

BOARD OF DIRECTORS
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IAN OGLESBY
VICE CHAIR

GARY BALES
DAVID PENDERGRASS
LEO LASKA
LIBBY DOWNEY
JANE PARKER
BRUCE DELGADO
CARRIE THEIS



WILLIAM MERRY, P.E., BCEE
GENERAL MANAGER/
DISTRICT ENGINEER

TIMOTHY S. FLANAGAN
ASST. GENERAL MANAGER

RICHARD SHEDDEN, P.E.
SENIOR ENGINEER

ROBERT WELLINGTON
COUNSEL

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT SPECIAL MEETING MINUTES

Wednesday, 9:30 a.m.
January 7, 2015

Boardroom
MRWMD Offices
14201 Del Monte Blvd., Marina CA

MEMBERS PRESENT: Gary Bales, City of Pacific Grove
David Pendergrass, City of Sand City Mayor
Leo Laska, (Acting Chair) Pebble Beach Community Services District Board President
Libby Downey, City of Monterey Councilmember
Carrie Theis, City of Carmel-by-the-Sea

MEMBERS ABSENT: Dennis Allion (Chair), City of Del Rey Oaks Councilmember
Ian Oglesby (Vice Chair), City of Seaside Councilmember
Bruce Delgado, City of Marina Mayor
Jane Parker, (Unincorporated) Monterey County Supervisor, District 4

STAFF PRESENT: William Merry, General Manager
Tim Flanagan, Assistant General Manager
Rob Wellington, Legal Counsel
Chuck Rees, Finance Manager
Clyde Walkup, Materials Recovery Manager
Daylene Alliman, Human Resources Manager
Jeff Lindenthal, Director of Community Programs
Richard Shedden, Senior Engineer
Rebecca Aguilar, Administrative Support Supervisor
Leticia Yanez, Site Support Assistant
Berta Torres, Management Specialist

OTHERS PRESENT: Charlie Cordova, GreenWaste Recovery
Emily Hansen, GreenWaste Recovery
Jim Moresco, GreenWaste Recovery
Mike Niccum, Pebble Beach Community Services District

SELECTION OF CHAIR FOR SPECIAL MEETING

Director Laska announced that in the absence of both Chair Allion and Vice Chair Oglesby, a Chair for the meeting would need to be appointed.

It was moved by Director Downey, seconded by Director Bales, and *Unanimously Carried To: Select Director Laska as Chair for the Special Meeting in the Absence of Both Chair Allion and Vice Chair Oglesby.*

INTRODUCTION OF NEW BOARD MEMBER CARRIE THEIS

Director Laska welcomed Carmel-by-the-Sea Councilwoman Carrie Theis to the Board.

ROLL CALL AND ESTABLISHMENT OF QUORUM

With notice duly given and presence of a quorum established, the January 7, 2015 Special Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Director Laska at 9:35 a.m.

OTHER ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

- 1) **Adopt Resolution 2015-01 Accepting Low Bid and Awarding Contract to Lewis C. Nelson and Sons, of Selma, CA, in the Amount of \$10,864,800 for Construction of Truck Parking and Maintenance Facility**

The Board reviewed a revised resolution, and a memorandum from Senior Engineer Rick Shedden regarding the bids for the construction of the truck parking and maintenance facility. The District received four competitive bids that matched very closely with the Engineers Estimate for the project. Senior Engineer stated that staff was recommending the Board award the contract to the low bidder Lewis C. Nelson and Sons (Nelson), of Selma, CA, in the amount of \$10,864,800. Nelson was highly qualified and reference checks had been completed satisfactorily. The project is expected to be fully completed in 2015.

Board discussion followed regarding the project schedule and whether timelines would be met in order for the selected franchise hauler, GreenWaste Recovery (GWR), to begin operating. Senior Engineer responded that staff anticipated completion of the CNG fueling station and parking area by May 31, 2015. Staff anticipates bringing in temporary fueling vessels to fuel GWR trucks. Director Bales asked for clarification on how the initial payments for the projects would be funded. Finance Manager responded that the funds are anticipated to be available from reserves through April, after which time funds are anticipated to be available from the sale of the Bonds. Director Laska stated that there may be an issue with a subcontractor to which Legal Counsel responded that Nelson had provided the Board with a letter claiming clerical error on the submission of the contractors list, and the Board could discuss the matter following award of the contract.

Emily Hansen, GWR, addressed the Board and stated that GWR's proposal had been contingent on having the truck yard and maintenance facility, to include the fueling station, ready upon commencement of the Sand City contract on April 1, 2015. She stated that there were contingencies incorporated into the proposal, although not necessarily for any increased costs associated with the delay of usage of the truck parking and maintenance facility to include the fueling station. She stated that it was her understanding, that as part of the agreements, the District had committed to not increase landfill tipping fees until 2017. Any unanticipated increases in operating costs beyond GWR's control, such as fuel, would landfill tipping be passed along to the ratepayers as a pass-through fee as stipulated in the agreements.

It was moved by Director Bales, seconded by Director Downey, and Unanimously Carried To: Adopt Resolution 2015-01 Accepting Low Bid and Awarding Contract to Lewis C. Nelson and Sons, of Selma, CA, in the Amount of \$10,864,800 for Construction of Truck Parking and Maintenance Facility, as Revised.

Legal Counsel stated that after receipt of the bids, a timely request was received from Nelson advising of a clerical error in reference to a subcontractor listed on the bid. He explained the process for the substitution which included holding a hearing if the listed subcontractor was opposed to the substitution. Legal Counsel recommended appointing the General Manager or the Assistant General Manager as the hearing officer instead of

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the entire Board in an effort to expedite the process and to bring back a recommendation to the Board at the February Board meeting. He stated that any decision did not change the amount of the bid submitted by Nelson. Director Downey suggested that the Board Chair attend the hearing in addition to the hearing officer. Concern was expressed regarding the availability of the Chair as he was not present at the meeting.

It was moved by Director Pendergrass, seconded by Director Bales, and Approved by Directors Bales, Laska, Pendergrass, and Theis; with Director Downey Abstaining To: Designate the General Manager or Assistant General Manager to Act as the Hearing Officer and Bring Back a Recommendation to the Board at the February Board Meeting. Motion Carried

INTERVIEWS WITH EXECUTIVE SEARCH FIRM**2) Executive Firm Interviews for General Manager Recruitment**

General Manager reported that CPS HR Consulting had canceled their presentation due to illness; therefore only three firms would be interviewed. He explained the process of the interviews to the Board, which consisted of having only the firm interviewing present during the interview. Each firm had been requested to prepare a brief (10 minute) presentation based on five questions prepared by Human Resources staff, which would be followed by two questions asked by Director Laska, and other questions from the Board. Each interview was scheduled to take 20 minutes.

The Board proceeded to interview Regan Williams of Bob Murray & Associates; Georg Krammer of Koff & Associates; and Rahn Sibley of Neher & Associates.

OTHER ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION**3) Select Firm to Conduct Recruitment for General Manager**


Following the interviews with the executive search firms, the Board discussed preferences based on the presentation and interview, and previous experience with the firms.

It was moved by Director Pendergrass, seconded by Director Theis, and Approved by Directors Bales, Laska, Pendergrass, and Theis; Opposed by Director Downey To: Select Bob Murray & Associates to Conduct Recruitment for Next General Manager. Motion Carried

ADJOURNMENT


There being no further business to come before the Board at this time, the January 7, 2015, Special Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to January 16, 2014 by Director Laska at 11:15 a.m.

RECORDED BY:



Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:



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