

WILLIAM MERRY, P.E., DEE  
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  
October 19, 2007

Boardroom  
Monterey Peninsula Landfill  
Marina, CA

**MEMBERS PRESENT:** Leo Laska, Chair  
Sue McCloud, Vice Chair  
Gary Bales  
David Pendergrass  
Ken Gray  
Don Jordan  
Joseph P. Russell  
Libby Downey  
Dave Potter

**MEMBERS ABSENT:** None

**STAFF PRESENT:** William Merry, General Manager  
Tim Flanagan, Assistant General Manager  
Rob Wellington, Legal Counsel  
Jack Cook, Safety Manager  
Glen Evett, Last Chance Mercantile/Household Hazardous Manager  
Harry Hunzie, Materials Recovery Facility Manager  
Jeff Lindenthal, Public Education & Recycling Manager  
Ron Mooneyham, Equipment Maintenance Manager  
Richard Norton, Administrative Services Manager  
Richard Pettitt, Site Manager  
Don Prescott, Information Systems Manager  
Charles Rees, Finance Manager  
Richard Shedden, Senior Engineer  
Rebecca Aguilar, Administrative Support Supervisor  
Amber Watson, Administrative Support Specialist  
Kimberly Herring, Public Education Coordinator  
Steve Montgomery, Industrial Electrician/OE3 Operations Shop Steward

**OTHERS PRESENT:** Angela Brantley, City of Monterey  
John Kuehl, City of Monterey  
Bjorn Lundegard, City of Seaside  
Matt Fore, Monterey County Environmental Health Department  
Larry Sweetser, Sweetser & Associates  
Larry Biegel  
Lewis Leader

**ROLL CALL AND ESTABLISHMENT OF QUORUM**

Notice having been duly given and the presence of a quorum established, the October 19, 2007, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Laska at 9:30 a.m.

**CONSENT AGENDA**

*Following a motion by Director Pendergrass, and seconded, the Board approved the following actions:*

- 1) **Approve Minutes of September 21, 2007 Regular Board Meeting**
- 2) **Approve Report of Disbursements**

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

- 3) **Adopt Resolution 2007-09 Approving an Upgraded Waste Screening Program at the Monterey Peninsula Landfill**

The Board reviewed a memorandum from Assistant General Manager Tim Flanagan regarding the adoption and implementation of an Upgraded Waste Screening Program. General Manager stated this matter first came to the attention of the District in January 2006, resulting in significant staff effort in response throughout 2006 and 2007. The matter was brought to the Board for consideration at the November 2006 meeting, but no action was taken due to concerns by the District Attorney's office that all permits be in place related to the upgraded waste screening program, prior to final action by the Board to adopt the upgraded program. Since that time, staff has been working closely with the County Environmental Health Department, as the Local Enforcement Agency (LEA), and other regulatory agencies, to amend the District's Facilities Permit to include the upgraded waste screening program. On September 28<sup>th</sup>, the Notice of Acceptance was received from the LEA, to amend the Facilities Permit.

Assistant General Manager expressed appreciation to staff since this matter had required significant District and staff resources over the last two years. The recommended program was prepared in cooperation with District consultants and would provide a significant improvement in reducing hazardous and prohibited materials from being placed in loads arriving at District facilities, and would also provide a significant reduction in hazardous material exposure to District employees and customers.

Larry Biegel, District Special Counsel, addressed the Board and agreed with Assistant General Manager. He stated that friable asbestos hazardous waste has become an issue locally and around the country. The success of the waste screening program would be dependent on efforts not only by employees, but local government agencies as well.

Board discussion followed regarding subsequent steps to implement the program, enforcement, and employee training. Mr. Biegel responded the Board would discuss in further detail the next step during closed session, but he believed the Monterey County District Attorney was pleased with the outcome of staff efforts and was willing to visit the site to speak to employees regarding chain of custody and evidence preservation. Legal Counsel stated staff would come back at a future Board meeting for approval of punitive measures if the Customer Notification request related to management of hazardous materials is not signed. Vice Chair McCloud suggested providing a due date for customers to sign the notification and requested that a list of non-signing customers be given to the Board in order to assist with notification and compliance of customers and contractors within their

jurisdiction. She also suggested making a case study of the program. Director Bales suggested staff prepare a letter the Board could distribute to its representative cities. General Manager responded staff would be conducting a training session at the Annual SWANA Western Regional Symposium in May 2008; and is presenting papers at SWANA WasteCon 2008 and at SWANA's Landfill Symposium in 2008, on the topic.

Director Downey applauded staff for their efforts. She commented the City of Monterey has revised their demolition and building permit process to incorporate proper disposal procedures, and encouraged other cities to do the same. John Kuehl, City of Monterey Planning Department, addressed the Board and stated the City felt the issue of waste screening was important and they had supported the District's efforts by tightening up their permitting process. He encouraged the Board to contact their respective city building departments to encourage them to do the same.

Larry Sweetser, District Consultant, addressed the Board and assured the Board that the District's current program met and exceeded the minimum regulatory requirements and industry standards, but unfortunately, it was not enough to meet the expectations of the local District Attorney's office. State regulatory changes have resulted in regular new hazardous waste management requirements and the state has been increasing enforcement efforts resulting in greater expectations on solid waste facilities. The proposed program would satisfy those expectations with increased documentation; and public education and outreach would target specific industries.

**It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Adopt Resolution 2007-09 Approving an Upgraded Waste Screening Program at the Monterey Peninsula Landfill.**

**4) Authorize Issuance of Request for Proposals for Classification and Compensation Study for Management Employees**

Vice Chair McCloud requested this item be tabled until after closed session.

**It was moved by Director Jordan, seconded, and Unanimously Carried To: Table this Agenda Item Until After the Closed Session.**

**5) Report on Acceptance of Regional Waste**

The Board reviewed a memorandum from Assistant General Manager Tim Flanagan reporting on regional waste acceptance. The City of Watsonville took action at their October 9<sup>th</sup> meeting to approve an Agreement to deliver waste to the District's Monterey Peninsula Landfill for disposal. Staff will have Legal Counsel review the Agreement before bringing it to the District Board for consideration.

**Recommendation: No Action Required**

**STAFF REPORTS**

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

The Board reviewed the financial statements for July and August 2007. Operating Income was \$117,000 and \$283,000, respectively. The year-to-date total Operating Expenses are below budget levels at \$2,640,000. Year-to-date Operating Revenues are \$3,040,000, slightly above last year and slightly below budget projections. The

Board also reviewed the Operating Report for September. The Total Solid Waste Accepted into the site (excluding regional waste from Santa Cruz County) during September was 27,528 tons, a decrease of 3,641 tons from August, and down 3,334 tons, or (10.8%) from September of last year. The Santa Cruz County waste delivered for landfiling was 1,621 tons in September, 1,892 tons in August, 1,680 tons in July and 1,874 tons in June.

General Manager reported the Ad Hoc Finance Committee would be meeting on October 25<sup>th</sup>. He would also be speaking to the Fort Ord Reuse Authority (FORA) Administrative Committee regarding the Joint Powers Authority Agreement provisions that waste flow to the District's facilities. He would be working with District Legal Counsel on revisions to the agreement to strengthen the wording in order to enforce waste flow provisions.

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

The Board reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal regarding a grant awarded to the Monterey Bay Area's Regional Multifamily Recycling Project, of which the District is a partner. He also reported on the District's Small Planet School Education Program and local litter abatement efforts.

General Manager stated the District had been contacted by Armanasco Public Relations regarding Keep California Beautiful (KCB) and would be meeting with their representatives. A request may be made to introduce the new executive director for KCB at the November Board meeting and to make a presentation about KCB and its plastic recycling program.

**8) Strategic Plan Update**

The Board received a status report on Strategic Planning initiatives and General Manager stated that further status reports would be provided to the Board on a regular basis.

**9) Report on October 16, 2007 Meeting of Special Districts Association of Monterey County**

The Board reviewed the agenda of the October 16<sup>th</sup> meeting of the Special Districts Association of Monterey County (SDAMC) and the minutes of the July 17<sup>th</sup> meeting. General Manager stated he and Director Jordan, the District's representative, were unable to attend the SDAMC meeting because they were attending the Annual SWANA WasteCon Symposium.

**OTHER CORRESPONDENCE**

**10) Letter to Central Coast Regional Water Quality Control Board RE: Annual Wet Weather Preparedness Report**

The Board reviewed a copy of a letter sent to the Central Coast Regional Water Quality Control Board reporting on the wet weather preparedness.

**GENERAL MANAGER COMMUNICATIONS**

General Manager reported the District received the Gold Excellence Award for Landfill Gas Utilization at the Annual SWANA Wastecon in Reno. Directors Bales and Jordan would be preparing a report as required by AB 1234 and Lewis Leader would be preparing a press release. He further stated that it might be possible to have the Herald

produce an article on the District's landfill gas (LFG) program. General Manager expressed appreciation to the Board for having the vision to initiate the LFG projected in 1983, the third in the nation, and to staff, for doing an outstanding job of running the program.

General Manager also reported the Ad Hoc Personnel Committee would be meeting in November.

### BOARD COMMUNICATIONS

Director Jordan expressed that he had been very proud to attend SWANA's WasteCon Symposium representing the District. The District was very well known and people were very interested in what the District does and how it operates.

### CLOSED SESSION

The Board went into closed session at 10:28 a.m. regarding the following:

- 1) Conference with Legal Counsel – Matters of Potential Litigation
- 2) Conference with Labor Negotiators:  
District Negotiators: William Merry and Richard Norton  
Employee Organizations: Operating Engineers, Service Employees International Union, Management Employees
- 3) Conference with Legal Counsel - Existing Litigation
  - a) Don Prescott v. Monterey Regional Waste Management District, et al.  
Monterey County Superior Court Case No. M75658

The Board came back into open session at 11:13 a.m. Legal Counsel Wellington announced that on Closed Session Items 1, 2, and 3, the Board received information, and direction was given to staff. No other action was taken. On the matter of:

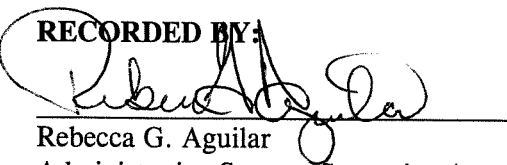
- 4) **Authorize Issuance of Request for Proposals for Classification and Compensation Study for Management Employees**

*It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Continue this Agenda Item Until the November Board Meeting.*

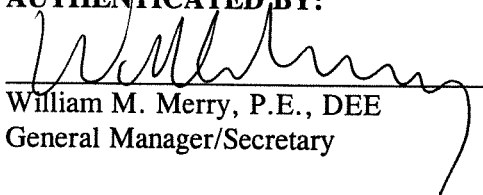
### ADJOURNMENT

There being no further business to come before the Board at this time, the October 19, 2007 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to November 16, 2007 by Chair Laska at 11:14 p.m.

**RECORDED BY:**

  
Rebecca G. Aguilar  
Administrative Support Supervisor/  
Recording Secretary

**AUTHENTICATED BY:**

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