

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Executive Director

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Member Agencies

City of Campbell
Town of Los Gatos
City of Monte Sereno
City of Saratoga

MEETING MINUTES

November 1, 2018

Monte Sereno City Hall
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030

CALL TO ORDER

At 5:01 pm, Chair Bernald called the meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Mary-Lynne Bernald, representing Saratoga, Vice Chair Curtis Rogers, representing Monte Sereno, Member Steve Leonardis, representing Los Gatos, and Member Resnikoff, representing Campbell, were present. Also present were Executive Director Marva Sheehan and Authority Counsel Kirsten Powell.

ORAL COMMUNICATIONS FROM THE PUBLIC

None

WRITTEN COMMUNICATIONS

None

SPECIAL PRESENTATIONS

None

OLD BUSINESS

None

NEW BUSINESS

1. The Board considered a report on WVC&R's prior fiscal year complaints and liquidated damages:
 - a. Chair Bernald introduced a motion to waive FY16-17 liquidated damages of \$22,480.02; assess FY17-18 liquidated damages of \$10,975.18 for the Board to use for future educational outreach; and return \$6,338.34 to WVC&R to use for operational improvements. The motion did not receive a second; motion failed.
 - b. Upon a motion by Member Resnikoff, and a second by Member Leonardis, the Board unanimously approved to waive FY 16-17 liquidated damages of \$22,480.02.
 - c. Upon a motion by Member Resnikoff, and a second by Member Leonardis, the Board approved by a 3 to 1 vote to place double missed pick-up liquidated damages of \$10,975.18 for FY17-18 in abeyance to be reviewed at the November 2019 Board Meeting. The liquidated damages will be waived if double missed pick-ups are reduced from the 67 in FY17-18 to 34 occurrences or less in FY18-19. If the FY18-19 double missed pick-ups are more than 34, liquidated damages for FY17-18 of \$10,975.18 and liquidated damages for FY18-19 will be assessed.

For: Vice Chair Roger, Member Resnikoff, and Member Leonardis

Against: Chair Bernald
 - d. Vice Chair Rogers introduced a motion to place the liquidated damages of \$6,388.34 for new customer starts into an interest bearing fund until proper use is determined for public education and outreach. The motion was seconded by Chair Bernald. Vote was 2-2; motion failed.

For: Chair Bernald and Vice Chair Rogers

Against: Member Resnikoff and Member Leonardis
 - e. Member Leonardis introduced motion to place new customer starts liquidated damages of \$6,388.34 for FY17-18 in abeyance to be reviewed at the November 2019 Board Meeting. The liquidated damages will be waived if the new customer starts performance standards are reduced to 44

ADDRESSING THE BOARD

Any person shall have the right to address the Board during consideration of any item on the Board's agenda or during the time for oral communication if not on the agenda but pertaining to subject matter within the jurisdiction of the Board. Any person wishing to address the Board should stand or raise the hand and wait to be recognized by the Chairperson. Please stand at the podium, if able, state your name and address for the record, and proceed to address the Board. All remarks and questions should be addressed to the Board through the Chairperson and not to any member thereof or to the public. No question should be asked a Board member or a member of Authority staff without first obtaining permission of the Chairperson.

occurrences or less in FY18-19, otherwise liquidated damages for FY17-18 and FY18-19 will be assessed. The motion was seconded by Member Resnikoff. Vote was 2-2; motion failed.

For: Member Resnikoff and Member Leonardis

Against: Chair Bernald and Vice Chair Rogers

- f. Chair Bernald tabled further discussion regarding liquidated damages of \$6,338.34 for the new customer performance standard.
2. The Board received a report on recent regulatory changes and program updates.
After receiving the report, Chair Bernald, reopened discussion of liquidated damages \$6,338.34 for the new customer performance standard.
 - a. Upon a motion by Member Resnikoff, and a second by Vice Chair Rogers, the Board unanimously approved accepting WVC&R's offer to pay the Authority \$5,000 for public education and community outreach in lieu of \$6,338.34 with tracking metrics for measurement of the new customer starts performance standard going forward.
 3. The Board considered an update to the Conflict of Interest Code for the Authority.
Upon a motion by Vice Chair Rogers, and a second by Member Resnikoff, the Board unanimously approved the update to the Conflict of Interest Code for the Authority.
 4. Upon a motion by Chair Bernald, and a second by Member Leonardis, the Board unanimously approved moving Agenda Item 4; the creation of an Ad Hoc Committee of two members to assist in the development of a disposal procurement and/ or negotiations process, to the February 7, 2019 Board Meeting.

PUBLIC HEARINGS

None

CONSENT CALENDAR

5. Upon a motion by Vice Chair Rogers and a second by Member Leonardis, the Board voted 4-0 to approve the minutes of the September 6, 2018 Regular Board Meeting

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and the Executive Director financial report for the 12 months ended September 30, 2018.

FUTURE AGENDA ITEMS

The Board requested a report be presented at the February 7, 2019 Board Meeting on allowable Liquidated Damages in the Collections Agreement with West Valley Collection and Recycling.

BOARD MEMBER REPORTS

None

CONVENE TO CLOSED SESSION

The Board convened to closed session for the purpose of evaluation of the Executive Director and Authority Counsel.

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

There were no reportable actions from the closed session.

ADJOURNMENT

Chair Bernald adjourned the meeting of the Board at 6:57 pm until the next regular meeting, which will be held February 7, 2019.

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