

**MINUTES OF  
THE SALINAS VALLEY SOLID WASTE AUTHORITY  
SPECIAL BOARD MEETING  
MARCH 7, 2019**

**CALL TO ORDER**

Vice President Cullen called the meeting to order at 5:05 p.m.

**ROLL CALL**

The following Board Directors were present:

County of Monterey	John M. Phillips
County of Monterey	Chris Lopez, Alt. Vice President
City of Salinas	Gloria De La Rosa, Vice President
City of Salinas	John Tony Villegas
City of Salinas	Christie Cromeenes
City of Gonzales	Elizabeth Silva
City of Soledad	Marisela Lara
City of Greenfield	Robert White, <i>alternate</i>
City of King	Robert Cullen, President

The following Board Directors were absent:

City of Greenfield      Andrew Tipton

Staff Members Present:

Patrick Mathews, General Manager/CAO  
Cesar Zuñiga, Asst. GM/Operation Manager  
Ray Hendricks, Finance and Administration  
Manager  
Mandy Brooks, Resource Recovery Manager

Brian Kennedy, Engineering and Environmental  
Compliance Manager  
Erika J. Trujillo, Clerk of the Board  
James Sanchez, Interim General Counsel

**MEETING ANNOUNCEMENTS**

(5:06) President Cullen announced the availability of translation services. No member from the public requested the service.

**GENERAL MANAGER COMMENTS**

(5:06) General Manager/CAO Mathews commented on the response letter received from the City of Salinas two hours prior to the meeting regarding the financial assurance requested by the Authority. President Cullen stated there would be a five-minute break to allow the Board members to review the copies of the letter handed to them.

(5:08) Break

(5:13) President Cullen reconvened the meeting. President Cullen noted that the date on the letter reflected February 19, 2019; however, it was received just prior to the Executive Committee meeting via US Postal Service.

**DEPARTMENT MANAGER COMMENTS**

(5:14) None

**BOARD DIRECTORS COMMENTS**

(5:14) Director Cullen indicated he would not be attending the March Board meeting.

**PUBLIC COMMENT**

(5:14) None

## **CLOSED SESSION**

(5:14) Item No. 1 was postponed to the end of the agenda, if needed.

1. Pursuant to **Government Code Section 54956.9(d)** to confer with legal counsel regarding one item involving significant exposure to litigation associated with the City of Salinas notice of intention to withdraw.

## **CONSIDERATION**

### **2. CONSIDERATION OF ACTIONS RELATED TO THE NOTICE OF WITHDRAWAL FROM THE CITY OF SALINAS**

(5:15) Interim Legal Counsel Sanchez provided a summary of the legal standpoint on the current status of Agency related to the action required with the City of Salinas one-year notice on intent to withdraw from the agency. He indicated that the letter received from the City of Salinas in response to the financial assurance concluded that the City of Salinas felt it was premature to detail financial assurances before a decision on withdrawal is made. Nonetheless, the City of Salinas reaffirmed that if they decided to withdraw, they would fulfill their financial obligations under the Joint Powers Agreement. However, in his opinion the Authority Board is not in the position to not do anything as there are actions and issues that need to be addressed, such as; notifying the Bond holders of the potential loss of 60% of revenue; the credit worthiness of the Authority with the potential loss of revenue as there are grant monies contingent upon the City of Salinas participation; and the potential breach of contract litigation if the Joint Powers Agreement (JPA) requirements are not met. Mr. Sanchez indicated that in light of these challenges moving through the process will require actions prior to the one-year deadline. He indicated General Manager/CAO Mathews, Authority staff, and himself drafted an alternate proposal offer for the City of Salinas that was reviewed and approved by the Executive Committee.

(5:21) President Cullen commented that the expressed desire from the City of Salinas to move the Sun Street Transfer Station has been recognized by the Authority Board and in light of the legal issues addressed by Mr. Sanchez, the Executive Committee supports each of the terms of the alternate proposal for the City of Salinas and the Authority. President Cullen reviewed the proposal detailing the importance of each commitment by both the City of Salinas and the Authority in an effort to avoid the City of Salinas from withdrawing from the JPA.

**Board Comments:** The Board discussed the summary and presentation inquiring about the development of the proposal, expectation of the proposal, commitment to each action within the proposal, the commitment required from both the Authority and the City of Salinas on each of the proposed compromised actions, and the City of Salinas approval to have R3 Consulting conduct a study to evaluate and verify the information given by the Authority and the previous study done by the same consultant. Concerns for the City of Salinas expected study completion date of late August 2019 were expressed by President Cullen and Director Phillips do to any unforeseen delays and the proximity of the one-year notice termination date. Director Cromeenes and Director Phillips expressed concerns of mistrust of the City of Salinas towards the Authority to relocate the Sun Street Transfer Station and the commitment of progress on the Memorandum of Understanding (MOU) between the Monterey Regional Waste Management District (District) and the Authority. Directors Cromeenes, Phillips, and Cullen commented on their understanding of the need and support for a Salinas area public facility. Director Cromeenes commented on the understanding of the City of Salinas of the services provided by both the District and the Authority. The Board discussed the commitment of the Authority Board to steer the agency in the correct

direction by making suitable decisions and the commitment required by the City of Salinas to collaborate with Authority. Director Villegas expressed his disapproval of actions being taken prematurely indicating the intent of the City of Salinas to provide the notice and conduct the study is to obtain further data and information to make an informed decision. The Board discussed previous studies conducted by the same consultant related the same information. The request of a presentation providing an update on the MOU was requested to be conducted at the March Board meeting.

**Public Comment:**

Jim Sandoval, City of Salinas commented on the decision from the City of Salinas to move forward with the study indicating there are a number of moving parts and the City Council desires to look at various options with current data to be able to analyze the best approach for the handling of the city's solid waste and the franchise hauler contract. Mr. Sandoval clarified that the intent of the City of Salinas included maintaining a local facility for self-haul customers to dispose of solid waste and household hazards.

Leticia Hernandez, Resident of Salinas and member of the Alisal Vibrancy Plan group expressed her disagreement with comments being made that the Alisal Vibrancy Plan group considers the Salinas Transfer Station an injustice. Ms. Hernandez commented on a presentation given the group in which it was explained to the group that it was injustice to have the Sun Street Transfer Station. However, she indicated that the group does not agree as they see the transfer station as a resource. She expressed her support for the City of Salinas and the Authority to work collaboratively and build an enclose facility to serve the public.

Paula Getzelman, member of the Citizens Advisory Group for the Authority commented on the numerous sites analyzed and identified as potential sites for a Salinas area facility by the group in an attempt to relocate the Sun Street Transfer Station that have been discarded by the City of Salinas. She expressed the importance of cooperation and commitment by the City of Salinas.

**Motion:**

Director Lopez made a motion to forward the proposal to the City of Salinas. Vice President De La Rosa Seconded the motion.

**Votes:**

Motion carried 9 ,0

**Ayes:**

Cullen, De La Rosa, Cromeenes, Lara, Lopez, Phillips, Silva, Villegas, White (alt)

**Noes:**

None

**Abstain:**

None

**Absent:**

Tipton

**CLOSED SESSION**

1. ~~Pursuant to **Government Code Section 54956.9(d)** to confer with legal counsel regarding one item involving significant exposure to litigation associated with the City of Salinas notice of intention to withdraw.~~

Item No. 1 was deemed unnecessary and was not discussed.

**ADJOURNED**

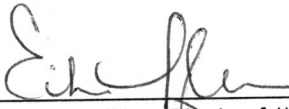
(6:02) President Cullen adjourned the meeting.

APPROVED:



Robert Cullen, President

Attest:



Erika J. Trujillo, Clerk of the Board