

**MINUTES OF
THE SALINAS VALLEY SOLID WASTE AUTHORITY
BOARD MEETING
NOVEMBER 16, 2023**

117 Fourth Street, Gonzales, Ca 93926

CALL TO ORDER

President Rocha called the meeting to order at 6:08 p.m.

ROLL CALL

Board Directors

County of Monterey	Glenn Church, <i>Alternate Vice President</i>
City of Salinas	Anthony Roch, <i>President (Virtual)</i>
City of Salinas	Andrew Sandoval
City of Gonzales	Liz Silva
City of Soledad	Ben Jimenez, <i>Vice President</i>
City of Greenfield	Drew Tipton
City of King	Robert Cullen

Absent

County of Monterey	Christopher M. Lopez
City of Salinas	Carla Viviana Gonzáles

Staff Member Present

Patrick Mathews, General Manager/CAO
Cesar Zuñiga, Asst. GM/Operations Manager
Mandy Brooks, Resource Recovery Manager
Ray Hendricks, Finance and Administration Manager
Brian Kennedy, Engineering and Environmental Compliance Manager
Ernesto Natera, Business Services Supervisor
Estela Guerrero, Resource Recovery Technician
Elia Zavala, Contracts and Grants Analyst
Roy Santos, General Legal Counsel
Rosie Ramirez, Administrative Assistant
Erika J. Trujillo, Clerk of the Board

MEETING ANNOUNCEMENTS

(6:09) Clerk of the Board Trujillo announced in Spanish the availability of translation services via Zoom.

APPROVAL OF AGENDA (6:10)

Staff Comments: None

Board Discussion: None

Public Comment: None

Motion: Director Sandoval made a motion to approve the agenda as presented. Vice President Jimenez seconded the motion.

Votes: Motion carried 7,0

Ayes: Cullen, Church, Jimenez, Rocha, Sandoval, Silva, Tipton

Noes: None

Abstain: None

Absent: Gonzalez, Lopez

GENERAL MANAGER/CAO COMMENTS

(6:11) General Manager/CAO reminded Board of Directors of the December 15, Strategic Planning Workshop.

DEPARTMENT MANAGER COMMENTS

(6:11) Assistant General Manager/Operations Manager Zuñiga commented on Jolon Road Transfer Station construction.

Resource Recovery Manager Brooks extended the invitation to the Directors to participate in the development of the Authority reels.

GENERAL LEGAL COUNSEL

(6:13) None

BOARD DIRECTOR COMMENTS

(6:14) President Rocha commented on his remote participation due to his attendance at the National League of Cities Conference.

PUBLIC COMMENT

(6:14) None

RECOGNITION**A. EMPLOYEE OF THE YEAR**

(6:15) Assistant General Manager/Operation Manager Zuñiga presented the 2023 Employee of Year Award to Ernesto Natera, Business Services Supervisor. Mr. Natera was selected by his peers for his dedication, excellent work ethic, positive attitude, and outstanding customer service.

Public Comment: General Manager/CAO commended Mr. Natera for all the work he does and for his positive demeanor.

Board Discussion: The Board commended Mr. Natera for his seventeen years of service to the Authority and his dedication.

Motion: None; Informational Only

CONSENT AGENDA (6:23)

1. Minutes of the October 19, 2023 Meeting
2. September 2023 Claims and Financial Report
3. Member and Interagency Activities Report for October 2023
4. Tonnage and Diversion Report for the Quarter Ended September 30, 2023
5. Resolution No. 2023-64 Approving Annual Expenditures in an Amount of \$85,000 for Iconix Water a Vendor used for Facility Maintenance for Fiscal Year 2023-24

Public Comment: None

Board Discussion: None

Motion: Director Cullen made a motion to approve the consent agenda as presented. Director Silva seconded the motion.

Votes: Motion carried 7,0

Ayes: Church, Cullen, Jimenez, Rocha, Sandoval, Silva, Tipton

Noes: None

Abstain: None

Absent: Gonzalez, Lopez

PRESENTATION**6. RECYCLING RECOGNITION**

(6:24) Resource Recovery Technician Guerrero presented the recycling recognition awards to Burger King from Greenfield and Subway from Soledad. They were recognized for implementing food scraps diversion programs that combined will total approximately 16 tons per year of food waste diverted from the landfill.

Public Comment: None

Board Discussion: The Board discussed the presentation and commended the businesses for their initiative and dedication.

Motion: None; Information Only

7. 2022 FRANCHISE WASTE HAULERS PERFORMANCE

(6:37) Contracts and Grants Analyst Zavala presented the 2022 Franchise Waste Haulers performance report for Tri-Cities Disposal & Recycling and WM. For 2022, a three-year comparison was presented with the data demonstrating an overall increase in trash collection from both haulers. The haulers continue to actively assist commercial businesses to comply with state mandates AB 341, AB 1826, and SB 1383; mandatory commercial recycling and organics recycling. The two haulers fulfilled their contract obligations.

Public Comment: None

Board Discussion: The Board discussed the presentation.

Motion: None; Information Only

8. ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023

(6:50) Finance and Administration Manager Hendricks presented a brief report on the annual comprehensive financial report and audit conducted by McGilloway, Ray, Brown & Kaufman. Mr. Hendricks indicated that once again the Authority did not receive a management letter and that the report demonstrated that the Authority continues to improve its positive net position. Mr. Hendricks introduced Jacinto Acosta Bernal, Account Manager with McGilloway, Ray, Brown & Kaufman Accountants and Consultants, who reviewed the required communications. Mr. Bernal provided a clean opinion of the Authority's finances, commending staff for their work. He indicated that there were no difficulties while working with management, and that all accounting standards were met.

Public Comment: None

Board Discussion: The Board discussed the presentation and commended staff for their dedication.

Motion: None; Information Only

CONSIDERATION**9. RESOLUTION NO. 2023-65 APPROVING THE ALLOCATION OF CASH BALANCES FOR FISCAL YEAR 2022-23, AND SUPPLEMENTAL APPROPRIATION TO FUND ADJUSTMENTS TO THE OPERATING AND CAPITAL IMPROVEMENT BUDGETS**

(7:10) Finance and Administration Manager Hendricks presented a brief report on the allocation of Surplus Fund from FY 22/23. He reviewed the restricted accounts by legal agreement, the financial policy, and the recommended allocations. He explained the special request for funds to pay down the Unfunded Actuarial Liability (UAL) for our PERS pension plan, to obtain engineering designs for the Johnson Canyon Landfill entrance facility, and the Crazy Horse Landfill transfer station conceptual designs.

Public Comment: None

Board Discussion: The Board discussed the presentation inquiring about the liability to the agency.

Motion: Director Sandoval made a motion to adopt Resolution No. 2023-65. Director Church seconded the motion.

Votes: Motion carried 7,0

Ayes: Church, Cullen, Jimenez, Rocha, Sandoval, Silva, Tipton

Noes: None

Abstain: None

Absent: Gonzalez, Lopez

10. APPOINTMENT OF NOMINATING COMMITTEE FOR THE 2024 ELECTION OF OFFICERS

(7:24) General Manager/CAO Mathews explained the Authority Code guidelines for the upcoming election of officers. He explained the responsibility of the Nominating Committee to contact the current officers to inquire about their interest in reelection as they are eligible for reappointment for one more year. The Nominating Committee will report back to the full Board at the January 2024 meeting for the election of officers.

Public Comment: None

Board Discussion: The Board discussed the report. Director Sandoval volunteered to be in the Nominating Committee.

Motion: Alternate Vice President Church made a motion to nominate Director Sandoval and Director Cullen for the Nominating Committee. Vice President Jimenez seconded the motion.

Votes: Motion carried 7,0

Ayes: Church, Cullen, Jimenez, Rocha, Sandoval, Silva, Tipton

Noes: None

Abstain: None

Absent: Gonzalez, Lopez

11. DISCUSSION AND DIRECTION REGARDING A REQUEST FOR LEGAL OPINION RECEIVED BY THE GENERAL COUNSEL ON OCTOBER 20, 2023, FROM A MEMBER OF THE BOARD OF DIRECTORS

(7:28) General Counsel Santos provided a report on the email received by one of the Board of Directors seeking a legal opinion regarding whether the actions of Board Member Tipton during and after the October 19th meeting violated the conflict-of-interest policies of the State or the Authority or violated ethics or other laws. Mr. Santos asked direction from the Board providing four options on how to proceed: (1) to perform a review into this issue (interview all those individuals present at the October 19th meeting); (2) to present a summary of what occurred to the Fair Political Practices Commission (FPPC) for a legal opinion; (3) to refer this matter to the Monterey County District Attorney's Office for review; or (4) take no further action(s) relating to this issue.

Public Comment: None

Board Discussion: The Board discussed the report and the options brought forward by Mr. Santos.

Motion: Vice President Jimenez made a motion to file an informal request with the FPPC regarding; 1) the exchange transcribed of the October 19th meeting that was included in the staff report; and 2) if the discussion of employment or receiving employment with Vespene would constitute as a conflict of interest. Director Sandoval seconded the motion.

Votes: Motion carried 4,2

Ayes: Church, Jimenez, Rocha, Sandoval

Noes: Cullen, Silva

Abstain: Tipton
Absent: Gonzalez, Lopez

FUTURE AGENDA ITEMS

12. AGENDA ITEM – VIEW AHEAD SCHEDULE

(8:12) The Board reviewed the future agenda items.

CLOSED SESSION

(8:16) President Rocha invited public comment related to items numbered 13, and 14.

13. Pursuant to **Government Code Section 54957 (b)** to consider the Performance Evaluation of the General Manager/Chief Administrative Officer R. Patrick Mathews for 2023.

14. Pursuant to **Government Code Section 54957 (b)** to discuss the consideration of a Performance Evaluation process of the General Counsel Roy C. Santos.

PUBLIC COMMENT

None

ADJOURNED

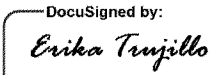
(8:16) President Rocha adjourned the meeting into Closed Session to discuss items numbered 13, and 14.

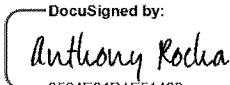
RECONVENE

(8:53) President Rocha reconvened the meeting to open session. Legal Counsel Santos indicated that there were no reportable actions taken in the closed session.

ADJOURNED

(8:54) President Rocha adjourned the meeting.

Attest: 
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Erika J. Trujillo, Clerk of the Board

APPROVED: 
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Anthony Rocha, President