste Authority (SVSWA) to Investigate Possible Changes to North Monterey County Waste Flow Boundaries and Waste Management Practices.** A meeting was held at the SVSWA on February 29th between staff of the County, the Salinas Valley Solid Waste Authority and the District, and Supervisor Calcagno, who was invited by the County. The primary topic of discussion was the north County franchise collection contracts, although broader, countywide waste management matters were also discussed. As a result of the meeting, Tim will be meeting with County staff for further discussions on the proposed franchise collection contracts. Beyond that, another meeting between Board members and staff of the SVSWA and the District will be scheduled.
- **Monterey County Regional Plenary Oversight Group (REPOG).** Lyndel Melton, of RMC Water and Management consultants, met with me on March 4th to discuss a proposed plan to site a desalination water supply plant on property nearby to the District's landfill property. As reported in the enclosed March 7th article from the *Carmel Pine Cone*, proponents of the proposed desalination plant anticipate being able to use the renewable power from the District's landfill gas to supply power to the energy intensive desalination plant. Mr. Melton's staff will gather more information on the District's landfill gas operation to determine how it may fit with the proposed regional desalination plant. The Board may wish to request Mr. Melton to appear before the Board with a presentation on how/why the District's renewable power supply plays a role in the proposed project, and to answer any questions you may have.
- **Watsonville Disposal Agreement.** The Disposal Agreement with the City of Watsonville has been signed. Waste deliveries are expected to begin the week of March 17th.
- **County Appointment to Board.** The earliest the Board of Supervisors will consider making assignments for their newest Board member, Ila Mettee-McCutchon, would be at their meeting of March 25th. The County's appointment to the District Board, currently Supervisor Potter on an interim basis, may be affected by the assignments.
- **Waste Management (the Franchised Hauler) Manager.** The District Manager for Waste Management, Inc. (WMI), Felipe Melchor will be at Friday's meeting to introduce himself, along with Kristi Carriveau, WMI Contract Compliance Manager. The enclosed letter outlines Mr. Melchor's new appointment.
- **Monterey County Business Council (MCBC).** For your information, the annual summary of MCBC activities is enclosed. The District is a public agency, non-voting, Partner Member with annual dues of \$500.
- **AB 1234 Ethics Training.** The State requires ethics training of elected officials every two years, and 2008 is another big training year. The California Special Districts Association (CSDA) will provide in-person training on the following dates:
 - ▶ March 27 – Bakersfield
 - ▶ March 28 – Sacramento
 - ▶ October 16 – Sacramento
 - ▶ October 23 – Camarillo
 - ▶ October 24 – Fresno
 - ▶ November 7 – Nipomo

CSDA also provides a training DVD at a fee of \$49 which includes a handbook and test. The DVD and test must be returned to CSDA who will grade and issue a certificate (7 out of 10 questions must be answered correctly). Free Online Training is also available at: <http://localethics.fppc.ca.gov/ab1234>. The online course is about 130 pages long and fulfills the two-hour training requirement. At the end of the course there is a Proof of Participation Certificate that can be printed for your records. Please contact Becky regarding the expiration of your certification or if you would like more information regarding opportunities for training.

• **Meetings Scheduled for Board Committees:**

- ▶ Ad Hoc Finance Committee: Thursday, March 27th and Wednesday, April 23rd; both at 9 a.m.
- ▶ Ad Hoc Personnel Committee: Monday, April 7th and Monday, May 5th; both at 9 a.m.

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 Council: Significant Exposure to Litigation Pursuant to Subdivision (b) Section 54956.9 (1 case)
- 2) Conference with Labor Negotiators:
District Negotiators: William Merry, Richard Norton and Tim Flanagan
Employee Organizations: Operating Engineers, Service Employees International Union, Management Employees

The meeting will stand adjourned in memory of District Employee Steve Morrison.

NEXT MEETING DATE: APRIL 18, 2008

Respectfully submitted,


William M. Merry