

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



BOARD OF DIRECTORS

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VICE CHAIR

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MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT REGULAR MEETING MINUTES

9:30 a.m., Friday
March 20, 2009

Boardroom
Monterey Peninsula Landfill
Marina, CA

MEMBERS PRESENT Leo Laska (Chair), Pebble Beach Community Services District
Sue McCloud (Vice Chair), City of Carmel
David Pendergrass, City of Sand City
Joseph P. Russell, City of Del Rey Oaks
Libby Downey, City of Monterey
Jane Parker, Unincorporated Monterey County
Ian Oglesby, City of Seaside
Bruce Delgado, City of Marina

MEMBERS ABSENT: Gary Bales, City of Pacific Grove

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
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
Richard Petitt, Site Manager
Jack Cook, Safety Manager
Rebecca Aguilar, Administrative Support Supervisor
Amber Watson, Administrative Support Specialist
Clyde Walkup, Materials Recovery Facility Supervisor/OE3 Operations Shop Steward
Alex Montejano, Laborer II/SEIU Bargaining Group Vice President

OTHERS PRESENT: Bjorn Lundegard, City of Seaside
Matt Fore, Monterey County Environmental Health Department
Tom Buell, Monterey Regional Water Pollution Control Agency
Candace Ingram, The Ingram Group
Kristi Carriveau, Waste Management
Felipe Melchor, Waste Management
Lewis Leader

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the March 20, 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

Chair Laska presented former Board member Ila Mettee-McCutchon with a resolution of appreciation adopted by the Board at the February Board meeting and wished her well in future endeavors. Ila expressed that it had been a pleasure to serve on the District Board.

CONSENT AGENDA

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

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

PRESENTATIONS

- 3) **Presentation from Waste Management (WM) on Recycling Activities**

District Manager for Waste Management (WM), Felipe Melchor, provided a presentation to the Board on WM's recycling programs for most Monterey Peninsula cities. He also commented that WM would not be opposed to a tip fee increase by the District, if one were necessary, as long as the increase did not take effect in 2009 and otherwise provided ample notice to customers. Mr. Melchor stated that the bag-in-bag recycling program for recycling of plastic bags from grocery stores had been implemented January 1, 2009 and there was State grant funding to increase participation for multi-family housing recycling.

Board discussion followed regarding promotional efforts for the bag-in-bag recycling program as community members may not be aware that they are able to recycle their plastic grocery bags and other types of film plastic. Mr. Melchor commented that one of the difficulties with multi-family recycling was the limited space in apartment complexes for placement of recycling containers and WM is working with the County Health Department to specify that space for recycling containers be provided as a condition of Building and Development Permits. Vice Chair McCloud requested that a letter be sent by WM to all Peninsula city managers detailing those permitting efforts, with a copy sent to the District.

No Action Taken.

- 4) **Presentation from Staff on the District's Past, Present and Future Operations**

General Manager gave a presentation on the history of District operations over the past 57 years where operations have evolved from dumping and open burning of waste, to operation of a sanitary landfill, to implementation of recycling programs and generation of renewable power. The presentation was provided in preparation for the

scheduled April 29th Board Strategic Planning Workshop. General Manager stated member agency recycling accomplishments of 60% to 65% are exceeding the state mandated recycling goal of 50% and are ahead of many other communities in the state.

Board members commented on the good efforts by the District and suggested staff should increase public education and outreach efforts to inform the public of these successes. Chair Laska commented that the District operated with the same business model for generating revenue it had used 40 years ago and with declining tonnage and unfunded mandates, it could not continue to subsidize all District programs through the landfill tipping fee.

No Action Taken.

OTHER ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

5) Authorize Award of Contract to Whitson Engineers for Aerial Mapping Services at a Cost Not to Exceed \$15,225

The Board reviewed a memorandum from Senior Engineer requesting the Board award a contract to Whitson Engineers to provide services to carry out aerial mapping of the site. The aerial maps are critical for compliance with State requirements to keep track of landfill densities and location of refuse placed, and are used day-to-day as working documents and historical records for the District.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Authorize Award of Contract to Whitson Engineers for Aerial Mapping Services at a Cost Not to Exceed \$15,225.

6) Consider Final Authorization of Equity Adjustments for Designated Positions and Corresponding Amendments to Memoranda of Understanding with Bargaining Groups

The Board reviewed a memorandum from Administrative Services Manager. General Manager stated this item had been previously discussed by the full Board in closed session and that the Board had directed staff to place the matter on the March agenda for action.

It was moved by Director Downey, seconded, and Approved by Chair Laska, and Directors Oglesby, Parker, Pendergrass, and Russell; Opposed by Vice Chair McCloud, and Directors Downey and Delgado To: Authorize Equity Adjustments for Designated Positions and Corresponding Amendments to Memoranda of Understanding with Bargaining Groups.

7) Authorize Letter to Environmental Science Associates Commenting on the Coastal Water Project Draft Environmental Impact Report

The Board reviewed a memorandum from Information Systems Manager and a draft letter commenting on the Coastal Water Project Draft Environmental Impact Report. General Manager stated the comment letter had been drafted as directed by the Board at their February meeting and staff had solicited comments from each Board member and incorporated comments received into the draft letter. The draft letter clarifies that the District is planning to supply renewable electric power to any water supply project that may be located adjacent to District property. The draft letter is not intended to comment on the merits of any one water supply project.

Vice Chair McCloud commended staff for the well-prepared letter and requested that a copy be sent to member cities with the Board meeting highlights.

It was moved by Director Parker, seconded, and Unanimously Carried To: Authorize Submittal of Letter to Environmental Science Associates Commenting on the Coastal Water Project Draft Environmental Impact Report.

STAFF REPORTS

8) Financial, Operating, and Recycling Reports, Including AB 939 Recycling Report for 2008

The Board reviewed the financial statements for February. The year-to-date Operating Income is \$623,504 with a loss in February of \$95,619. The year-to-date total Operating Expenses are below budget by 2.81% at \$10,864,481. The year-to-date Operating Revenues are \$11,487,985, down 3.5% from budget.

The Board reviewed the Operating Report for February. Total Solid Waste Accepted into the site (excluding regional waste) was 20,963 tons. Santa Cruz County delivered 18 tons and the City of Watsonville delivered 961 tons.

Chair Laska inquired if District staff has noticed increased activity from north Monterey County with the closure of the Crazy Horse Landfill. Information Systems Manager stated that there has been a slight increase in activity in the last month.

9) Report on Public Education, Recycling and Litter

The Board reviewed a memorandum from Public Education and Recycling Manager containing information on the new State reporting requirements mandated by SB 1016, aimed at per capita disposal, and away from AB 939 diversion accounting. The intent of the new reporting system is to focus more attention on programs and their implementation on the local level. The memorandum also contained information on local litter clean up efforts including Monterey County Clean Up Day on April 18th and Earth Day activities on April 22nd. The District will be participating in the clean up effort by providing disposal vouchers for debris collected and a crew from the District will be cleaning up at Marina's Locke Paddon Park. District staff will be promoting reusable grocery bags for Earth Day in an effort to reduce use of plastic grocery bags to promote litter awareness.

Board discussion followed regarding how the new reporting methods would affect member cities' recycling diversion percentage numbers and the importance of having programs that are more sustainable. Director Pendergrass expressed disappointment and frustration that the state level bureaucracy is placing mandates and bans on local government, which results in higher costs to do business.

10) SWANA Legislative Task Force Report

General Manager reviewed with the Board a list of "SWANA 2009-2010 Legislation of Interest, as of 3/12/09" and fact sheets. Items of particular interest were:

- **AB 68 (Brownley) Solid waste: single use carryout bags.** This bill requires a 25 cent charge for single use carryout bags. The Solid Waste Association of North America (SWANA) supported a similar bill in the last session and is reviewing this bill.

- AB 87 (Davis) Single-use carryout bags: environmental effects: mitigation. This bill, sponsored by Los Angeles County, is similar to AB 68, but requires more in terms of extended producer responsibility and it would be implemented sooner. SWANA is reviewing this bill.
- AB 283 (Chesbro) Solid waste: extended producer responsibility program. This is one of the most comprehensive and important bills in this session, as it is intended to reduce the burden on local governments to bear the expense to manage banned or problem portions of the waste stream. It has broad support, but implementation will pose many challenges. SWANA is reviewing this bill, has No Position yet, but hopes to be able to support.
- AB 478 (Chesbro) Greenhouse Gas Emissions: solid waste. This bill would require California Air Resources Board (CARB) to consult with California Integrated Waste Management Board (CIWMB) in developing regulations to include rules for the reduction of greenhouse gas emissions from solid waste reduction and recycling. SWANA is reviewing this bill.
- AB 479 (Chesbro) Solid Waste: diversion. This bill would provide a new standard for recycling and waste reduction by moving the State from the current 50% recycling to 60% by the year 2015 and 75% by the year 2020. It would also require commercial recycling and impose an additional \$2.50 per ton to the landfill tipping fee paid to the CIWMB which would be returned to local government to assist with recycling efforts to achieve 75%. SWANA has an Oppose Position.
- AB 1173 (Huffman) Solid waste: fluorescent lamps. This bill would allocate funds and establish a statewide system for take back and collection of fluorescent tubes. Establishing a system for management of fluorescent bulbs is a top priority in Monterey County.
- SB 25 (Padilla) Solid waste: diversion. This bill would require a statewide diversion rate of 75%. SWANA has an Oppose Position.
- SB 44 (Denham) State government: integrated waste management board: abolish. This bill would abolish the six-member CIWMB. SWANA has a Watch position.
- SB 366 (Aanestad) Energy: renewable energy: biomass. This bill would expand opportunities for across the fence sales of renewable power, which may benefit the District in the future.

General Manager stated that staff may request Board authorization to send letters of support/opposition at a future meeting on one or more of the bills. General Manager encouraged member agencies to also send letters.

Vice Chair McCloud commented on SB 44 and inquired on the lack of attendance at the local Monterey County Integrated Waste Management Task Force (MCIWMTF) and if it should cease to exist if it is no longer useful. General Manager replied that as co-chair of the MCIWMTF, an effort was underway to have more member agencies represented at the meetings and that there was a State requirement for the MCIWMTF to review and approve solid waste plans.

OTHER CORRESPONDENCE

11) **Letter from American Academy of Environmental Engineers RE: Board Certification Environmental Engineer (BCEE)**

The Board reviewed a letter from the American Academy of Environmental Engineers regarding the recertification of the General Manager as a Board Certified Environmental Engineer (BCEE).

GENERAL MANAGER COMMUNICATIONS

General Manager reported that the Board Strategic Planning Workshop is planned for Wednesday, April 29th from 8:30 am to 2:00 pm, to be held at the Marina Public Library. He stated that Candace Ingram will be facilitating the workshop and she will be contacting each Board member to ask questions about their view of District current and future programs and operations.

BOARD COMMUNICATIONS

Director Delgado thanked staff for their preparation of Board meeting agendas and packets and expressed appreciation to staff at the Last Chance Mercantile for their good customer service.

CLOSED SESSION

The Board went into closed session at 11:25 a.m. to discuss the following item:

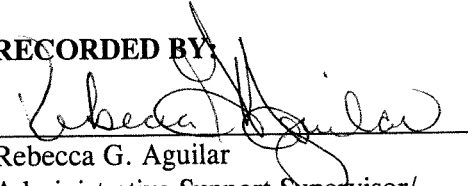
- 1) Personnel Matter
 - a. Public Employee Performance Evaluation: General Manager

The Board came back into open session at 11:35 a.m. Legal Counsel Wellington announced that the Board discussed the matter relative only to the proposed General Manager Continuity Succession Plan and provided direction to staff. No other action was taken.

ADJOURNMENT

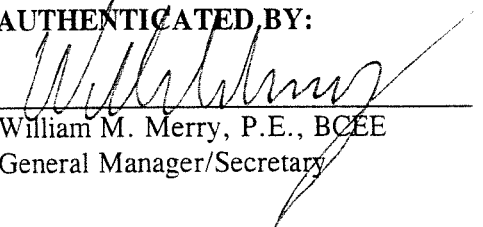
There being no further business to come before the Board at this time, the March 20, 2009 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to April 17, 2009, by Chair Laska at 11:36 p.m.

RECORDED BY:



Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:



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