MINUTES OF
THE SALINAS VALLEY SOLID WASTE AUTHORITY
BOARD SPECIAL MEETING
MARCH 26, 2020
128 Sun Street, Suite 101, Salinas CA
(All Board of Directors and several of staff attended remotely from various locations)

CALL TO ORDER
President Cullen called the meeting to order at 4:00 p.m.

ROLL CALL
The following Board Directors were present (via Teleconference):
County of Monterey     Chris Lopez, Alt. Vice President (logged off at 5:02 pm)
County of Monterey     John M. Phillips (logged in at 4:04 pm)
City of Salinas         Gloria De La Rosa, Vice President
City of Salinas         John Tony Villegas
City of Salinas         Joseph D. Gunter
City of Gonzales        Elizabeth Silva
City of Greenfield      Andrew Tipton
City of King            Robert Cullen, President

The following Board Directors were absent:
City of Soledad         Marisela Lara

Staff Member Present (at location):
via Teleconference
Patrick Mathews, General Manager/CAO
Cesar Zuñiga, Asst. GM/Operations Manager
Erika J. Trujillo, Clerk of the Board

Via Teleconference
Ray Hendricks, Finance and Administration Manager
Mandy Brooks, Resource Recovery Manager
Brian Kennedy, Engineering and Environmental Compliance Manager
Roy Santos, General Counsel

MEETING ANNOUNCEMENTS
(4:03) President Cullen announced the following:
- Translation would not be available at this meeting due to current technical challenges,
- How to unmute and mute for the participants.
- Public comment will be taken via email at comment@svswa.org encouraging all public to submit their comments as soon as possible.
- Board discussion would be done by calling on each Director by name.
- Votes on all actions taken would be done by roll call by Clerk of the Board.

GENERAL MANAGER COMMENTS
(4:04) General Manager/CAO Mathews informed the Board of the actions being taken to keep customers and staff informed on the current circumstances and potential operational disruptions. He commented on the Solid Waste industry being designated as an essential industry.

DEPARTMENT MANAGER COMMENTS
(4:06) Asst. General Manager/Operations Manager Zuñiga provided an update on facilities indicating that there has been a decline in overall tonnage levels. The Sun Street Transfer Station is seeing an increase in new customers with small loads. Resource Recovery Manager Brooks reported that all events and clean ups have been canceled or postponed for the next couple of months.
BOARD DIRECTORS COMMENTS

(4:07) Vice President De La Rosa commented on public outreach done via radio by the City of Salinas Mayor and herself to inform the public of the shelter in place order. President Cullen commended the Mayor and Vice President De La Rosa for their public outreach and indicated the City of King has been conducting public outreach as well.

PUBLIC COMMENT

(4:09) President Cullen invited public comment indicating there is a 30 second delay for the live stream therefore will be pausing for one minute to allow the public to submit comments.

(4:11) No public comments were received.

CONSIDERATION

A. DISCUSSION ON FUTURE MEETING PROTOCOL

(4:12) General Manager/CAO Mathews indicated that the April Executive Committee meeting will be conducted in the same manner as this meeting. Indicating that due to space restrictions and the six feet distancing at the Gonzales City Council Chambers the April Board of Directors meeting will likely have to be conducted in the same manner. President Cullen reminded the public to submit their comments to comments@svswa.org related to this item.

Board Comment: The Board discussed the report.
Public Comment: None
Motion: By Consensus the Board agreed to holding the April Board meeting by teleconference.

CONSENT AGENDA (4:17)

1. Minutes of the February 20, 2020 Meeting
3. Member and Interagency Activities Report for February 2020 and Upcoming Events
4. Resolution No. 2020-11 Approving Amendment No.1 to the Professional Service Agreements with TDRA Industries, Inc. dba Vision Recycling for Organics Processing and Composting at the Johnson Canyon Landfill and Sun Street Transfer Station
5. Resolution No. 2020-12 Approving a Supplemental Appropriation of $236,663.89 for CalRecycle’s 2016-17 Organics Grant Program - Amended Agreement
6. Redistribution of January 2018 Report on the Results of Market Research Study Highlighting the Key Findings Regarding Relocation of the Sun Street Transfer Station

President Cullen reminded the public to submit their comments to comments@svswa.org related to items on the Consent Agenda.

Public Comment: None
Motion: made a motion to approve the consent agenda as presented, seconded the motion.
Votes: Motion carried 8,0
Ayes: Cullen, De La Rosa, Gunter, Lopez, Phillips, Silva, Tipton, Villegas
Noes: None
Abstain: None
Absent: Lara
1. MINUTES OF THE FEBRUARY 20, 2020 MEETING
Director Silva indicated the following correction under attendees: Director Christie Cromeenes was in attendance not absent. President Cullen reminded the public to submit their comments to comments@svswa.org related to this item.

Public Comment: None
Motion: Alternate Vice President Lopez made a motion to approve the consent agenda as presented. Director De La Rosa seconded the motion.
Votes: Motion carried 7,0
Ayes: Cullen, De La Rosa, Gunter, Lopez, Phillips, Tipton, Villegas
Noes: None
Abstain: Silva
Absent: Lara

CONSIDERATION

7. RESOLUTION NO. 2020-13 APPROVING THE OPERATING BUDGET, PERSONNEL ALLOCATION AND SALARY SCHEDULE FOR FY 2020-21
(4:20) Finance and Administration Manager Hendricks presented the proposed status quo budget for fiscal year 2020-21. He indicated the proposed budget has no new program changes other than the expanded organics and C&D programs, and includes two additional positions being requested by staff; one Equipment Maintenance Technician I/II (Mechanic) position and one Loader Operator to be designated to the construction and demolition materials recovery operations. Mr. Hendricks reviewed in detail the projected total budget increases, projected revenue increases that would allow to balance the budget, and the rate impacts for both residential and commercial customers. President Cullen reminded the public to submit their comments to comments@svswa.org related to this item.

Board Comment: The Board discussed the report.
Public Comment: None
Motion: Alternate Vice President Lopez made a motion to adopt Resolution No. 2020-13. Director Phillips seconded the motion.
Votes: Motion carried 8,0
Ayes: Cullen, De La Rosa, Gunter, Lopez, Phillips, Silva, Tipton, Villegas
Noes: None
Abstain: None
Absent: Lara

8. RESOLUTION NO. 2020-14 CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE AUTHORITY AS A RESULT OF COVID-19
(4:36) President Cullen provided clarification on the items within the resolution published on March 23 and the amended resolution published on March 25 to address the City of Salinas comments and objections on the letter dated March 24. He indicated that the Executive Committee had reviewed and recommended approval of the original resolution to declare an emergency within the Authority and not go beyond the boundaries or responsibilities of the Authority. President Cullen indicated that despite the Authority not agreeing with the concerns expressed by the City of Salinas, the Authority found it reasonable to address their concerns and amend the resolution. He reviewed in detail the changes made and the reasoning behind wanting to confirm a declaration of emergency and give the General Manager/CAO more authority to act promptly with the rapidly evolving COVID-19 changes.
General Counsel Santos clarified the change made to the Resolution to remove all language referencing the proclamation which makes it null and void and has no effect going forward. He clarified the resolution is designed for the COVID-19 related actions only. President Cullen reminded the public to submit their comments to comments@svswa.org related to this item.

**Board Comment:** Director De La Rosa inquired about the purchasing authority the resolution provides for the General Manager/CAO. Director Villegas expressed his opposition to voting on a blanket resolution and to confirming a local emergency within the Authority. He indicated that he was supportive of voting on individual items within the resolution to allow for compliance with HR6201. President Cullen expressed his concerns on the lack of trust with the General Manager/CAO and lack of wanting to give him the tools to react during the state of emergency.

**General Counsel:** Mr. Santos provided clarification that there is no cap on the purchasing amount within the resolution but can be added by a motion. He explained that the content within the resolution is limited in scope to emergency planning consistent with the State, County, and Federal emergency directives related only to the Authority’s COVID-19 response. Mr. Santos stated that at the end of the local and state emergency any procedures applied would only be in place during the duration of the emergency. Mr. Santos indicated items being considered within the resolution can be voted on individually to amend and approve the revised resolution.

**Public Comment:** None

President Cullen indicated Alternate Vice President Lopez had left the meeting.

President Cullen indicated that to address the concerns by a number of Board members under the Item No. 4 of the resolution individual votes for Item Nos. 4A, 4B, and 4C would be voted on individually.

**4(A) Motion:** Director Villegas made a motion to Adopt Resolution 2020-14 that only includes 4A not 4B or 4C. Director Gunter seconded the motion.

**Votes:** Motion carried 4,3
Ayes: Cullen, De La Rosa, Gunter, Villegas
Noes: Phillips, Silva, Tipton
Abstain: None
Absent: Lara, Lopez

**4(B) Motion:** Director Phillips made a motion to Adopt Resolution 2020-14 that only includes 4B not 4A or 4C with the amendment to 4B be to increase the General Manager purchase authority to $100,000 without approval, over $100,000 up to $250,000 go for Executive Committee for approval, and over $250,000 to require Board approval. Director Silva seconded the motion.

**Votes:** Motion failed 4 Ayes, 3 Noes

**General Counsel:** Mr. Santos clarified that under the current Joint Powers Agreement at least one member of the City of Salinas must vote in the affirmative in order for a motion to be carried. Without an Aye from a City of Salinas member the motion is not carried.

Ayes: Cullen, Phillips, Silva, Tipton
Noes: De La Rosa, Gunter, Villegas
Abstain: None
Absent: Lara, Lopez

4(C) Motion: Direction Villegas made a motion to Adopt Resolution 2020-14 that only includes 4C not 4A or 4b. Vice President De La Rosa seconded the motion.

Votes: Motion carried 7.0
Ayes: Cullen, De La Rosa, Gunter, Phillips, Silva, Tipton, Villegas
Noes: None
Abstain: None
Absent: Lara, Lopez

9. RESOLUTION NO. 2020-15 APPROVING AN ADJUSTMENT TO THE OPERATING BUDGET FOR FISCAL YEAR 2019-20

(5:25) Finance and Administration Manager Hendricks provided a brief report on the adjustment needed to fund the 10 days of Administrative leave for COVID-19. The adjustment will be funded from the operating reserves.

President Cullen reminded the public to submit their comments to comments@svswa.org related to this item.

Board Comment: The Board discussed the report. Scenarios
Public Comment: None
Motion: Vice President De La Rosa made a motion to adopt Resolution No. 2020-15. Director Silva seconded the motion.

Votes: Motion carried 7.0
Ayes: Cullen, De La Rosa, Gunter, Phillips, Silva, Tipton, Villegas
Noes: None
Abstain: None
Absent: Lara, Lopez

10. UPDATE ON THE CITY OF SALINAS’ ONE YEAR NOTICE OF INTENT TO WITHDRAWAL FROM THE JOINT POWERS AGREEMENT WITH THE SALINAS VALLEY SOLID WASTE AUTHORITY

(5:29) President Cullen reported that the meeting between the City of Salinas’s Mayor and City Manager, the Authority’s Board President and General Manager/COA is scheduled for April 13th.

President Cullen reminded the public to submit their comments to comments@svswa.org related to this item.

Board Comments: The Board discussed the
Public Comments: None
Motion: None; informational only

FUTURE AGENDA ITEMS

11. AGENDA ITEMS – VIEW AHEAD SCHEDULE
(5:30) The Board reviewed the future agenda items.

CLOSED SESSION
(5:31) President Cullen reminded the public to submit their comments to comments@svswa.org related to this item.
(5:38) General Manager/CAO Mathews indicated there was no information to discuss under Item No. 13.

12. Pursuant to Government Code Section 54956.8 to confer with legal counsel and real property negotiators General Manager/CAO Patrick Mathews, Asst. GM/Ops Manager Cesar Zuñiga, Finance and Administration Manager Ray Hendricks, and General Counsel
Roy C. Santos, concerning the possible terms and conditions of acquisition, lease, exchange or sale of 1) Salinas Valley Solid Waste Authority Property, APNs 003-051-086 and 003-051-087, located at 135-139 Sun Street, Salinas, CA; 2) APN 002-021-005, located at 356 W. Market St., Salinas, CA; 3) APN 002-021-006, located at 346 W. Market St., Salinas, CA; 4) APN 002-021-007, located at 330 W. Market St., Salinas, CA; and 5) APN 002-021-008, located at 320 W. Market St., Salinas, CA 6) APN 003-211-022-000, located at 195 Sherwood Dr. and 416 Main St., Salinas, CA 7) Republic Services Property, APNs 261-051-005, 007, and 019, located at 1120 Madison Lane, Salinas, California

13. Pursuant to Government Code Section 54957(a) to consult with General Counsel, Roy C. Santos on the threat to public services and/or facilities consideration of tactical response plan consultation


Public Comment: None

(5:38) President Cullen adjourned the meeting into closed session to discuss Item Nos. 12 and 14.

RECONVENE

(6:00) President Cullen reconvened the meeting to open session with no reportable actions taken in closed session.

ADJOURNED

(6:01) President Cullen adjourned the meeting.

APPROVED:

[Signature]
Robert Cullen, President

Attest:

[Signature] Erika J. Trujillo, Clerk of the Board