

BOARD OF DIRECTORS
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Vice Chair
GARY BALES
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REVISED

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

REGULAR MEETING

NOTICE & AGENDA

MONTEREY REGIONAL WASTE MANAGEMENT AUTHORITY

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
ZOË SHOATS
Director of Communications
ROBERT WELLINGTON
Legal Counsel

Friday, January 22, 2021

9:00 a.m.

Please Note: The meeting will be held virtually via Zoom and is compliant with Governor Newsom's executive Order N-29-20 which allows local legislative bodies to hold public meetings electronically or via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body to avoid public gatherings, and which suspended all contrary provisions of the Brown Act.

To join the zoom webinar, click on this link: <https://us02web.zoom.us/j/81481694442> copy/paste the link into your browser, or type the link into your browser. If your computer does not have audio, you will also need to join the meeting via phone. To participate via phone, please call: 1-669-900-9128; Meeting ID: **814 816 94442**

Public Comments: if you are unable to participate virtually or via telephone, you may also submit your comments by e-mailing them to igonzales@mrmwd.org with one of the following subject lines "Public Comment Item #" (insert the item number relevant to your comment) or "Public Comment - Non Agenda Item". Comments must be received by 4:00 p.m. on Thursday, January 21, 2021. All submitted comments will be provided to the Board and may be read into the record or compiled as part of the record.

CALL TO ORDER AT 9:00 AM

ROLL CALL AND ESTABLISHMENT OF QUORUM

ELECTION OF OFFICERS

PLEDGE OF ALLEGIANCE

PUBLIC COMMUNICATIONS

Anyone wishing to address the Board on matters *not* appearing on the Agenda may do so now. *Please limit comments to a maximum of three (3) minutes.* 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 July 24, 2020 Meeting.
- 2) Approve Resolution 2021-01 Amending the Conflict of Interest Code

BOARD COMMUNICATIONS

ADJOURNMENT

This agenda was posted at the District offices at 14201 Del Monte Blvd, Marina, CA. Staff reports and additional information regarding these agenda items are available on the District website (www.mrmwd.org) and at the District offices during regular business hours (additional fee for copying). All meetings are open to the public. The District does not discriminate against persons with disabilities and the Boardroom is wheelchair accessible. Recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call Becky Aguilar at (831) 384-5313 or e-mail igonzales@mrmwd.org. Requests must be made at least 48 hours in advance of the meeting.

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MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

MONTEREY REGIONAL WASTE MANAGEMENT AUTHORITY REGULAR MEETING MINUTES

Friday, 9:00 a.m.
July 24, 2020

MRWMD Boardroom
14201 Del Monte Blvd., Marina 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
Dennis Allion, City of Del Rey Oaks
Jerry Blackwelder, City of Sand City Vice Mayor
Dan Albert, City of Monterey Councilmember
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

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
Berta Torres, Human Resources Manager
Clyde Walkup, Materials Recovery Facility Manager
David Ramirez, Senior Engineer
Garth Gregson, Accounting Manager
Glen Evett, Hazardous Materials/Last Chance Mercantile Manager
Ida Gonzales, Administrative Support Specialist
Kimberle Herring, Public Education and Outreach Coordinator
Andrew Jarvis, Public Education Intern

OTHERS PRESENT: Mike Niccum, Pebble Beach Community Services District
Fred Morsh, Monterey One Water
Kristin Skromme, Waste Management Inc.
Mandy Brooks, Salinas Valley Recycles

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice duly given and presence of a quorum established, the July 24, 2020 Regular Meeting of the Monterey Regional Waste Management Authority Board of Directors was called to order by Chair Theis at 9:00 a.m.

ROLL CALL AND ESTABLISHMENT OF QUORUM

PUBLIC COMMUNICATIONS

There were no public communications.

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.

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

- 1) Approve Minutes of January 17, 2020 Meeting.
- 2) Adopt Resolution (2020-1A) establishing Investment Policy Guideline for District/Authority for Fiscal Year 2020/21

BOARD COMMUNICATIONS

There were no Board communications.

ADJOURNMENT

There being no further business to come before the Board at this time, the July 24, 2020 Regular Meeting of the Monterey Regional Waste Management Authority was adjourned by Chair Theis at 9:04 a.m.

RECORDED BY:



Ida Gonzales
Administrative Support Specialist

AUTHENTICATED BY:



Timothy S. Flanagan
General Manager/Secretary

**Board of Directors
Monterey Regional Waste Management Authority**

**RESOLUTION NO. 2021-01A
A RESOLUTION AMENDING THE CONFLICT OF INTEREST CODE
TO REVISE THE LIST OF DESIGNATED POSITIONS**

-oOo-

WHEREAS, the Authority, pursuant to the California Fair Political Practices Act, adopted a Conflict of Interest Code in 1998; and

WHEREAS, a review of said Code has indicated that the position of Director of Communications & Sustainability, Last Chance Mercantile/Hazardous Materials Manager, Assistant Materials Recovery Facility Manager, and Site Operations & Facilities Manager be deleted as Designated Positions in Exhibit A of the Code and the positions of Landfill Operations & LFG Systems Manager and Director of Communications should be included as Designated Positions in Exhibit A of the Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Monterey Regional Waste Management Authority that Exhibit A to the District's Conflict of Interest Code, as adopted by Resolution No. 76-4 on June 25, 1976, and amended by Resolution No. 88-6 on November 18, 1988, 98-2 on May 15, 1998, 2000-07 on September 15, 2000, 2006-06 on August 18, 2006, 2010-07 on December 17, 2010, 2012-08 on September 21, 2012, 2014-12 on September 19, 2014 and 2016-10 September 23, 2016, September 21, 2018 is hereby further amended to delete the positions of Director of Communications & Sustainability, Last Chance Mercantile/Hazardous Materials Manager, Assistant Materials Recovery Manager, Site Operations & Facilities Manager from the list of Designated Positions.

BE IT FURTHER RESOLVED, that the positions of Director of Communications, be added to the list of Designated Positions with the Disclosure Category for said positions to be "1", and that the position Landfill Operations & LFG Systems Manager, be added to the list of Designated Positions with the Disclosure Category for said position to be "2".

PASSED AND ADOPTED by the Board of Directors of the Monterey Regional Waste Management Authority at a regular meeting duly held on January 22, 2021 by the following vote:

AYES:

NOES:

ABSENT:

Chair

ATTEST:

Timothy S. Flanagan
General Manager/Secretary of the Board

**CONFLICT OF INTEREST CODE
OF THE
MONTEREY REGIONAL WASTE MANAGEMENT AUTHORITY**

1. Adoption by Incorporation. The Political Reform Act of 1974, Government Code 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission had adopted a regulation, 2 California Code of Regulation §18730, which contains the terms of a standard model Conflict of Interest Code, which may be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the following Exhibit A and Exhibit B, in which officials and employees are designated by reference and constitute the Conflict of Interest Code of the Monterey Regional Waste Management Authority ("Authority").
2. Filing of Statements. Pursuant to 2 California Code of Regulations §18730 (b) (4), all designated employees shall file statements of economic interests with the Authority. Upon adoption of this Conflict of Interest Code, the Board Secretary shall advise all persons holding designated positions who have not previously been required to file disclosure statements that an initial statement must be filed within thirty days of this Conflict of Interest Code. Upon receipt of the statements of the Authority Board of Directors, the Authority shall make and retain a copy and forward the original of each statement to the code reviewing body. Statements for all other designated employees will be retained by the Authority.

EXHIBIT A: Designated Positions

<u>List of Designated Positions</u>	<u>Assigned Disclosure Category</u>
Authority Board of Directors	1
General Manager	1
Director of Engineering & Compliance/District Engineer	1
Director of Finance & Administration	1
Director of Communications & Sustainability	1
Director of Operations	1
Equipment Maintenance Manager	2
Accounting Manager	1
Assistant Accounting Manager	1
Human Resources Manager	1
Last Chance Mercantile/Hazardous Materials Manager	2
Materials Recovery Facility Manager	2
Assistant Materials Recovery Facility Manager	2
Safety & Risk Manager	2
Senior Engineer	2
Site Operations & Facilities Manager <u>Landfill Operations & LFG Systems Manager</u>	2
Legal Counsel	1
Consultants*	1

*For purposes of this Code "Consultant" has the same meaning as set forth in 2 Cal. Code of Regs. section 18700(a)(1), as follows:

"Consultant" means an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
 1. Approve a rate, rule or regulations;
 2. Adopt or enforce a law;
 3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 5. Grant agency approval to a contract which requires agency approval and in which the agency is a part or to the specifications for such a contract;

6. Grant agency approval to a plan, design, report, study, or similar item;
 7. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

Consultants to the Authority shall be subject to disclosure under Category 1, subject to the following limitation:

The Authority General Manager may determine in writing that a particular consultant, although a "Designated Employee" is hired to perform a range of duties that is limited in scope and thus not required to fully comply with the disclosure requirements of Category 1. In such cases, the General Manager may designate a different disclosure requirement. Such designation must be made in writing and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements. The General Manager's designation must be filed, in advance of disclosure by the consultant, with the Authority's conflict of interest code and also filed with the code reviewing body and must be delivered to the consultant along with a copy of the conflict of interest code and the manual and forms for disclosure (FPPC Form 700).

EXHIBIT B: Disclosure Categories

General Provisions:

When a member, officer, or employee who holds a designated position is required to disclose investments, sources of incomes, or financial interests, he or she shall disclose such investments, sources of income, or financial interests in business entities which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two (2) years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When a designated member, officer or employee who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside, as well as outside, the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below, if it is located in whole or in part within, or not more than two miles outside of the boundaries of the jurisdiction, or within two miles of any land owned or used by the Authority.

When a designated member, officer, or employee who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in California, plan to do business in California, or have done business in California within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of the Authority is that area within the boundaries of the Monterey Regional Waste Management Authority.

Disclosure Category 1:

A member, officer, or employee holding a position assigned to Disclosure Category 1 shall, in the manner described above, report:

- (a) All investments in business entities and sources of income in the jurisdiction;
- (b) Interests in real property in the jurisdiction.
- (c) His or her status as director, officer, partner, trustee, employee or holder of a management position in any business entity in the jurisdiction.

Disclosure Category 2:

A member, officer, or employee holding a position assigned to Disclosure Category 2 shall, in the manner described above, report:

- (a) All investments, business positions, sources of income, and financial interests of any type of, or in, business entities which provide services, supplies, materials, machinery, or equipment of the type utilized by the Authority.