

BOARD OF DIRECTORS  
LEO LASKA  
CHAIR

SUE McCLOUD  
VICE CHAIR

GARY BALES  
DAVID PENDERGRASS  
LIBBY DOWNEY  
JANE PARKER  
IAN OGLESBY  
BRUCE DELGADO  
DENNIS ALLION



1  
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 Mountains*

## MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT REGULAR MEETING MINUTES

Friday, 9:45 a.m.

July 15, 2011

*(Following Monterey Regional Waste Management Authority Meeting)*

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  
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  
Dennis Allion, City of Del Rey Oaks Councilmember

**MEMBERS ABSENT:** None

**STAFF PRESENT:** William Merry, General Manager  
Tim Flanagan, Assistant General Manager  
Rob Wellington, Legal Counsel  
Richard Norton, Administrative Service Manager  
Rick Shedden, Senior Engineer  
Don Prescott, Information Systems Manager  
Jack Cook, Safety Manager  
Richard Pettitt, Site Manager  
Harry Hunzie, Materials Recovery Facility Manager  
Ron Mooneyham, Equipment Maintenance Manager  
Rebecca Aguilar, Administrative Support Supervisor  
Kimberle Herring, Public Education Coordinator  
Sonia Haro, Administrative Support Specialist  
Rodney Barber, Assistant Mechanic/OE3 Operations Shop Steward

**OTHERS PRESENT:** Charlie Cordova, GreenWaste Recovery  
Ted Terrasas, Monterey County Environmental Health Bureau  
Teresa Rios, Monterey County Environmental Health Bureau  
Brad Hagemann, Monterey Regional Water Pollution Control Agency  
Mike Niccum, Pebble Beach Community Services District  
Rose Gill, Salinas Valley Solid Waste Authority  
Felipe Melchor, Waste Management  
Joe Cadelago, Waste Management  
Jay Ramos, Waste Management  
Lewis Leader

**ROLL CALL AND ESTABLISHMENT OF QUORUM**

With notice duly given and presence of a quorum established, the July 15, 2011 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Laska at 9:45 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 June 17, 2011 Regular Board Meeting
- 2) Approve Report of Disbursements
- 3) Adopt Resolution 2011-06 Establishing District Investment Policy Guidelines for Fiscal Year 2011/12
- 4) Authorize General Manager to Purchase Two Used Semi Tractors for Use in Materials Recovery Facility Operations
- 5) Accept Report from Personnel Committee Chair on Meeting of July 6, 2011
- 6) Authorize Chair to Cast Ballot Regarding the Proposed Bylaws Amendments for the California Special Districts Association

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

- 7) **Authorize Chair to Cast Ballot to Elect a Representative to California Special Districts Association Board of Directors in Region 3**

The Board received information regarding the candidates for the California Special Districts Association Board of Directors in Region 3 and discussion was held.

*It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Authorize Chair to Cast a Ballot Voting for Incumbent Stanley Caldwell as Representative to the California Special Districts Association Board of Directors for Region 3.*

- 8) **Adopt Resolution 2011-07 for the Election of Directors to the Special District Risk Management Authority (SDRMA) Board of Directors**

The Board received information regarding the candidates for the Special District Risk Management Authority (SDRMA) Board of Directors and discussion was held.

*It was moved by Director Parker, seconded, and Unanimously Carried To: Adopt Resolution 2011-07 Voting for Incumbents Ed Gray and Ed Sprague, and Terry Burkhart to Serve as Directors to the Special District Risk Management Authority Board of Directors.*

**9) Accept Report from Finance Committee Chair on Meeting of July 6, 2011**

The Board reviewed a memorandum from Chair Laska summarizing the July 6, 2011 Finance Committee meeting in which discussion was held regarding the Final Budget for FY 2011/12. Chair Laska stated that the Finance Committee recommended a cost of living adjustment (COLA) to the landfill tip fee and requested that staff prepare the budget with and without a COLA for Board consideration and approval at the August Board meeting. Discussion was also held regarding the sale of renewable energy from the landfill gas to energy project.

General Manager stated that the reason for bringing the budget to the August meeting, prior to completion of negotiations with the employee groups, was to allow for the scheduling of a meeting with City Managers to discuss the alternative funding and model franchise agreement topics, following the September Board meeting, which is scheduled to start at 9:00 a.m. and end at 10:00 a.m.

*It was moved by Director Downey, seconded, and Unanimously Carried To: Accept Report from Finance Committee Chair on Meeting of July 6, 2011.*

**10) Authorize General Manager to Execute Seventh Amendment to PG&E Power Sales Agreement for Sale of Power from Landfill Gas to Energy Facility**

The Board reviewed a memorandum from Information Systems Manager Don Prescott regarding the execution of an amendment to the District's agreement with PG&E for the sale of renewable power at a price of \$53.70 per megawatt-hour beginning August 2011 when current pricing arrangements expire. Chair Laska stated that this contract amendment would not interfere with the District's plans and ability to deliver power to the proposed Regional Water Project and that the Finance Committee had supported the contract amendment.

Board discussion followed regarding District options for power sales. Information Systems Manager stated that a matrix of power sales options would be provided to the Board at the August Board meeting.

*It was moved by Director Parker, seconded, and Unanimously Carried To: Authorize General Manager to Execute Seventh Amendment to PG&E Power Sales Agreement for Sale of Power from Landfill Gas to Energy Facility.*

**STAFF REPORTS****11) Financial, Operating and Recycling Reports**

The financial statements for June 2011 were not provided to the Board because of the year-end close and audit procedures. Tipping Fees Revenue for June was about \$1,475,000, with the full fiscal year Tipping Fees Revenues projected to be \$1,750,000 above budget, due primarily to the new contracted waste from Green Waste Recovery/Zanker (GWR).

The Board reviewed a draft Operating Report for June 2011. The Total Solid Waste Accepted into the site (excluding Regional Waste) was 28,122 tons. Regional and contracted refuse increased by 14,436 tons, due primarily to the new contracted waste from GWR.

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

The Board reviewed a memorandum from Public Education and Recycling Manager Jeff Lindenthal. As stated in the memorandum, District staff is finalizing member jurisdiction 2010 annual reports to the state, with the exception of the City of Monterey who is submitting their own report. A focus group meeting is scheduled for July 21, 2011 at the Marina Library to get community input on the District's role and identity in the community, name and logo. Focus groups are generally effective in evaluating services and testing new ideas. The meeting will also be designed to gather feedback on how the District is regarded and identified in the community.

Director Downey commented on the recent litter seen on Highways 1 and 68 and encouraged everyone to participate in the Adopt-a-Highway program. Board discussion followed regarding litter pickup and coordination.

**13) Report on June 22, 2011 Strategic Planning Advisory Task Force**

The Board reviewed a summary of the District's Strategic Planning Advisory Task Force meeting held on June 22, 2011, during which review of the model franchise agreement (MFA) for collection of garbage had been completed. The next meeting of the Task Force is scheduled on August 17<sup>th</sup> for presentation and discussion on the District's draft Facilities Plan, which will outline future capabilities and plans of local franchise haulers for management and processing of wastes in the community. Following that meeting, both the MFA and the draft Facilities Plan will be presented to Peninsula city managers on September 16<sup>th</sup>, from 10:00 a.m. to noon, following the District Board meeting, which will begin at 9:00 a.m.

**14) Report on County's July 19, 2011 Public Hearing for District's Revised Solid Waste Facility Permit**

The Board reviewed a memorandum from Senior Engineer Rick Shedden regarding the County's public hearing, which is scheduled for July 19<sup>th</sup> at 6:00 p.m., in the District's Boardroom, to receive public comments on the District's revised Solid Waste Facility Permit.

**OTHER CORRESPONDENCE****15) Letter from General Manager to Waste Management RE: Request for Meeting to Discuss Facility Planning**

The Board reviewed a letter sent to Waste Management (WM) dated July 6, 2011, requesting a meeting to discuss local plans for solid waste facilities. A meeting date has been set for July 29, 2011.

**Emergency Agenda Item:**

Chair Laska informed the Board that staff was requesting the addition of an emergency item to the agenda authorizing General Manager to send a letter opposing Senate Bill 931 (Vargas) which would prohibit public agencies from using taxpayer dollars to pay for outside consultants or legal advisors for the purposes of counseling the public employer about ways to minimize or deter the exercise of public employee union activities. Legal Counsel stated that since this item required Board action prior to the next Board meeting, it was appropriate to add it as an emergency item, if approved by the Board.

***It was moved by Director Parker, seconded, and Unanimously Carried To: Add "Authorize Letter Opposing Senate Bill 931 (Vargas)" as Emergency Item 1 (E1) to the Agenda.***

**OTHER ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION****E1. Authorize Letter Opposing Senate Bill 931 (Vargas)**

The Board reviewed a letter to Assemblyman Bill Monning opposing Senate Bill 931 on the basis that there were adequate provisions already in place that protected the rights of public employees with regard to union activities.

Following Board discussion in which comments were made in support of the general intent of the bill, Legal Counsel suggested amended language to clarify the Board's intent in opposing the bill.

**It was moved by Director Parker, seconded, and Unanimously Carried To: Authorize Letter Opposing Senate Bill 931 (Vargas) with Amended Language as Suggested by Legal Counsel.**

**GENERAL MANAGER COMMUNICATIONS**

General Manager reported that on July 23<sup>rd</sup>, an employee in the Materials Recovery Facility had found material inside a bag that resembled an explosive device, along with other threatening objects. The employee followed District procedures and called for trained District staff to evaluate the material. The items were found to be training material used at the airport that had been inadvertently discarded. Board discussion and query followed regarding procedures for real explosive devices to which Assistant General Manager responded. Vice Chair McCloud recommended that as technologies change, staff should obtain a briefing from the closest bomb squad.

General Manager commented that CSDA's Annual Conference will be held in Monterey, October 10-13, and will have several good presentations, if any Board members are interested in attending. He also stated that there were many good opportunities in the next few months for Board members to participate in valuable SDRMA training, which would also allow the District to obtain an insurance premium reduction through SDRMA's Credit Incentive Program.

**BOARD COMMUNICATIONS****CLOSED SESSION**

The Board went into closed session at 10:43 a.m. regarding the following:

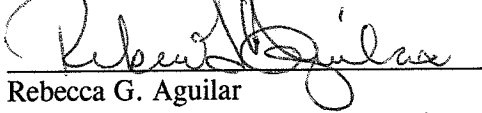
- 1) Conference with Property Negotiators:
  - Property: Landfill Site Space/Capacity
  - District Negotiators: William Merry and Tim Flanagan
  - Negotiating Party: County of Monterey
  - Terms: All Terms and Conditions
- 2) Conference with Labor Negotiators:
  - District Negotiators: William Merry, Richard Norton and Tim Flanagan
  - Employee Organizations: Operating Engineers and Management Employees

The Board came back into open session at 11:35 a.m. Legal Counsel announced that with regard to closed session agenda Item 1, no discussion had been held. With regard to closed session agenda Item 2, information was provided to the Board, and instructions were given to the negotiators. No other action was taken.

**ADJOURNMENT**

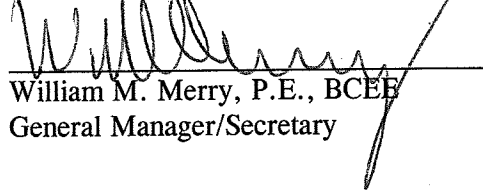
There being no further business to come before the Board at this time, the July 15, 2011 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to August 19, 2011 by Chair Laska at 11:36 a.m.

**RECORDED BY:**



Rebecca G. Aguilar  
Administrative Support Supervisor/  
Recording Secretary

**AUTHENTICATED BY:**



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