

BOARD OF DIRECTORS

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SUE McCLOUD  
VICE CHAIR

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DAVID PENDERGRASS  
JOSEPH P. RUSSELL  
LIBBY DOWNEY  
JANE PARKER  
IAN OGLESBY  
BRUCE DELGADO



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

TIMOTHY S. FLANAGAN  
ASST. GENERAL MANAGER

RICHARD SHEDDEN, P.E.  
SENIOR ENGINEER

RICHARD NORTON  
ADMIN. SERVICES MGR.

ROBERT WELLINGTON  
COUNSEL

# MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

*Home of the Last Chance Mercantile*

## MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT REGULAR MEETING MINUTES

9:30 a.m., Friday  
April 17, 2009

Boardroom  
Monterey Peninsula Landfill  
Marina, CA

**MEMBERS PRESENT** Leo Laska (Chair), Pebble Beach Community Services District Boardmember  
Sue McCloud (Vice Chair), City of Carmel-by-the-Sea Mayor  
Gary Bales, City of Pacific Grove  
David Pendergrass, City of Sand City Mayor  
Joseph P. Russell, City of Del Rey Oaks Mayor  
Libby Downey, City of Monterey Councilmember  
Jane Parker, (Unincorporated) Monterey County Supervisor, District 4  
Ian Oglesby, City of Seaside Councilmember  
Bruce Delgado, City of Marina Mayor

**MEMBERS ABSENT:** None

**STAFF PRESENT:** William M. Merry, General Manager  
Tim Flanagan, Assistant General Manager  
Ken Buchert, Legal Counsel  
Rick Shedden, Senior Engineer  
Richard Norton, Administrative Services Manager  
Don Prescott, Information Systems Manager  
Jeff Lindenthal, Public Education & Recycling Manager  
Ron Mooneyham, Equipment Maintenance Manager  
Glen Evett, Last Chance Mercantile Manager  
Harry Hunzie, Materials Recovery Facility Manager  
Jack Cook, Safety Manager  
Rebecca Aguilar, Administrative Support Supervisor  
Kimberle Herring, Public Education Coordinator  
Amber Watson, Administrative Support Specialist  
Clyde Walkup, Materials Recovery Facility Supervisor/OE3 Operations Shop Steward

**OTHERS PRESENT:** John Laird, California Integrated Waste Management Board  
Vicki Stillwell, City of Pacific Grove  
Bjorn Lundegard, City of Seaside  
Matt Fore, Monterey County Environmental Health Department  
Tom Buell, Monterey Regional Water Pollution Control Agency  
Alec Arago, Representative Sam Farr's Office  
Candace Ingram, The Ingram Group

**OTHERS PRESENT:** Dan Albert  
(Continued) Judy Bales  
Don & Joyce Gasperson  
Lewis Leader  
David Myers

### ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the April 17, 2009, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Laska at 9:30 a.m.

### PUBLIC COMMUNICATIONS

### CONSENT AGENDA

*Following a motion by Vice Chair McCloud, and seconded, the Board approved the following actions:*

- 1) **Approve Minutes of March 20, 2009 Regular Board Meeting**
- 2) **Approve Report of Disbursements**

### PRESENTATIONS

- 3) **Adopt Resolution (2009-06) of Appreciation for Pacific Grove Representative Director Gary Bales for 40 Years of Service**

Chair Laska stated that in honor of Director Bales' 40<sup>th</sup> year on the Board, the longest in District history and possibly many other Boards, there were several proclamations and resolutions to present to Director Bales. Vicki Stillwell, Pacific Grove Mayor Pro Tem, presented Director Bales with a proclamation and thanked him for representing the city for 40 years. District Director for Congressman Sam Farr, Alec Arago presented a proclamation on Congressman Farr's behalf. John Laird, member of the California Integrated Waste Management Board (CIWMB), presented a proclamation on behalf of the CIWMB and stated that the District was a leader in solid waste management a "must see" for others in the industry, fundamentally due to the leadership provided by Director Bales. Chair Laska presented a resolution from Senator Abel Maldonado and stated that Director Bales' contributions on the District Board were imitated by many, but achieved by few. Vice Chair McCloud presented a proclamation from Assemblyman Bill Monning, and in recognition of a lifetime achievement.

***It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Adopt Resolution (2009-06) of Appreciation for Pacific Grove Representative Director Gary Bales for 40 Years of Service.***

Chair Laska presented the resolution of appreciation to Director Bales on behalf of the Board and staff. Former District Boardmember and Chair, Dan Albert, stated that there were many consistencies at the District, one being Director Bales. Former District General Manager acknowledged Director Bales for all of his years of service and valuable input. District Public Relations Consultant, Lewis Leader stated that he could always rely on Director

Bales for trustworthy reliable answers when Mr. Lewis worked as a reporter for the Monterey Herald for 37 years. General Manager expressed appreciation on behalf of staff for Director Bales' guidance and leadership.

Director Bales expressed appreciation and stated he was honored to have been able to serve on the District Board. He stated that the past 40 years had been a great experience and recalled that when he first started as a Boardmember, the District was just a sanitary landfill. The District has always been innovative and began recycling before it was required and built one of the first green buildings on the Monterey Peninsula. With the District's assistance, all member agencies had achieved the AB 939 recycling goal of 50% and more. He thanked former Boardmembers that he had been privileged to work with, and recognized Charlie Benson for being a mentor as he had served on the District Board for 27 years before his passing in 1994. He recognized District staff and stated that the District had been blessed with good management staff over the years.

*Chair Laska recessed the meeting at 10:05 a.m. for refreshments and reconvened the meeting at 10:20 a.m.*

#### OTHER ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

**4) Accept Report from Finance Committee Chair on Meeting of March 24, 2009**

The Board reviewed a memorandum from Chair Laska summarizing the discussion and recommendations from the meeting of the Finance Committee held on March 24<sup>th</sup>. General Manager stated that the Preliminary Budget for Fiscal Year 2009/10 will be reviewed by the Finance Committee at a meeting scheduled for April 20<sup>th</sup> and will be brought before the full Board at the May 15, 2009 meeting. The consensus of the Board was to accept the report.

*No Formal Action Taken.*

**5) Accept Report from Ad Hoc Personnel Committee Chair on Meeting of April 6, 2009**

The Board reviewed a memorandum from Chair Laska summarizing the discussion and recommendations from the meeting of the ad hoc Personnel Committee held on April 6<sup>th</sup>. The consensus of the Board was to accept the report.

*No Formal Action Taken.*

**6) Review LAFCO's Proposed Fiscal Year 2009/10 Budget and Work Plan**

The Board reviewed the Local Agency Formation Commission's (LAFCO) Budget and Work Plan for Fiscal Year 2009/10. General Manager stated that during the last two years, the District had sent letters of concern to LAFCO regarding their budget increases. LAFCO will be reducing their budget for the upcoming year as the District's contribution would be \$36,574. The contribution of the District to LAFCO's budget last year was \$40,614.

Director Downey expressed appreciation for having received the entire LAFCO Workplan and for LAFCO reducing the District's contribution. The Workplan includes an update of the Municipal Service Reviews. The Municipal Services Review, completed five years ago, shows the District's Sphere of Influence extending across all of North Monterey County and to the south side of the City of Salinas.

*No Formal Action Needed.*

**7) Authorize Short Term Power Sales Agreement Effective May 1, 2009**

The Board reviewed a memorandum from Information Systems Manager regarding the power sales agreement to sell renewable power from the landfill gas to energy plant. Information Systems Manager provided a presentation to the Board on the current renewable power production for each of the four units (engine/generators) and their current contractual arrangement. The District continues to work on a 10-year agreement with PG&E, although delays have occurred because the California Independent System Operator's (ISO) overhaul of the grid management system, which should be completed by September. The District's current agreement for the sale of renewable power from Unit 1 will expire on April 30<sup>th</sup> and power from the newly installed Unit 4 will also be available on that date. Staff has been holding discussions with PG&E for them to purchase this power at the California Public Utilities Commission (CPUC) Market Price Referent (MPR) price of 10 cents per kilowatt-hour (kW-hr), with time of use pricing. Staff is requesting authorization for General Manager to sign an interim agreement, pending Legal Counsel's review, with PG&E.

Board discussion followed regarding the term of the agreement. Information Systems Manager responded that the term of the agreement would either be until the CPUC approves a long term agreement, either party gives a 45-day notice after April 1, 2010, or December 30, 2010. Additional Board discussion was held regarding the price paid for kW-hr, availability of power for a water supply project, minimum power delivery commitments, and anticipated District revenue from power sales. General Manager stated that when the District entered into the current 30-year agreement with PG&E for Units 2 and 3 (which will expire in 2013), it was believed that the District would receive 8 cents per kW/hr, although it ended up only receiving 2 to 4 cents per kW-hr. Information Systems Manager stated the District would be able to provide renewable power to a water supply project, there was no minimum power delivery commitment under the interim agreement, and the average annual net revenue for power sales over the last two years was approximately \$200,000, plus \$325,000 in savings to the District by providing power for its own facilities.

***It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Authorize General Manager to Sign Short Term Power Sales Agreement Effective May 1, 2009.***

**STAFF REPORTS****8) Financial, Operating, and Recycling Reports**

The Financial, Operating, and Recycling Reports for March 2009 were reviewed by the Board. General Manager stated tonnages continue to weaken affecting the District's revenue stream.

Board discussion followed regarding Santa Cruz County's non-deliverance of waste during March, any increased littering, and who to contact if garbage trucks are spotted littering. Assistant General Manager responded that the intent of Santa Cruz County in bringing waste to the District's landfill for disposal was to extend Buena Vista Landfill's site life. Santa Cruz County has also experienced a reduction in their waste tonnage, therefore extending the landfill site life there. Public Education and Recycling Manager stated that the District has not noticed increased or unusual littering, and any littering from garbage trucks should be reported to him with pertinent information and he will contact the garbage companies.

**9) Report on Public Education, Recycling and Litter**

The Board reviewed a memorandum from Public Education and Recycling Manager. District staff will be active in community events planned for Clean Monterey County Day and Earth Day. General Manager stated the "Bag Monster", a costume made with 500 plastic grocery bags and encourages the reduction of plastic bag use, made its first appearance at the Pacific Grove Good Old Days.

Vice Chair McCloud suggested the Bag Monster be incorporated into a television advertising campaign on plastic bag use. Director Oglesby stated that many community members are still not aware of the "bag in bag" recycling program or are unsure of what type of plastic can be recycled in that program. Public Education and Recycling Manager stated District staff could work in partnership with the garbage companies in order to provide more information to the public. Director Downey commented that in the City of Monterey, the information was distributed in the garbage bills. Director Delgado commented that although it was Waste Management's responsibility to provide information and outreach, it might be helpful for District staff to provide the information to the Board in order for Boardmembers to take it back to their city councils to assist in the distribution of information. Director Oglesby stated that if he had the information, he would propose to have it placed on the city's website. The Board concurred with Director Delgado's suggestion and requested staff to provide the information to Boardmembers.

#### **10) Report on State Recycling and Solid Waste Management Legislation**

General Manager reported on the SWANA Legislative Task Force (LTF) meeting which was held during the Western Regional Symposium. Public Education and Recycling Manager sat on a panel discussion regarding use of plastic bags. There were many other presentations, most noteworthy being:

- John Skinner, Executive Director of SWANA, and former Solid Waste Chief at the US EPA, stated that there has been a rapid, comprehensive change in Washington during the last few months and solid waste is at the heart of much of it. The US EPA will likely regulate green house gases (GHG) as pollutants under the Clean Air Act, resulting in a profound impact on business and industry in this country.
- California Integrated Waste Management Board (CIWMB) member Rosalie Mule encouraged local government officials to contact CIWMB members directly to voice their concerns related to proposed new regulations and their fiscal impacts on local government.
- Economist Steven Levy predicts the economy will begin to recover in 9 to 14 months, but will not return to 2006 levels for a long time. Local governments need to re-evaluate their revenue models.
- Heide Sanborn, Executive Director of the California Product Stewardship Council (CPSC) gave a presentation and answered questions related to Extended Producer Responsibility (EPR).

#### **OTHER CORRESPONDENCE**

#### **11) Letter to California Air Resources Board RE: Comments Regarding Draft Proposed Regulation Order – Surface Emissions of Methane from Municipal Solid Waste Landfills**

The Board reviewed a comment letter sent by the District on the California Air Resources Board (CARB) proposed regulations pertaining to surface emissions from landfills.

#### **12) Letter to Carmel Area Wastewater District RE: Sludge Management**

The Board reviewed a letter sent to the Carmel Area Wastewater District (CAWD) encouraging them to send the biosolids from their wastewater treatment plant to the District and to work with the District for a long term solution for management of biosolids.

#### **13) Notice from Special District Risk Management Authority RE: Nominations for Board of Directors**

The Board received information from the Special District Risk Management Authority (SDRMA) regarding upcoming nominations for the SDRMA Board of Directors. None of the District Boardmembers expressed an interest in being nominated.

**GENERAL MANAGER COMMUNICATIONS**

General Manager reminded the Board that their Strategic Planning Workshop would be held on Wednesday, April 29<sup>th</sup>, from 8:30 a.m. to 2:00 p.m. at the Marina Public Library. Information will be delivered to the Board prior to the workshop. He also reported that staff is still researching opportunities to apply for Stimulus funding, but a clearly eligible project, with a viable funding source has not been identified to date.

**BOARD COMMUNICATIONS**

Director Downey commented that the Regional Water Project may be coming to fruition as a memorandum of understanding (MOU) had been approved between the Marina Coast Water District, the Monterey Regional Water Pollution Control Agency, and the Monterey County Water Resources Agency. The MOU will be considered by the Monterey County Board of Supervisors at their April 26<sup>th</sup> meeting for approval.

Director Parker commented that she would be hosting a community meeting on the topic of "Making Monterey County GREEN" at the Marina Public Library Community Room on June 21<sup>st</sup> from 3-5 p.m. Interested individuals should RSVP at 831-883-7570 or email [Jane.Parker@co.monterey.ca.us](mailto:Jane.Parker@co.monterey.ca.us).

**CLOSED SESSION**

The Board went into closed session at 11:22 a.m. to discuss the following item:

1) Conference with Labor Negotiators:

District Negotiators: William Merry, Richard Norton and Tim Flanagan

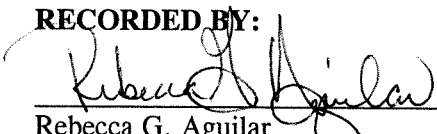
Employee Organizations: Operating Engineers, Service Employees International Union, Management Employees

The Board came back into open session at 11:40 a.m. Legal Counsel Buchert announced that relative to the item on the agenda, the Board received information and provided direction to staff. No other action was taken.

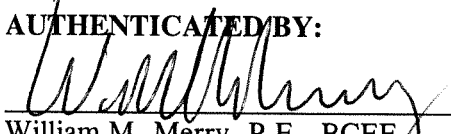
**ADJOURNMENT**

There being no further business to come before the Board at this time, the April 17, 2009 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to May 15, 2009 by Chair Laska at 11:41 p.m., and in memory of former Seaside Councilman and District Board member Bud Houser, who passed away on April 9<sup>th</sup>.

RECORDED BY:

  
\_\_\_\_\_  
Rebecca G. Aguilar  
Administrative Support Supervisor/  
Recording Secretary

AUTHENTICATED BY:

  
\_\_\_\_\_  
William M. Merry, P.E., BCEE  
General Manager/Secretary