



AGENDA Special Meeting

BOARD OF DIRECTORS

July 11, 2022 | [12:30 p.m.](#)

ZOOM Meeting ID No. **838 3015 278**

Passcode: **993535**

This meeting will be conducted in virtual format via Zoom. Important notice on pages 2.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Board Directors

County: John M. Phillips
County: Chris Lopez, *President*
Salinas: Christie Cromeenes, *Vice President*
Salinas: Kimbley Craig
Salinas: Anthony Rocha
Gonzales: Elizabeth Silva
Soledad: Ben Jimenez, Jr.
Greenfield: Andrew Tipton, *Alt. Vice President*
King City: Robert S. Cullen

Alternate Directors

County: Luis Alejo
Salinas: Orlando Osornio
Gonzales: Scott Funk
Soledad: Carla Strobbridge
Greenfield: Robert White
King City: Darlene Acosta

TRANSLATION SERVICES AND OTHER MEETING ANNOUNCEMENTS

Translation Services in Spanish will only be available by logging in to Zoom.

Meeting ID: 895 8075 5052 | **Passcode:** 381610

APPROVAL OF AGENDA

GENERAL MANAGER/CAO COMMENTS

DEPARTMENT MANAGER COMMENTS

BOARD DIRECTOR COMMENTS

PUBLIC COMMENT

Receive public comment from audience on items which are not on the agenda. The public may comment on scheduled agenda items as the Board considers them. Speakers are limited to three minutes at the discretion of the Chair.

CONSENT AGENDA:

All matters listed under the Consent Agenda may be enacted by one motion unless a member of the Board, a citizen, or a staff member requests discussion or a separate vote.

1. [A Resolution Making Findings Related to the Continued Existence of a State of Emergency Due to Covid-19 and Re-Authorizing the Conduct of public Meetings of the Legislative Bodies of the Authority Via Remote Teleconferencing for a 30-Day period Pursuant to the Ralph M. Brown Act as Amended by Assembly Bill No. 361](#)

CLOSED SESSION

Receive public comment from audience before entering into closed session:

2. Pursuant to **Government Code Section 54957.6** to provide instruction to General Manager/CAO Patrick Mathews, General Counsel Roy C. Santos, and Labor Counsel Colin J. Tanner, to negotiate salaries and benefits of Non-management Administration unit, Operating Engineers Local Union No. 3, AFL-CIO, and at-will Management Employees.

RECONVENE

ADJOURNMENT

Meeting Information

In accordance with AB361 and State, County, and local recommendations on protocols to contain the spread of COVID-19, the Board meeting will be conducted in virtual format.

To observe the meeting, go to our YouTube channel at <https://www.youtube.com/user/svswa831>.

To participate virtually during the meeting and make a general comment or comments on a specific agenda item as an item is being heard, join the meeting thru Zoom using the link below. Join with computer audio at:

https://us02web.zoom.us/j/83830152781?pwd=F5SBI8kxuUe5M2SNMXI25Mn_6ycUWw.1. When ready to make a public comment, click the Raise Hand icon.

To participate by telephone dial any of the numbers listed below and enter the meeting ID number and passcode:

+1 669 900 9128	+1 253 215 8782	+1 346 248 7799
+1 301 715 8592	+ 1 312 626 6799	+ 1 646 558 8656
Enter Meeting ID: 838 3015 2781 #		Passcode: 993535
To Raise your Hand press *9		To Mute and Unmute yourself press *6

Public comments may also be submitted via e-mail to the Clerk of the Board at comment@svswa.org. Comment must be received by 10 a.m. on Thursday, July 11, 2022 and should be limited to 250 words or less. 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 via e-mail after 4 p.m. will be made part of the record if received prior to the end of the meeting. To assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the item number (i.e. Item No. 10).

This agenda was posted at the Administration Office of the Salinas Valley Solid Waste Authority, 128 Sun St., Ste 101, Salinas, on the Gonzales Council Chambers Bulletin Board, 117 Fourth Street, Gonzales, and the Authority's Website on **Friday, July 1, 2022**. The Salinas Valley Solid Waste Authority Board will next meet in regular session on, **Thursday, August 18, 2022**. Staff reports for the Authority Board meetings are available for review at: ► Salinas Valley Solid Waste Authority: 128 Sun Street, Ste. 101, Salinas, CA 93901, Phone 831-775-3000 ► Web Site: www.salinavalleyrecycles.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 35.102-35.104 ADA Title II). Spanish interpretation will be provided at the meeting. *Se proporcionará interpretación a español.*



Report to the Board of Directors

ITEM NO. 1

Finance and Administration
Manager/Controller/Treasurer

General Manager/CAO

R. Santos by E.T.

Authority General Counsel

Date: July 11, 2022

From: R. Patrick Mathews, General Manager/CAO

Title: A Resolution Making Findings Related to the Continued Existence of a State of Emergency Due to Covid-19 and Re-Authorizing the Conduct of Public Meetings of the Legislative Bodies of the Authority Via Remote Teleconferencing for a 30-Day Period Pursuant to the Ralph M. Brown Act as Amended by Assembly Bill No. 361

RECOMMENDATION

Staff recommends that the Board approve the Resolution authorizing the conduct of public meetings of the legislative bodies of the Authority via remote teleconferencing.

STRATEGIC PLAN RELATIONSHIP

This item does not relate to the Board's Strategic Plan but does however reflect one of the Authority's key core values to be "Fiscally Prudent."

FISCAL IMPACT

No fiscal impact.

DISCUSSION & ANALYSIS

On September 16, 2021, Governor Newsom signed AB 361 into law. AB 361 allows legislative bodies to continue to utilize remote/virtual platforms for meetings. To implement remote meetings under AB 361, one of three criteria must be met at the time the Authority is holding a meeting during a proclaimed state of emergency by the Governor that includes area within the jurisdictional boundaries of the Authority:

- State or local officials have imposed or recommended measures to promote social distancing; or
- For the purpose of determining, by majority vote, whether as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The Board of Directors has previously determined, by majority vote, that, as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

In other words, the Board of Directors can meet remotely under AB 361, during a declared state of emergency that includes the Authority, if the Board of Directors determines that one of the following is also true:

- State or local officials have imposed or recommended social distancing; or
- The Salinas Valley Solid Waste Authority holds a remote meeting to determine by a majority vote whether to hold remote future meetings; or
- The Salinas Valley Solid Waste Authority holds a meeting having already determined by a majority vote to hold remote meetings.

If one of these three criteria is met, then the Salinas Valley Solid Waste Authority can conduct meetings remotely via Government Code sections 54953(e) *et seq.* For the first and second conditions, the Salinas Valley Solid Waste Authority must determine, by majority vote and by adoption of a resolution, the grounds for electing to continue with remote meeting procedures.

The Authority has considered the existing conditions of the state of emergency in the State of California, County of Monterey and the Authority and, consistent with the provisions of Government Code section 54953(e), finds and determines that: (1) a proclaimed state of emergency and a proclaimed local emergency related to COVID-19 are both currently in effect and persist in the jurisdictional boundaries of the Authority; and (2) State, local and CDC officials have recommended measures to promote social distancing in connection with the COVID-19 emergency.

BACKGROUND

In March of 2020, at the onset of the COVID-19 pandemic, Governor Newsom enacted Executive Order N-25-20 allowing legislative bodies to meet using remote/virtual platforms pursuant to health orders. Since that time several other Executive Orders were issued that waived Brown Act requirements for the Board of Directors of the Salinas Valley Solid Waste Authority, staff, or the public to appear in person for meetings.

These executive orders allowed the Board of Directors, and other committees to modify how meetings were conducted to ensure both the health and safety of staff and the public, while ensuring the transparency and accessibility for open and public meetings.

ATTACHMENT(S)

1. Resolution

RESOLUTION NO. 2022 -

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SALINAS VALLEY SOLID WASTE AUTHORITY MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE AUTHORITY VIA REMOTE TELECONFERENCING FOR AN INITIAL 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361

WHEREAS, the Board of Directors of the Salinas Valley Solid Waste Authority ("Authority") are committed to preserving and nurturing public access and participation in meetings of the legislative bodies (as that term is defined in Government Code section 54952, including commissions, boards and committees subject to the Brown Act) of the Authority (collectively, the "Legislative Bodies"); and

WHEREAS, all meetings of the Legislative Bodies are open and public as required by the Ralph M. Brown Act, codified as Government Code sections 54950 *et seq.*, so that any member of the public may attend, participate, and observe the Legislative Bodies conduct their business; and

WHEREAS, the Brown Act, at Government Code section 54953(e), as amended by Assembly Bill (AB) 361 effective October 1, 2021, makes provision for remote teleconferencing participation in public meetings by members of a Legislative Body without compliance with the provisions of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition under Government Code section 54953(e) is that the meeting is held during a state of emergency that has been declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation can be made under circumstances including conditions when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Authority's boundaries, caused by natural, technological, or human-caused disasters

WHEREAS, it is further required that state or local officials continue to impose or recommend measures to promote social distancing, or that the legislative body is meeting to determine or has previously determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor proclaimed a state of emergency for the State of California and thereafter issued a number of executive orders aimed at containing COVID-19; and

WHEREAS, in March of 2020, the Authority adopted Resolution declaring and

proclaiming the existence of a local emergency in the Authority in response to COVID-19. The Legislative Bodies have since conducted many of their meetings via remote teleconferencing consistent with the declaration of local emergency and executive orders issued by the Governor; and

WHEREAS, the Governor's proclaimed state of emergency, the County of Monterey's proclaimed local emergency and the Authority's proclaimed local emergency related to COVID-19 remain in effect and encompass the jurisdictional boundaries of the Authority. State of California and County of Monterey Public Health officials have recommended measures to promote social distancing, and the Centers for Disease Control and Prevention ("CDC") continue to recommend physical distancing; and

WHEREAS, the Authority as a consequence of the persisting state of emergency and the recommended social distancing measures, the Legislative Bodies may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of Government Code section 54953, and that the Legislative Bodies may comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953; and

WHEREAS, consistent with AB 361, during the effectiveness of this Resolution, the Legislative Bodies and their staff may choose to avail themselves with AB 361 and give notice of the manner by which members of the public may access the Legislative Bodies' meetings and offer public comment; identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option; and allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the Legislative Body directly.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Authority has considered the existing conditions of the state of emergency in the State of California, County of Monterey and the Authority and, consistent with the provisions of Government Code section 54953(e), hereby finds and determines that: (1) a proclaimed state of emergency and a proclaimed local emergency related to COVID-19 are both currently in effect and persist in the jurisdictional boundaries of the Authority; and (2) State, local and CDC officials have recommended measures to promote social distancing in connection with the COVID-19 emergency.

SECTION 3. The Board of Directors of the Salinas Valley Solid Waste Authority hereby acknowledges and affirms the continued effectiveness of the proclaimed state of emergency, the County of Monterey's proclaimed local emergency and the Authority's proclaimed local emergency (as may have been amended since their initial proclamation) which encompass their jurisdictional boundaries.

SECTION 4. The Legislative Bodies and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, which may include the alternative of conducting all open and public meetings of the Legislative Bodies in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

SECTION 5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) ~~July 16~~August 10, 2022, or (ii) such time as the Board of Directors of the Salinas Valley Solid Waste Authority adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Legislative Bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

SECTION 6. Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

PASSED AND ADOPTED by the Board of Directors of the Salinas Valley Solid Waste Authority at a ~~regular~~ special meeting duly held on the ~~11~~16 day of ~~June~~July 2022, by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

Christopher M. Lopez, President

ATTEST:

APPROVED AS TO FORM:

Erika J. Trujillo, Clerk of the Board

Roy C. Santos, Authority General Counsel