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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  
June 19, 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  
Bruce Delgado, City of Marina Mayor

**MEMBERS ABSENT:** Ian Oglesby, City of Seaside Councilmember

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

**OTHERS PRESENT:** Angela Brantley, City of Monterey  
Bjorn Lundegard, City of Seaside  
Matt Fore, Monterey County Environmental Health Department  
Tom Buell, Monterey Regional Water Pollution Control Agency  
Mike Niccum, Pebble Beach Community Services District  
Lewis Leader

**ROLL CALL AND ESTABLISHMENT OF QUORUM**

Notice having been duly given and the presence of a quorum established, the June 19, 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**

There were no public communications.

**Emergency Agenda Item:**

Chair Laska informed the Board that staff was requesting the addition of an emergency item to the agenda with regard to approving a scope of work for groundwater monitoring work as a result of an exceedence of sulfates in one of the 30 groundwater monitoring wells on the site. Legal Counsel stated that this item required Board action prior to the next Board meeting.

It was moved by Director Delgado, seconded, and *Unanimously Carried To: Add "Approve Scope of Work from Golder Associates in the Amount of \$12,036 to Conduct Groundwater Monitoring Field Work Due to Groundwater Monitoring Well Exceedence of Sulfates" as Item 6a on the Agenda.*

**CONSENT AGENDA**

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

- 1) **Approve Minutes of May 15, 2009 Regular Board Meeting**
- 2) **Approve Report of Disbursements**
- 3) **Declare Surplus Property and Authorize Disposition of District Equipment**

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

- 4) **Adopt Resolution 2009-07 Authorizing Expenditure of Funds Pending Adoption of Final Budget for Fiscal Year 2009/10**

General Manager stated that the Final Budget for Fiscal Year (FY) 2009/10 was not ready for adoption by the Board because there were unresolved items related to the contracts with employee bargaining groups. Once the Board provides direction to staff on those items, staff will finalize the Budget for FY 2009/10, and bring it to the Board for approval at the July meeting. Adoption of Resolution 2009-07 will allow the District to continue operations and pay expenses, pending adoption of the final budget.

It was moved by Director Russell, seconded, and *Unanimously Carried To: Adopt Resolution 2009-07 Authorizing Expenditure of Funds Pending Adoption of Final Budget for Fiscal Year 2009/10.*

5) **Consider Contract with Troutman Sanders Strategies of Washington, D.C., in the Amount of \$40,000, to Provide General Federal Affairs Representation and Assistance in Seeking Federal Stimulus Funding**

The Board reviewed a memorandum from the General Manager regarding stimulus funding. General Manager stated that following the May Board meeting, and as directed by the Board, staff contacted the legal firm of Meyers Nave to provide advice on grant programs under the American Recovery and Reinvestment Act (ARRA). Meyers Nave had concluded that ARRA funding was primarily reserved for cities and counties, and public entities that traditionally receive federal funding. There might be a few opportunities for the District to obtain partial funding for some of its projects, such as for renewable energy. General Manager also stated that he had contacted Congressman Farr's staff and was invited to send the District's proposed projects for their review. Staff was recommending the Board delay entering into a contract with Troutman Sanders Strategies (TSS) to allow staff to further evaluate programs and projects, and report back to the Board in six months.

Board discussion followed regarding the possibilities of the District receiving some type of stimulus funding. Chair Laska inquired if any other entity had contracted with TSS. General Manager responded that the Marina Coast Water District had retained TSS for assistance with the proposed regional water project. Director Delgado stated that he concurred with the staff recommendation, although he thought that a report to the Board should be in three months.

It was moved by Director Delgado, seconded, and *Unanimously Carried To: Allow Staff to Continue Efforts in Seeking Federal Stimulus or Other Funding Related to Recycling or Renewable Energy Production Programs and Projects and Report Back to the Board in Three Months.*

6) **Approve Revised Strategic Planning Workplan (2007-2017)**

The Board reviewed a summary and a Revised Strategic Planning Workplan (2007-2017), both as a result from the April 29<sup>th</sup> Workshop. General Manager stated staff had worked with Candace Ingram to produce the Summary Report and the revised Workplan. He stated the Workplan was a little difficult to follow, but incorporated all of the tasks resulting from the Workshop. He proposed to further revise the document for easier reading and bring back to the Board at a later date.

Board discussion followed regarding the Workplan and gave suggestions on ways of making it easier to read and follow. Director Downey inquired whether a workshop would be scheduled annually. General Manager responded that at the workshop, the Board had requested staff to provide informational sessions throughout the year, and perhaps annually have a shorter workshop to discuss items of priority. Director Parker commended staff for compiling the essential elements and feedback received from the Board at the workshop. Director Bales asked that staff establish a list of priority items within the workplan.

It was moved by Director Parker, and seconded, *To: Approve the Revised Strategic Planning Workplan.*

Director Downey expressed she preferred to have staff make the revisions based on the feedback from the Board and bring it back for approval at the July Board meeting. Chair Laska suggested staff bring back a Workplan based on priority items for fiscal year 2009/10. Director Bales inquired from staff if it would be helpful to have a two-member Board committee to provide further input. Director Parker stated that although she believed the content was within the Workplan, she would prefer to modify her motion based on the comments provided.

Director Parker modified her motion; it was seconded, and *Unanimously Carried To: Accept the Workplan as Provided and Request Staff to Revise the Workplan, Review with the Strategic Workplan Review Committee comprised of Directors Bales and Parker, and Bring Back to the Board for Final Approval at the June Meeting.*

**6a. Approve Scope of Work from Golder Associates in the Amount of \$12,036 to Conduct Groundwater Monitoring Field Work Due to Groundwater Monitoring Well Exceedence of Sulfates**

General Manager stated that the approval of a scope of work from Golder Associates to conduct groundwater monitoring field work was necessary due to the exceedence of sulfates in Well G-32. The Board reviewed the work scope, which will determine the cause of the exceedence, and provide a remediation plan.

Board discussion followed regarding the location of the well, and the significance and possible causes of the contamination. Senior Engineer stated that based on the location of the well, it would appear the source of the contamination is not the solid waste landfill, but may be from storm water surface runoff. General Manager stated that anytime an exceedence is noted, it is cause for concern, and conducting investigative fieldwork is an appropriate action, which is often required by State regulations. Director Delgado inquired if there was concern regarding the potential for groundwater degradation since the landfill site is close to the Salinas River. Senior Engineer responded that the groundwater beneath the site does not flow towards the river, and since the groundwater gradient is very flat, it moves very slowly. General Manager stated that the District has 30 monitoring wells in place around the site, many installed 30 years ago.

It was moved by Vice Chair McCloud, seconded, and *Unanimously Carried To: Approve Scope of Work from Golder Associates in the Amount of \$12,036 to Conduct Groundwater Monitoring Field Work.*

**STAFF REPORTS**

**7) Financial, Operating, and Recycling Reports**

The financial statements for April and May 2009 were reviewed by the Board. The Operating Income for May was minus \$147,290.96. The year-to-date total Operating Expenses are below budget by \$14,841,755. The year-to-date Operating Revenues below budget by \$1,065,549.

The Operating Report for May 2009 was reviewed by the Board. The Total Solid Waste Accepted into the site (excluding regional waste from Santa Cruz County and Watsonville) was 22,792 tons, a decrease of 6,535 tons from May 2008. Santa Cruz County delivered 294 tons and the City of Watsonville delivered 1,090 tons.

The Board also reviewed three charts which showed tonnage has steadily declined over the last 12 months, with over 26,000 tons below the projected 232,000 tons for fiscal year 2008/09, for a revenue loss of \$1,200,000.

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

The Board reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal summarizing recent public outreach efforts and action items resulting from the Litter Abatement Task Force meeting held on May 12, 2009.

General Manager stated that the Marina Chamber of Commerce was to be commended on their Annual International Flavors event held on June 3<sup>rd</sup>. District staff assisted to successfully hold the first "waste free" event of its kind on the Peninsula. Director Delgado thanked District staff for their support during the event, which provided learning opportunities to all involved regarding compostable recycling and the possibility to reduce waste at various events of this type.

**9) Receive Legislative Report from General Manager**

General Manager reported that at the May meeting, the Board directed staff to provide the pros and cons of legislation for which the District may be writing a letter of support or opposition. Since many of the legislative bills have turned into two-year bills, and will not reappear until January 1, 2010, there was no immediate urgency for the Board to take a formal position, although it may be appropriate to send a letter of support for AB 1173 with regard to the recycling of fluorescent lamps.

**10) Report on Proposed Landfill Gas Monitoring System**

The Board reviewed a memorandum from Senior Engineer regarding acceptance of the landfill gas (LFG) perimeter monitoring system. Several new monitoring wells were installed last year to those already existing in order to comply with the revised LFG monitoring regulations issued by the California Integrated Waste Management Board (CIWMB). The District submitted a revised LFG monitoring plan to the Monterey County Environmental Health Department, which is the local enforcement agency (LEA) for the District. The LEA recently approved the plan with a few alternatives to the prescriptive standards to accommodate site-specific conditions. The CIWMB has final approval and authority.

Board discussion followed regarding the possible need to install additional wells to meet the maximum spacing requirement between wells, at an additional expense to the District, and contacting local legislators to intercede on behalf of the District for final approval with the CIWMB. General Manager stated that staff is hopeful that this matter can be resolved with LEA and CIWMB staff. Gaining approval of plans aimed toward compliance with the recently revised LFG monitoring regulations has been an industry-wide challenge with many agencies involved.

**11) Update on Acceptance of Regional Waste**

The Board reviewed a staff report prepared by Santa Cruz County Director of Public Works, for the Board of Supervisors, outlining the status of the County's proposed "Zero Waste Eco-Park". General Manager stated that the report contains many ideas similar to District operations or plans for improvement. Santa Cruz County has also decided that a conversion technology facility is not a feasible approach at this time.

The Board also reviewed a staff report from the Salinas Valley Solid Waste Authority (SVSWA) discussing waste flow from North Monterey County. With the closure of the Crazy Horse Landfill, the closest and lowest cost landfill for North County residents, is the Monterey Peninsula Landfill. General Manager stated that a meeting was being planned between Board members and the General Managers of the District and the SVSWA for July to discuss this and other matters. Because the meeting has not yet occurred, he was surprised to receive a SVSWA staff report, provided to the SVSWA Board at their meeting of June 18, 2009, in which the SVSWA General Manager recommended adoption of a resolution affirming the SVSWA's position to remain an independent agency. A copy of the report was passed out to the Board.

In the staff report, it was mentioned that the District had "rejected" the idea of receiving some or all of the SVSWA waste "due to concerns over loss of landfill capacity and waste hauler traffic impacts to Marina." In 2002, with Director Bales as Chair at the time, the District sent a letter in response to a SVSWA 2002 Regional Solid Waste Facilities Project Environmental Impact Report in which the District site was listed as an option for the SVSWA to bring waste in the year 2016. The letter stated that the decision to accept waste from the SVSWA for disposal would have to be made by a future Board, and as situations and technologies changed, the District might be open for discussion. The adoption of the resolution at the June 2009 SVSWA meeting was tabled pending further review by their Executive Committee.

Chair Laska stated that he and Director Bales were on the interagency committee. The SVSWA had three board members on their committee and he would prefer the District have three boardmembers as well. Therefore, he appointed Vice Chair McCloud to the committee. Chair Bales stated that he had read the SVSWA report and suggested that it might be favorable for the District to see if there was any interest by the SVSWA in meeting with the District, and that perhaps it was time to consider a replacement for him on the committee. Both Chair Laska and Vice Chair McCloud expressed that Director Bales' historical background was useful and beneficial to the interagency committee and to the District. Director Pendergrass expressed concern with trying to meet with the SVSWA when there might not be any interest by SVSWA staff to partner with the District.

General Manager also reported that Scotts Valley has expressed an interest in delivering waste for disposal to the District under the long term contract provisions offered to Santa Cruz County and Watsonville and a meeting is scheduled to discuss the matter.

**12) Report on May 28, 2009 Meeting of Monterey County Integrated Waste Management Task Force**

General Manager reported on the May 28, 2009 meeting of the Monterey County Integrated Waste Management Task Force (MCIWMTF), in which eight of the nine District member agencies were in attendance. He thanked the Board for their assistance in ensuring that a representative from their city was able to attend in order to have a quorum.

With a quorum present, the MCIWMTF approved the 5-Year California Integrated Waste Management Plan (CIWMP) Review Report which is required by the State to be reviewed and approved every five years. The MCIWMTF also adopted revised By-Laws, which will be presented to the Monterey County Board of Supervisors for adoption this summer. The existing By-Laws were over 15 years old, and did not include the SVSWA as a member, among other items.

At the meeting, representatives of the CIWMB made a presentation on provisions of the new SB 1016 requirements, which will change the AB 939 accounting method for diversion.

**OTHER CORRESPONDENCE**

There was no correspondence.

**GENERAL MANAGER COMMUNICATIONS**

General Manager reported that the District had passed the State's 18-month inspection of the landfill and Materials Recovery Facility (MRF) operations on June 11<sup>th</sup>. The inspection was conducted in cooperation with County Local Enforcement Agency (LEA) staff.

**BOARD COMMUNICATIONS**

Chair Laska passed around corn-based compostable cups that will be used in all Pebble Beach hotels.

Vice Chair McCloud commented that Sea Studios had composed a two-minute compact disc on BYOB - "bring your own bags" which she could make available for Board members to review with their cities.

**ELECTION OF OFFICERS FOR FISCAL YEAR 2009/2010**

It was moved by Director Pendergrass, seconded, and *Unanimously Carried To: Re-elect Leo Laska as Chair and Sue McCloud as Vice Chair for Fiscal Year 2009/10 for One-Year Terms.*

**CLOSED SESSION**

The Board went into closed session at 10:55 a.m. to discuss the following items:

- 1) Conference with Labor Negotiators:  
District Negotiators: William Merry, Richard Norton and Tim Flanagan  
Employee Organizations: Operating Engineers, Service Employees International Union, Management Employees
- 2) Conference with Legal Counsel - Existing Litigation  
Arreola v. Monterey Regional Waste Management District, et al  
Monterey County Superior Court Case No. M90896

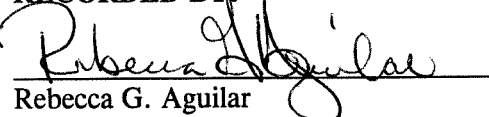
The Board came back into open session at 12:06 p.m. Legal Counsel Wellington announced that relative to the second item on the agenda, the matter of existing litigation, the Board had received information and no action was taken.

With regard to Item 1, Legal Counsel stated the Board had received information on several matters, and no action was taken. It was further announced that the board had voted unanimously to 1) accept the General Manager's and Assistant General Manager's offers to waive the cost of living adjustment and 1% equity adjustment provisions in their individual employment contracts and 2) approve the reclassification of the Site Support Specialist position to an Operations Support Specialist at a 10% reduction in the salary range. No other action was taken.


**ADJOURNMENT**

There being no further business to come before the Board at this time, the June 19, 2009 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to July 17, 2009 by Chair Laska at 12:07 p.m.

**RECORDED BY:**

  
Rebecca G. Aguilar  
Administrative Support Supervisor/  
Recording Secretary

**AUTHENTICATED BY:**

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