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Legal Counsel

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT REGULAR MEETING MINUTES

Friday, 9:00 a.m.
March 20, 2020

MRWMD Bales Boardroom and Via Teleconference
14201 Del Monte Blvd., Monterey County, CA

MEMBERS PRESENT: Carrie Theis (Chair), City of Carmel-by-the-Sea Councilmember
Jason Campbell (Vice Chair), City of Seaside Councilmember
Gary Bales, City of Pacific Grove
Leo Laska, Pebble Beach Community Services District Director
Jane Parker, (Unincorporated) Monterey County Board of Supervisors Chair (District 4)
Bruce Delgado, City of Marina Mayor (joined at 9:45 a.m.)
Dennis Allion, City of Del Rey Oaks
Dan Albert, City of Monterey Councilmember

MEMBERS ABSENT: Jerry Blackwelder, City of Sand City Vice Mayor

STAFF PRESENT: Tim Flanagan, General Manager
Rob Wellington, Legal Counsel
Guy Petrabor, Director of Engineering & Compliance
Peter Skinner, Director of Finance & Administration
Tim Brownell, Director of Operations
Becky Aguilar, Executive Assistant/Clerk of the Board
Ida Gonzales, Administrative Support Specialist

OTHERS PRESENT: Rob Durham, County of Monterey
Mike Niccum, Pebble Beach Community Services District
Patrick Mathews, Salinas Valley Solid Waste Authority

Note: Staff reminded on six (6) feet social distancing requirements due to the COVID-19 Pandemic.

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice duly given and presence of a quorum established, the March 20, 2020 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Theis at 9:00 a.m.

PUBLIC COMMUNICATIONS

There were no public communications.

CONSENT AGENDA

Following a motion by Director Albert, seconded by Director Laska, the Board unanimously approved the Consent Agenda.

- 1) Approve Minutes of January 24, 2020 Regular Board Meeting.
- 2) Approve Minutes of February 12, 2020 Special Board Meeting.
- 3) Approve Report of Disbursements, and Board and Employee Reimbursements for January and February 2020.
- 4) Receive Report on February 12 and March 4, 2020 Finance Committee Meetings.
- 5) Receive Report on February 12 and March 4, 2020 Personnel Committee Meetings.
- 6) Approve Extension of In-Focus Safety Solutions Contract for the Remainder of Fiscal Year 2019/2020 at a Cost of \$25,000.

OTHER ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

- 7) **Adopt Resolution 2020-03 Authorizing General Manager to Execute a Sole Source Contract with Quality Scales Unlimited for the Procurement and Replacement of Scale A in an Amount Not-To-Exceed \$160,000 (including Sales Tax)**

The Board reviewed a memorandum from Director of Engineering regarding the replacement of Scale A which was over 20 years old and is past the point of having repairs be effective enough to keep it operational. All four of the District scales are manufactured, supplied, installed, and maintained by Quality Scales Unlimited. The scales are a key part of the District's operational efficiency. Staff explored several options and believe that the proposed replaced is the most functional and best economical solution.

Director Laska inquired whether other quotes had been obtained and whether the proposal received from Quality Scales unlimited was competitive. Staff responded affirmatively.

It was moved by Director Allion, seconded by Director Albert and Unanimously Carried To: Adopt Resolution 2020-03 Authorizing General Manager to Execute a Sole Source Contract with Quality Scales Unlimited for the Procurement and Replacement of Scale A in an Amount Not-To-Exceed \$160,000 (including Sales Tax).

- 8) **Adopt Resolution 2020-04 Authorizing General Manager to execute a sole source contract with Quality Scales Unlimited of Byron, CA, for the Procurement and Installation of Scale E with an Unattended Kiosk in an Amount Not-To-Exceed \$260,000.00 (Including Sales Tax)**

The Board reviewed a memorandum from Director of Engineering regarding the installation of an additional scale with an unattended kiosk for franchise haulers use and thereby reducing the long lines and the wait time. The E Scale addition is part of a planned phased re-construction of the scale building and the underlying physical scale structures. This will allow the contract waste and franchise waste haulers to by-pass the scales set aside for the general public, making a much more efficient utilization of the overall scale system.

It was moved by Director Parker, seconded by Director Laska and Unanimously Carried To: Adopt Resolution 2020-04 Authorizing General Manager to execute a sole source contract with Quality Scales Unlimited of Byron, CA, for the Procurement and Installation of Scale E with an Unattended Kiosk in an Amount Not-To-Exceed \$260,000.00 (Including Sales Tax).

9) Award Construction Contract for the CEC Grant ARV-17-036 Project to the Qualified Low Bidder, Monterey Peninsula Engineering, Inc. of Marina, CA, in the Amount of \$247,000

General Manger provided the Board with backound information of the CEC Grant Award ARV-17-036 and stated that this construction contract was for the structural slab foundations for the Biogas Conditioning System equipment previously purchased by the District. The Board also reviewed a memorandum from Director of Engineering in which he explained that bids had been received from two local contractors: Ausonio and Monterey Peninsula Engineering (MPE). MPE was the qualified low bidder.

Board discussion was held on expenditures thus far on the project and whether the grant would fund half of the project. Director of Engineering stated that the District would fund approximately \$2 million and the grant would fund \$1.8 million. Additional discussion was held on the proposed benefits of the project and that it would replace the pipeline gas currently being purchased for use by GreenWaste Recovery (GWR) at the District's compressed natural gas fueling facility.

It was moved by Director Parker, seconded by Director Laska and Unanimously Carried To: Award Construction Contract for the CEC Grant ARV-17-036 Project to the Qualified Low Bidder, Monterey Peninsula Engineering, Inc. of Marina, CA, in the Amount of \$247,000.

10) Award Construction Contract for the CEC Grant ARV-17-036 Project to the Qualified Low Bidder, BSE General Engineering, Inc. of Descanso, CA, in the Amount of \$1,275,000 for the GCCS-Biogas Conditioning System Improvements

The Board reviewed another memorandum from Director of Engineering. This construction contract was for the improvements to the landfill's Gas Collection and Control System (GCCS) and installation of the Biogas Conditioning System equipment previously purchased by the District as part of the CEC Grant Award ARV-17-036. As explained in the memorandum, bids were received from four non-local contractors, with BSE General Engineering being the qualified low bidder.

It was moved by Director Parker, seconded by Director Laska and Unanimously Carried To: Award Construction Contract for the CEC Grant ARV-17-036 Project to the Qualified Low Bidder, BSE General Engineering, Inc. of Descanso, CA, in the Amount of \$1,275,000 for the GCCS-Biogas Conditioning System Improvements.

E1) Consider Adoption of Resolution 2020-05:

- a) **Temporarily Increasing the General Manager's Spending Authority; and**
- b) **Granting Temporary Emergency Powers to the General Manager to Ensure Critical Decisions Regarding Agency Operations & Maintenance are Made in a Timely and Proactive Manner During the Public Health Emergency**

General Manager stated that with the current uncertainty of the COVID-19 pandemic, staff felt that there may be a need to allow him to make certain required emergency expenditures that may arise and would not allow adequate time for Board approval. The Board reviewed a resolution prepared by District Legal Counsel which would increase the General Manager's spending limit up to \$250,000 during the Covid-19-crisis/emergency. At the conclusion of the emergency, staff would provide a report and a request would be made to ratify any purchases in excess of the general managers' spending limit. The resolution would also grant the General Manager temporary powers to make decisions on operations and maintenance relative to COVID-19, to include decisions for increased personnel costs.

Board discussion was held regarding the necessity of adopting the resolution. Legal Counsel stated that approval of the resolution was unusual, but these were unusual times. He stated that cities, counties, and other agencies were also considering similar actions. Following additional discussion, the Board recommended amendments to the resolution to include the General Manager make a documented attempt to advise the Board Chair and Vice Chair, and the Finance Committee Chair of expenditures prior to making them.

It was moved by Director Allion, seconded by Director Bales and Unanimously Carried To: Adopt of Resolution 2020-05, As Amended, Temporarily Increasing the General Manager's Spending Authority; and Granting Temporary Emergency Powers to the General Manager to Ensure Critical Decisions Regarding Agency Operations & Maintenance are Made in a Timely and Proactive Manner During the Public Health Emergency.

STAFF REPORTS

11) Review Finance, Operating, and Recycling Reports

Director Delgado joined the meeting at 9:45 a.m.

The financial statements for January and February 2020 were reviewed by the Board, along with operating and recycling reports. Board discussion was held regarding the impact of the current COVID-19 situation to the District's finances and the preparation of 2020/21 budget. General Manager stated that it was staff's prediction that it would be approximately 60 days before staff could determine more accurate financial estimates.

12) Report on February 20, 2019 District Technical Advisory Committee (TAC)

The Board received a report on the February 20, 2019 TAC meeting to include discussion on the preliminary public education and outreach submittal from GWR. The TAC public education sub-committee and consultant are continuing to work with GWR to formulate a new plan for FY 20/21 and review last year's plan and materials.

13) Report on February 26, 2019 Strategic Planning Session

General Manager reported that the Barber/Gonzales Consulting group are compiling all the information shared during the strategic planning session and developing the next phases of the strategic thinking process for staff and Board review. The next session will focus on finance and administration, energy planning and development, and public education and advocacy. General Manager expressed appreciation to the Board, staff, and members of the public who participated in the session.

14) Report on COVID-19 and Planning Process

The Board reviewed a COVID-19 Risk Minimization and Outbreak Response Plan for business continuity. General Manager reported that the was the best-defined approach staff could develop due to the rapidly changing set of circumstances around federal, state, and local health directives. The District's first obligation was to the health and safety of our work force, while at the same time maintaining the necessary public health element of proper disposal and recovery of trash. District staff was actively evaluating current conditions and would make operational adjustments as deemed necessary.

Board discussion was held on health directives and plan outline.

OTHER CORRESPONDENCE

15) Letter from Local Agency Formation Commission of Monterey County RE: Call for Nominations to Fill Special District Seats on LAFCO

The Board reviewed a letter from Kate McKenna, regarding a call for nominations for the selection of two representatives on LAFCO. Directors Bales, Allion, and Laska are the only members eligible since they are not elected officials of a City or of the County and they must nominate themselves no later than March 30, 2020.

GENERAL MANAGER COMMUNICATIONS

General Manager reported that staff is still working with Monterey One Water (M1W) and the need for a short-term capital loan to accomplish the electrical supply connection to the treatment plant from the landfill gas to energy system. More details will be provided as they are developed, and staff will bring the issue to the Finance Committee and then the full Board once documentation of the approach has been completed by respective staffs.

General Manager also reported that the meeting set up by Councilmember Frank O'Connell of Marina with various stakeholders attending was scheduled for March 18. The meeting had been postponed due the COVID-19 protocols and staff would continue to monitor operational processes on site and share observations with interested parties.

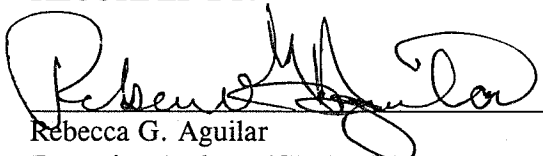
BOARD COMMUNICATIONS

Director Laska stated that the recycling guide that had been included in the Monterey County Weekly was the best piece of information he had seen, and he commended staff for a job well done.

ADJOURNMENT

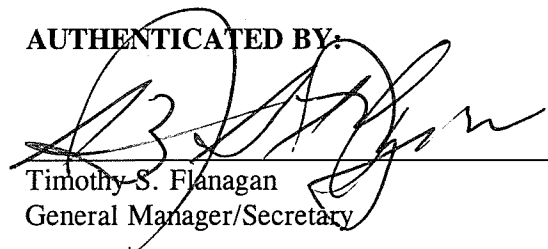
There being no further business to come before the Board at this time, the March 20, 2020 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned by Chair Theis at 10:28 a.m.

RECORDED BY:



Rebecca G. Aguilar
Executive Assistant/Clerk of the Board

AUTHENTICATED BY:



Timothy S. Flanagan
General Manager/Secretary