

VENTURA REGIONAL SANITATION DISTRICT
Minutes of the regular meeting of September 1, 2011
1001 Partridge Drive, Ventura, California

1. Roll Call (9 present) – Chairman Monahan called the meeting to order at 8:31 a.m.
Dennis Gillette City of Thousand Oaks
Rick Cook City of Santa Paula (Alternate)
Thomas Holden City of Oxnard
Sue Horgan City of Ojai
Kevin Kildee City of Camarillo
James Monahan City of San Buenaventura
Janna Orkney Special Districts
Jonathan Sharkey City of Port Hueneme
Patti Walker City of Fillmore (Arrived at 8:36 a.m.)

Executive staff present: Mark Lawler, General Manager; Sally Coleman, Director of Operations; Vickie Dragan, Director of Finance and Administration; Mark Zirbel, Legal Counsel; and Josie Guzmán, Clerk of the Board.

William Murphy, Alternate Director representing the Special Districts Committee, was present in the audience.

2. Pledge of Allegiance – Led by Director Holden
3. Amendments to the Agenda – Mr. Lawler noted a typographical error on the agenda for the recommendation on Item 7 which should have been the same as the recommendation on the board letter. He also noted a typographical error on the board letter for Item 8, Fiscal Impacts, in which the contract would be a 22-month contract, not an 18-month contract.
4. Approval of Minutes – It was moved by Director Kildee, seconded by Director Holden, and duly carried by the Board, with Director Walker absent, to approve the July 21, 2011 meeting minutes.
5. Public Comments – None

REPORTS (Item 6 only)

Director Walker arrived at 8:36 a.m.

6. Biosolids Update – Mr. Lawler reported that the microturbines were continuing to operate at 90 to 92 percent efficiency and that there was a marked increase in the amount of biosolids processed at the Biosolids Facility. He also reported favorable results from the source test conducted a month ago, although the results were still being evaluated.

Item 4-1

ACTION ITEMS – (Items 7 through 13 only)

7. VRSD Contract No. 11-020 Memorandum of Understanding, IUOE, Local 501 - Mr. Lawler presented the report. It was moved by Director Holden, seconded by Director Sharkey, and duly carried by the Board, with Director Orkney dissenting, to authorize the Chairman to sign VRSD Contract No. 11-020 between the General Manager of the Ventura Regional Sanitation District and the International Union of Operating Engineers, Local 501; and adopt VRSD Resolution No. 11-02 providing for implementation of provisions of said Memorandum of Understanding for positions represented by the International Union of Operating Engineers, Local 501, and any necessary changes to District policies and/or programs.
8. VRSD Contract No. 11-023 Memorandum of Understanding, SEIU Local 721 – It was moved by Director Holden, seconded by Director Sharkey, and duly carried by the Board, with Director Orkney dissenting, to authorize the Chairman to sign VRSD Contract No. 11-023, between the General Manager of the Ventura Regional Sanitation District and the Service Employees International Union, Local 721; and adopt VRSD Resolution No. 11-03 providing for the implementation of provisions of said Memorandum of Understanding for positions represented by the Service Employees International Union, Local 721, and any necessary changes to District policies and/or programs.
9. Benefit Package Adjustments, Independently Represented Employees – It was moved by Director Holden, seconded by Director Sharkey, and duly carried by the Board, with Director Orkney dissenting, to adopt VRSD Resolution No. 11-04 revising the VCERA and PARS retirement contribution rates for Independently-Represented employees as outlined in this letter and discontinue PARS eligibility for employees hired after July 1, 2011; and direct staff to implement the necessary changes to District policies and/or programs for Independently-Represented employees.
10. Municipal Solid Waste Disposal Contract between VRSD and Crown Disposal Co. Inc., and Contract Direct Haul Landfill Fees – Mr. Lawler presented the staff report.

Jim Harrison, representing EJ Harrison & Sons, Inc., stated that he met with District staff once following the July 21 meeting and that he spoke with staff the day prior to this meeting. He noted that following the July 21 meeting he offered to immediately deliver an additional 50 tons per day to the landfill. He suggested that staff should make an effort to have Crown Disposal make a better commitment to the landfill, accept a lower reduction in rate, and support the District's mission. He also suggested that the District reconsider the rates charged to entities that drive the longest distance, and he asked the Board to consider that other cities might request a reduced rate.

Nan Drake, representing EJ Harrison & Sons, Gold Coast Recycling, and Agromin, stated that she believed the solution would be for everyone to work together and

make a commitment to Toland Landfill. She noted that a new bill would require 75 percent diversion which would mean less tons being sent to Toland Landfill. She suggested that EJ Harrison, Crown Disposal, and the District should meet in order to be fair and to level the playing field so that everybody would reap the benefits of a local landfill.

After extensive discussion, it was moved by Director Sharkey, seconded by Director Holden, to authorize the Chairman to sign Contract No. 11-007 with Crown Disposal Co.; and authorize staff to reduce the contract direct haul fee for E.J. Harrison and Sons, Inc. pursuant to their agreement under Section 6A, to \$34 per ton effective June 1, 2011. No vote was taken.

Following a brief discussion, it was moved by Director Holden, seconded by Director Kildee, and unanimously carried by the Board, for a substitute motion to calendar this item to the next Board meeting with the understanding that the Board owes a decision at that point, to direct staff to meet with both parties to try to come to a cooperative agreement, and to direct staff to bring back the contract with Crown at the next meeting for action.

It was moved by Director Gillette, seconded by Director Sharkey, to form a subcommittee consisting of the Directors from the Cities of Santa Paula, Fillmore, and Oxnard to work with staff, Crown Disposal and EJ Harrison & Sons, set their own agenda, have a general discussion session to set an agenda, identify the issues, and work toward resolution with approval contingent upon the parties involved.

After a brief discussion, it was moved by Director Gillette, seconded by Director Sharkey, to amend the motion that the Director of the City Port Hueneme serve on the subcommittee in place of the Director from the City of Oxnard, and to include the Director of the City of Camarillo.

Following a brief discussion, Director Gillette withdrew his motion and Director Sharkey withdrew his second to the motion.

Tim Fry, representing Crown Disposal, stated that out of respect for a request from the Santa Paula City Council to do as much business with Toland Landfill as possible, Crown Disposal reached out to VRSD staff to draft a contract for a potential relationship. He noted that their contract with the City of Santa Paula requested that Crown Disposal consider taking 50 percent of the landfill tons to Toland. He also noted that after reading the July 21 report and seeing the impact of paying \$31 per ton for direct haul, that Crown Disposal sent a retraction letter offering to pay \$34 per ton. He stated that Crown Disposal's intention is to be a good partner and help the District in any way possible.

The Board discussed that the consensus was to direct staff to bring back this item in one month, meet with representatives from Crown Disposal and EJ Harrison &

Sons to discuss their individual concerns, and bring back information regarding Chiquita Landfill's life expectancy and its charges for transfer and direct haul.

Directors Holden, Kildee, and Walker departed from the meeting at 10:36 a.m.

11. Toland Road Phase 3B Liner Construction Update and Change Order No. 4 to VRSD Contract No. 10-004 with Sukut Construction, Inc. – Ms. Coleman presented the report and PowerPoint presentation. It was moved by Director Horgan, seconded by Director Gillette, and duly carried by the Board, with Directors Holden, Kildee, and Walker absent, to authorize the Chairman to sign Change Order No. 4 to VRSD Contract No. 10-004, Sukut Construction, Inc., for the Toland Landfill Phase 3B Liner Construction Project, in the amount of \$57,101.49 with an adjusted contract amount of \$5,016,584.23.
12. Toland Road Phase 3B Liner – VRSD Contract No. 09-037-4 Amendment for Engineering Support Services with A-Mehr, Inc. – Ms. Coleman presented the report and PowerPoint presentation. It was moved by Director Sharkey, seconded by Director Horgan, and duly carried by the Board, with Directors Holden, Kildee, and Walker absent, to authorize the Chairman to sign Contract No. 09-037-04 (Amendment No. 4 to 09-037) for the Toland Road Landfill Phase 3B Design, Liner Construction CQA and Engineering Support Services, with A-Mehr Inc. for an additional \$91,000 for a new contract total of \$620,686.
13. Lease Agreement with City of Santa Paula for Vactor Truck – Mr. Lawler presented the staff report. It was moved by Director Gillette, seconded by Director Horgan, and duly carried by the Board, with Directors Holden, Kildee, and Walker absent, to authorize staff to execute the vactor truck lease/option to buy agreement between the Ventura Regional Sanitation District and the City of Santa Paula and approve a budget adjustment in the amount of \$25,000.

INFORMATION ITEMS – (Items 14 through 19)

It was moved by Director Sharkey, seconded by Director Horgan, and duly carried by the Board, with Directors Holden, Kildee, and Walker absent, to receive and file Information Item Nos. 14, 15, and 16.

14. Disbursements Report – July 2011
15. Investment Report – July 2011
16. Revenues & Expenses – June 2011 (Preliminary) & July 2011
17. Violations – Water & Wastewater none. Solid Waste – Air Pollution Control District, Notice of Violation No. 22578. APCD Hearing August 29, 2011, 5:30 p.m. Mr. Lawler noted that the APCD granted VRSD's request for a variance for authorization to continue to operate a gas collection and control system while the

flare at the landfill is repaired and tested. He reported that the APCD issued a notice of violation for failure to close the wet biosolids storage bin lid within ten minutes of terminating biosolids transfer activities. He noted that the violation occurred when a truck operator failed to close the lid to the hopper. He stated that the trucking company had disciplined the driver and that the trucking company would be liable for the \$3,500 fine. It was moved by Director Gillette, seconded by Director Horgan, and duly carried by the Board, with Directors Holden, Kildee, and Walker absent, to receive and file the report.

18. Request from Triunfo Sanitation District for Ongoing Representation on the Ventura Regional Sanitation District Board – Mr. Lawler noted that a similar request was received from the Saticoy Sanitary District. It was moved by Director Gillette, seconded by Director Sharkey, and duly carried by the Board, with Directors Holden, Kildee, and Walker absent to refer the requests from Triunfo Sanitation District and Saticoy Sanitary District and any other similar requests to the Executive Committee to review existing policies to explore policy consideration relating to new membership alternatives and to provide a recommendation to the full Board.
19. Future Meetings, Seminars and Conferences – Received and filed.
 - Personnel & Finance Committee, September 6, 2011, 9:00 a.m.
 - Board of Directors, September 15 & October 6, 2011, 8:30 a.m.
 - League of California Cities Conference September 21 – 23, 2011, San Francisco
 - CASA 2012 Mid-year Conference, January 18 – 20, 2012, Palm Desert

NEW BUSINESS – (Items 20 and 21)

20. Discussion
 - a. Audience – Nan Drake, representing Harrison Industries, noted that most cities were on their way towards meeting the 75 percent diversion rate. She encouraged the Board to consider long range planning for the future.
 - b. Board – Alternate Director Murphy announced that Jeff Palmer was hired as the new General Manager for the Ojai Valley Sanitary District.
 - c. General Manager – None.
 - d. Legal Counsel – Mr. Zirbel welcomed back Director Gillette.
21. Pending Agenda Items – Future Solid Waste Facilities and Executive Committee Develop Communication Plan to Educate Legislators on VRSD Business.

22. Adjournment – The meeting was adjourned at 11:12 a.m.

James L. Monahan, Chairman

Josie Guzmán, CMC, Clerk of the Board