



Agenda
Special Meeting
EXECUTIVE COMMITTEE
THURSDAY, March 19, 2020
4:30 p.m.

GM Office - Conference Room
128 Sun Street, Suite 101, Salinas, California
Please Read Important Notice on Page 2

CALL TO ORDER

ROLL CALL

President	Robert Cullen (City of King)
Vice President	Gloria De La Rosa (City of Salinas)
Alternate Vice President	Chris Lopez (County of Monterey)

GENERAL MANAGER AND DEPARTMENT MANAGER COMMENTS

COMMITTEE MEMBER COMMENTS

PUBLIC COMMENTS

Receive public communications from audience on items which are not on the agenda. Speakers are limited to three minutes at the discretion of the Chair.

CONSIDERATION ITEMS

1. **[A RESOLUTION CONFIRMING THE GENERAL MANAGER/DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY](#)**
 - A. Receive report from Roy Santos, General Counsel
 - B. Committee Discussion
 - C. Public Comment
 - D. Recommended Committee Action – Forward to the Board and Recommend Approval

2. **[PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE SALINAS VALLEY SOLID WASTE AUTHORITY COVID-19 "CORONAVIRUS"](#)**
 - A. Receive report from Roy Santos, General Counsel
 - B. Committee Discussion
 - C. Public Comment
 - D. Recommended Committee Action – None; Informational Only

3. **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**
 - A. Receive Report from Patrick Mathews, General Manager/CAO and Robert Cullen, President
 - B. Board Discussion
 - C. Public Comment
 - D. Recommended Action – Provide Input and Direction

CLOSED SESSION

Receive public comment from audience before entering into closed session:

4. 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

5. 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
6. Pursuant to **Government Code section 54956.9** conference with legal counsel - Anticipated litigation. Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9 (Deciding Whether to Initiate Litigation): One Case

RECONVENE

ADJOURNMENT

Important Notice

Due to State, County and local orders and recommendations on protocols to contain the spread of COVID-19, all of the Executive Committee members will be attending remotely from various locations. Members of the public will only be allowed to submit comments via email.

Based on guidance from the California Department of Public Health and the California Governor's Officer, in order to minimize the spread of the COVID 19 virus, please do the following:

1. You are strongly encouraged to observe the live stream of the Executive Committee meeting on our website at <https://svswa.org/live-stream-meetings/> or on our YouTube channel <https://www.youtube.com/user/svswa831>.
2. If you choose not to attend the Executive Committee meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Wednesday prior to the meeting. Please submit your comment to the Clerk of the Board at comment@svswa.org. Your comment will be placed into the record at the Executive Committee meeting.
3. If you are watching the live stream of the Executive Committee meeting and wish to make either a general public comment or to comment on a specific agenda item as it is being heard, please submit your comment, limited to 250 words or less, to the Clerk of the Board at comment@svswa.org. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.
4. Limited seating with audio/video of the Executive Committee meeting will be available in the Large Conference Room.
5. If you attend the Executive Committee meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals. You will still be required to submit your comments via email.

This meeting agenda was posted at the Salinas Valley Solid Waste Authority office at 128 Sun Street, Suite 101, Salinas, on **Wednesday, March 18, 2020**. The Executive Committee will next meet in regular session on **Thursday, April 3, 2020, at 4:00 p.m.** Staff reports for the Authority Executive Committee meetings are available for review at 128 Sun Street, Suite 101, Salinas, California 93901, Phone 831-775-3000 and at www.salinasvalleyrecycles.org.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact Erika J. Trujillo, Clerk of the Board, at 831-775-3000. Notification 48 hours prior to the meeting will enable the Authority to make reasonable arrangements to ensure accessibility to this meeting (28 CFR Executive Committee to provide direction 35.102-35.104 ADA Title II)

RESOLUTION NO. 2020-**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SALINAS VALLEY SOLID WASTE AUTHORITY, CONFIRMING THE GENERAL MANAGER/DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, in December of 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and,

WHEREAS, COVID-19 has since spread outside of China, impacting more than 75 countries, now including the United States; and

WHEREAS, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country, and;

WHEREAS, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 3, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and,

WHEREAS, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a “pandemic”; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases within the Authority, and to prepare to respond to an increasing number or individuals who may require medical care; and

WHEREAS, strict compliance with Authority regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19, which issue cannot be timely addressed absent a declaration of emergency; and

WHEREAS, the Authority appoints the General Manager as the Director of Emergency Services and empowers the Director to issue an emergency proclamation if the Board of Directors is not in session; and,

WHEREAS, on **March**, 2020, the Authority's Director of Emergency Services declared a local emergency throughout the Authority thereby activating the emergency operations; and,

WHEREAS, a local emergency throughout the Authority declared by the Director of Emergency Services shall not remain in effect for a period in excess of fourteen (14) days unless it has been ratified by the Board of Directors; and

WHEREAS, the Director of Emergency Services requests that the Board of Directors of the Salinas Valley Solid Waste Authority proclaim the existence of a local emergency throughout the Authority; and,

WHEREAS, after consideration of all items before it, the Board of Directors of the Salinas Valley Solid Waste Authority now desires to declare a state of emergency throughout the Authority to make additional resources available to address the effects of COVID-19.

NOW, THEREFORE, the Board of Directors of the Salinas Valley Solid Waste Authority does resolve as follows:

1. The conditions of extreme peril to the safety of persons and property have arisen within the Authority, caused by the effects of COVID-19.

2. The aforementioned conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency throughout the Authority by the Authority's Emergency Service Director.

3. The Board of Directors does hereby ratify and confirm the declaration of a local emergency throughout the Authority by the Emergency Services Director.

4. During the existence of said local emergency, the powers, functions and duties of the Emergency Services Director shall be those prescribed by State Law, Authority resolutions, and approved plans of the Authority in order to mitigate the effects of said local emergency. In this regard, the Board desires to make clear the powers, functions, and duties include:

(a) As necessary for the public health, life, and property to enact policies and procedures (including but not limited to emergency planning, paid or unpaid leave, staffing levels, remote work access, scheduling of operations activities, facility shut downs and determining essential versus non-essential employees) establishing the Authority's response to COVID-19, directives or orders of the Governor of the State of California, directives or orders the California Department of Public Health, directives or orders from the Center for Disease Control.

(b) As necessary for the public health, life, and property, entering into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and

the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, as well as any Authority procurement or related policy, are suspended to the extent reasonably necessary to address the effects of COVID-19.

- (c) The Emergency Services Director is expressly authorized to assist with any lawful order, including the enforcement of an order of quarantine, as well as ordering potentially ill Authority employees to leave the workplace, authorizing certain Authority employees to work remotely, taking steps to limit non-essential contact by Authority employees, etc., to address the effects of COVID-19.

5. If this declaration of local emergency throughout the Authority extends for more than the duration of the statewide emergency declared for COVID-19, Authority Staff are directed to thereafter return this item for Board review of the need for continuing the local emergency at least once every sixty (60) days until the Board of Directors terminates the local emergency.

6. This Resolution shall take effect immediately. This Resolution and its contents will be published and promulgated in as widespread a manner as is reasonable feasible under the conditions prevailing during this local emergency.

BE IT FURTHER RESOLVED that the local emergency throughout the Authority shall be deemed to continue to exist until its termination is proclaimed by the Board of Directors of the Salinas Valley Solid Waste Authority.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Board of Directors of the Salinas Valley Solid Waste Authority at a special meeting thereof held on the ___ day of March, 2020 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

ERIKA TRUJILLO, Clerk of the Board

**SALINAS VALLEY SOLID
WASTE AUTHORITY**

By: _____

ROBERT CULLEN, President

APPROVED AS TO FORM:

By: _____

ROY C. SANTOS, General Counsel

Alshire & Wynder, LLP

I, _____, Clerk of the Board of Directors of the Salinas Valley Solid Waste Authority, California, **DO HEREBY CERTIFY** that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Salinas Valley Solid Waste Authority on the date and by the vote indicated herein.

PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE SALINAS VALLEY SOLID WASTE AUTHORITY COVID-19 “CORONAVIRUS”

WHEREAS, in December of 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and,

WHEREAS, COVID-19 has since spread outside of China, impacting more than 100 countries, now including the United States; and

WHEREAS, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country, and;

WHEREAS, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 3, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and,

WHEREAS, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a “pandemic”; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases within the Authority, and to prepare to respond to an increasing number of individuals who may require medical care; and

WHEREAS, strict compliance with Authority regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19, which issue cannot be timely addressed absent a declaration of emergency; and

WHEREAS, the Authority appoints the General Manager as the Director of Emergency Services and empowers the Director to issue an emergency proclamation if the Board is not in session; and,

WHEREAS, a local emergency declared by the Director of Emergency Services shall not remain in effect for a period in excess of fourteen (14) days unless it has been ratified by the Board of Directors; and

WHEREAS, after consideration of all items the Director of Emergency Services now desires to proclaim the existence of a state of emergency to make additional resources available to address the effects of COVID-19.

NOW, THEREFORE, the Director of Emergency Services for the Salinas Valley Solid Waste Authority does find and proclaim as follows:

1. The Director of Emergency Services finds that the conditions of extreme peril to the safety of persons and property have arisen within the Authority, caused by the effects of COVID-19.

2. The Director of Emergency Services further finds that the Board of Directors is not currently in session.

3. The aforementioned conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency by the Authority's Emergency Service Director. Pursuant to the authority granted by Authority regulation, I hereby proclaim that a local emergency now exists throughout the Authority.

4. The local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the Board of Directors.

5. This proclamation and its contents will be published and promulgated in as widespread a manner as is reasonably feasible under the conditions prevailing during this local emergency.

6. This proclamation of a local emergency shall take effect immediately as of the date first set forth below.

IT FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this Authority shall be those prescribed by state law and resolutions of this Authority, and by the policies and procedures of the Salinas Valley Solid Waste Authority.

Date and Time

Director of Emergency Services,
PATRICK MATHEWS

APPROVED AS TO FORM

ROY C. SANTOS, General Counsel