

BOARD OF DIRECTORS

CARRIE THEIS
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JASON CAMPBELL
Vice Chair

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LEO LASKA
JANE PARKER
BRUCE DELGADO
DENNIS ALLION
JERRY BLACKWELDER
DAN ALBERT



TIMOTHY S. FLANAGAN
General Manager

GUY PETRABORG, P.E., G.E
Director of Engineering & Compliance

PETER SKINNER
Director of Finance & Administration

TIM BROWNELL
Director of Operations

ROBERT WELLINGTON
Legal Counsel

**MONTEREY REGIONAL
WASTE MANAGEMENT DISTRICT**
Home of the Last Chance Mercantile

Friday, 9:00 a.m.
December 4, 2021

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

MEMBERS PRESENT: Carrie Theis (Chair), City of Carmel-by-the-Sea 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)
Dennis Allion, City of Del Rey Oaks
Jerry Blackwelder, City of Sand City Vice Mayor
Dan Albert, City of Monterey Councilmember
Bruce Delgado, City of Marina Mayor
Jason Campbell, (Vice Chair) City of Seaside

MEMBERS ABSENT: None

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
Zoe Shoats, Director of Communications
Garth Gregson, Finance Manager
David Ramirez, Senior Engineer
Ida Gonzales, Administrative Support Specialist (Acting Board Clerk)

OTHERS PRESENT: Mike Niccum, Pebble Beach Community Services District

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice duly given and presence of a quorum established, the December 4, 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

Public comments were made by Brian McCarthy, Gracie Silvia-Satella and Greg Simmons.

CONSENT AGENDA

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

- 1) **Approve Minutes of October 23, 2020 Regular Board Meeting.**
- 2) **Approve Report of Disbursements, and Board and Employee Reimbursements for October 2020.**
- 3) **Receive Report on November 4, 2020 Finance Committee Meeting.**

RECOGNITION /PRESENTATIONS

- 4) **Presentation by Boots Road Group on Award-Winning MRWMD Public Education Campaigns.**

District staff and Boots Road Group presented on three MRWMD ad campaigns they developed-which we were recognized by two award programs. Two gold Davey award awards *It's already Wrapped* and *What Goes Where*. The silver Davey award was for the Perfect Earth Day Gift. The campaigns also received an honorable mention for the graphic design.

Board Directors expressed appreciation for all the efforts staff and Boots road made on campaigns. Discussion followed regarding campaign metrics and how to improve campaign effectiveness through target audiences. Suggestions were also made to target audiences on future campaigns on recycling contamination.

Public comment was received on what the possibility of the campaigns being placed in Grocery stores.

Angela Goebel responded about the challenges the District has had in the past to access space inside grocery stores. In the past, the Public Education department has been able to set up a table outside stores at which to promote reusable bags.

- 5) **Presentation by Waste Management Inc. on use of Residential Smart Truck Technology**
Kristen Skromme of Waste Management Inc. (WMI) presented on the new Residential Smart Truck Technology.

OTHER ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

- 6) **Accept Audit Report for Fiscal Year 2019/20.**

The Board accepted the Audit Report for Fiscal Year 2019/20. The Accounting team received a clean audit with no qualified opinion. Nathan Edelman was present during the meeting and answered questions from the Board. General Manager expressed appreciation for the Districts Accounting department.

It was moved by Director Delgado, seconded by Director Laska and unanimously carried To Accept Audit Report for Fiscal Year 2019/20.

- 7) **Authorize General Manager to Execute 10-Year Lease Agreement with Keith Day Company, Inc. for Composting Facilities (Subject to Final Review by Legal Counsel) at an Initial Annual Rate of \$44,081.**

General Manager stated staff is recommending the approval of a 10-year lease agreement with Keith Day Company, Inc. as presented and that the District will meet with residents of the City of Marina in a community forum to discuss potential odors affecting City of Marina. Prior to the pandemic, District staff had offered to host community tours and participate in an odor study led by the City of Marina and surrounding neighbors to investigate odor sources. The General Manager also noted that the District and its composting facility are subject to strong oversight by multiple environmental agencies.

Guy Petraborg, Director of Engineering and Compliance presented the terms of the 10 year lease and its background and responded to questions received from the community. He noted that the Finance Committee had also received a presentation on the lease agreement at the January 13th meeting.

Mr. Petraborg made the following observations: The proposed lease starts in 2021, is for 10 years and includes the option of two 5-year extensions. Keith Day Co (KDC; DBA Gabilan Ag Services) has been a very good private partner for the District over the past decade. The lease will provide the District and KDC with the security of a long-term agreement along with the rate stability. He reviewed tonnage cost for operations and the controls the district has over the lease of the property. He noted that the District, and the lease operations, are subject to all laws and permit requirements, as administered by Monterey County, the State of CA, the Regional Water Control Board, the Monterey County Environmental Health Department and the local Monterey Bay Air Resources District.

Staff recommends that a year-long odor management study be conducted to address concerns from the community on odors. Discussions with the Marina residents and surrounding neighbors is tentatively scheduled for January 27th or 28th. The District will provide input for the study and for the scope of work as needed.

Keith Day stated that he takes the public concerns and odors seriously. He takes measures to decrease odors by using covers and screens. He is also working with the Regional Water Quality Control Board and Monterey Bay Air Resources District around odors. Mr. Day stated that he appreciates everyone's efforts and is a partner of the District and willing to make changes to come to an agreement.

Board discussion followed. Director Delgado asked for clarification on questions from the community regarding the District's strategic plan, including expansion of the composting site with additional material coming from other areas he noted that many residences are concerned about the odor in the city.

Public Comments were made to the Board regarding concerns of the Board approving the 10- year lease and odor.

Board discussion continued regarding the need for an independent study on odor to identify possible contributors in the area and to find a solution, regarding concerns raised by residents, and regarding the approval of the lease with modifications.

The Board recognized frustrations by residents who smell the odors. During the February Strategic Planning sessions residents expressed interest in increasing communication tours and in a study meant in good faith. With COVID-19 restrictions, tours and meetings were not completed.

Director Delgado reiterated concerns of Marina residents about the impact of odors on their lives. He expressed further concerns with the term of a 10-year lease with inadequate language and with specific language in the lease related to odor management. He proposed a 2-year extension instead of a 10 year agreement.

Motion by Director Delgado For a 2 – Year Lease Extension instead of 10 Year Director Parker seconded

Board Discussion followed on possible revisions to the contract. Legal counsel stated it may be difficult to make revisions during the meeting. It may be appropriate to have time to discuss and bring it back. The final decision is up to the Board. Discussion continued with the possible requirement for best available technology.

Public comments were received concerning odors affecting the City of Marina residence, the Board approving a 10-year lease and the issue of environmental justice.

Substitute motion to add odor control language in the contract

Director Delgado expressed desire to consider future review of concerns over environmental justice.

Substitute Motion Jason Campbell second Parker

It was moved by Vice Chair Campbell, seconded by Director Parker and approved by 6 to 1 vote (Director Delgado Voted No) To Bring Back the 10-Year Lease Agreement with Keith Day Company, Inc. for Composting Facilities (Subject to Final Review by Legal Counsel) at an Initial Annual Rate of \$44,081 with wording changes, stronger language, best practice strong odor control and environmental justice.

8) California Air Resources Board (CARB) and Monterey Bay Air Resources District (MBARD) Landfill Inspection Update

Guy Petraborg presented on the CARB/MBARD landfill Inspection. Staff is working on a revision of roles and responsibilities around the LFG collection system. This revision will better align operational duties and functions around the landfill management staff and keep engineering and compliance responsible for tabulating and interpreting the data collected from the landfill management staff. Oversight of District LFG contractors in the field will be under the landfill management staff. Staff expects to complete our revision of roles and responsibilities in the response plan to the potential for an NOV expected to be received from MBARD.

9) Report on Material Recovery Facility (MRF) 2.0 Facility Upgrades.

The Board received a report from Tim Brownell, Director of Operations on the process of improvement upgrades to the MRF and the financial benefits delivered by the upgrades.

10) Review Finance, Operating, and Recycling Reports.

Garth Gregson, Finance manager presented the Operating reports from the month of October.

11) Report on November 18, 2020 District Technical Advisory Committee Meeting.

The received a summary of the District Technical Advisory Committee Meeting. TAC met on November 18th.

12) Report on November 18, 2020 Illegal Dumping and Litter Abatement Force Task Meeting

The Board was provided a summary of the November 18, 2020 Illegal Dumping and Litter Abatement Task Force Meeting.

GENERAL MANAGER COMMUNICATIONS

General Manager thanked Jane Parker and Dennis Allion for years of service on the Board of Directors.

Director Allion thanked the District for the opportunity to serve and appreciated the hard work the employees do. He also thanked the public for all their input. Godspeed to everyone.

OTHER CORRESPONDENCE

ELECTION OF OFFICERS FOR CALENDAR YEAR 2021

The nominating committee, consisting of Director Allion and Director Parker, recommended Director Campbell as Chair and Director Blackwelder as Vice Chair. This item will come back in the month of January.

BOARD COMMUNICATIONS

CLOSED SESSION

The Board met in closed session at 12:40 p.m. on the following matters:

1. District Legal Counsel Rob Wellington for Revision of Monthly Retainer

RETURN TO OPEN SESSION WITH ANY REQUIRED ANNOUNCEMENTS FROM CLOSED SESSION

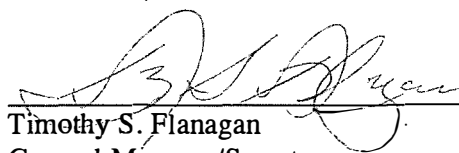
The Board came back into open session at 12:50 p.m. Peter Skinner announced that in closed session the Board received information as to each of the closed session items; no reportable action was taken.

ADJOURNMENT

There being no further business to come before the Board at this time, the December 4, 2020 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned by Chair Theis at 12:51 p.m.

RECORDED BY:

AUTHENTICATED BY:



Ida R. Gonzales

Timothy S. Flanagan

Administrative Support Specialist/Acting Board Clerk

General Manager/Secretary