

ADMINISTRATIVE CONTROL BOARD – WASATCH FRONT WASTE AND RECYCLING DISTRICT (WFWRD)
MONTHLY MEETING MINUTES

DATE/TIME	LOCATION	ATTENDEES
<p>May 23, 2016 9:00 a.m.</p> <hr/> <p>Next Board Meeting June 27, 2016 9:00 a.m.</p>	<p>Public Works Building 604 W 6960 S Midvale, UT 84047</p>	<p><u>Board Members:</u> Dama Barbour, Scott Bracken, Jim Brass, Steve Gunn, Aimee Newton, Craig Tischner, Jenny Wilson EXCUSED: Kris Nicholl, Jim Bradley</p> <p><u>District Staff:</u> Anthony Adams, Craig Adams, Mike Allan, Mark Anderson, Larry Chipman, Ryan Dyer, Bill Hobbs, Cathy Jensen, Gaylyn Larsen, Stuart Palmer, Pam Roberts</p> <p><u>Public:</u></p>

AGENDA

Call to Order: Jim Brass, Board Chair

1. Consent Items: (Approval Requested)

1.1. April 25, 2016 Board Meeting Minutes

2. Meeting Open for Public Comments: (Comments are limited to 3 minutes)

3. Business Items

3.1. Resolution 4374 Recognizing Retiring District Controller, Stuart Palmer; Jim Brass, Board Chair and Recognition Presentation, Pam Roberts, Executive Director (**Adoption Requested**)

3.2. Addition to Human Resources (HR) Policy Related to Drug-Free Workplace Adding Zero Tolerance; Gaylyn Larsen, HR Manager (**Adoption Requested**)

3.3. Review the Proposed Amendments to Salt Lake County Resolution 4670, Establishing WFWRD; Pam Roberts and Mark Anderson, Legal Counsel (**Informational/Direction Requested**)

3.4. Follow-Up on Area CleanUp Options; Pam Roberts (**Informational/Directional**)

3.5. Utah Retirement System (URS) Public Employee noncontributory Retirement Systems Audit Report, Gaylyn Larsen (**Informational**)

3.6. Reminder: Utah State Auditor’s Training for Board Members; Anthony Adams, Board Clerk (**Informational**)

3.7. Momentum Recycling Re-Grand Opening Today at 1:00-4:00 pm; Pam Roberts (**Informational**)

3.8. 2016 National Garbage Person Day Celebration on Friday, June 17th, 6:50 am to 8:00 am; Pam Roberts (**Informational**)

4. Requested Items for the Next Board Meeting on May 23, 2016 Meeting

- 2016 YTD Loss Report and Associated Costs
- Update on Curbside Subscription Programs: Green Waste and Glass Collections
- Resolution Recognizing National Waste & Recycling Association's Driver of the Year, Gary Reay
- Upcoming Three Year Renewal for the Interlocal Agreement Between WFWRD and Salt Lake County for Administrative Services for Fleet, Information Services (IS), Building/Space Rental, Shared Hook Lift Truck Lease and Surveyor

TOPICS/ OBJECTIVES	KEY POINTS/ DECISIONS	ACTION ITEMS WHO – WHAT – BY WHEN	STATUS
1. Consent Items			
1.1 April 25, 2016 Board Meeting Minutes (Approval Requested)		Motion to approve by: Board Member Gunn Seconded by: Board Member Barbour Vote: All in favor (of Board Members present)	Approved May 23, 2016
2. Meeting Open for Public Comments	(Comments are limited to 3 minutes)		
	No public comments.		
3. Business Items			
3.1. Resolution 4364 Recognizing Retiring District Controller, Stuart Palmer; Jim Brass, Board Chair and Recognition Presentation, Pam Roberts, Executive Director (Adoption Requested)	Board Chair Brass read the Resolution recognizing the service given by retiring Controller, Stuart Palmer.	Motion to approve by: Board Member Newton Seconded by: Board Member Bracken Vote: All in favor (of Board Members present)	Approved May 23, 2016
3.2. Addition to Human Resources (HR) Policy Related to Drug-Free Workplace Adding Zero Tolerance; Gaylyn Larsen, HR Manager (Adoption Requested)	<p>Gaylyn explained the proposed additional verbiage to the existing Drug-Free Workplace policy. It clarifies that employment with WFWRD will be immediately terminated for an individual whose testing shows any level of a controlled substance in an employee’s system. All employees have been informed and trained that WFWRD has a zero-tolerance policy; this proposal will officially put it on our Policies and Procedures Manual.</p> <p>Board member Wilson inquired if this applies to all employees or just the drivers. Gaylyn clarified that per Department of Transportation (DOT) regulations, we are required to do monthly random testing for our drivers. This policy would also apply to non-driving employees if they</p>	Motion to table item for more information by: Board Member Gunn Seconded by: Board Member Newton Vote: All in favor (of Board Members present)	Approved May 23, 2016

were tested because of reasonable suspicion that was identified and reported by more than one supervisor.

Board Chair Brass asked if it was a true zero-tolerance or if it applied to just over the legal limit. Gaylyn informed him that it was a true zero-tolerance policy.

Board Member Wilson stated her understanding of the need for strict regulations in regards to public employees operating heavy equipment. She asked if there could be a level of review before an employee was immediately terminated. Pam Roberts clarified that if an employee approaches us before they are notified for testing, and requests assistance for counseling, we will provide those resources without penalty. She further clarified that employees are initially tested before hiring and are educated of our expectations to be completely unimpaired while at work. This is not an easy decision to make, but if we make allowances, it becomes more difficult to know where that line is drawn.

Board Member Gunn, asked for clarification regarding non-driving employees in the office. Gaylyn clarified that two supervisors must be able to observe impaired performance and report a reasonable suspicion for that employee to be tested. If an employee was drinking at a party the night before, and felt at risk for being impaired before going in to work, it would be in their best interest to take that day off rather than putting themselves or others at risk due to their impairment. Board Member Gunn stated that the policy did seem a bit severe.

Board Chair Brass asked for input from Mark Anderson, WFWRD Legal Counsel, on a separate policy based on an employee's job title. Mark indicated that it was possible, legally. However, it would be difficult to enforce, and would introduce morale issues and a perspective of a double-standard in the workplace.

Board Member Wilson restated her concern that if an employee was pulled over on their way to work and was tested at .02, they would be allowed to continue on their way, but if they were tested at work they would be terminated. She would favor termination if an employee was tested at or above the DOT limit of .04, which is half the state legal limit.

Mark clarified that being under the influence means any level of impairment with any substance. We could separate alcohol blood levels to match the federal requirements of .04, but there would need to be additional language to clarify zero tolerance for drugs or other controlled substances. Board Member Wilson stated that this was an agreeable option.

Board Member Barbour indicated that this could be an “administrative nightmare” to split up this policy in any way. The employees know this policy and they have a great amount of responsibility in our communities. She stated her support of the policy as proposed. Board Chair Brass followed that this is a cut and dry boundary, especially in regards to legal liability. If we open it up to options, then we open ourselves up to being required to justify each test.

Board Member Bracken asked if the policy was enforceable to controlled substances in an employee’s personal vehicle on the premises. Gaylyn indicated that we have enforced that for company vehicles, but we have not gone out to inspect personal vehicles on the premises. Board Member Wilson commented that since this will be a written policy, that should be clarified. Mark stated that from a legal standpoint, controlled substances in an employee’s personal vehicle on company property would be considered a violation, so it would be beneficial to have that clarified.

<p>3.3. Review the Proposed Amendments to Salt Lake County Resolution 4670, Establishing WFWRD; Pam Roberts & Mark Anderson, Legal Counsel (Informational/Direction Requested)</p>	<p>Board Member Gunn proposed that we table this issue to a later date to allow more time to consider the policy. Board Member Wilson agreed and requested to see the entire policy. Board Vice Chair Tischner also agreed to table this discussion, and added that even something as simple as taking Nyquil the night before could show up on a breathalyzer test. He would like to see something similar to a zero-tolerance above a specific limit, such as .02, or no consumption six to eight hours before a shift. Pam Roberts proposed to revisit this topic at the July Board Meeting.</p> <p>Pam reported that she attended the County Council Meeting last week, in which the proposed amendments to Resolution 4670 were discussed. The Council was in favor of all the proposed amendments, but had questions regarding the number of representatives from the County that would be appointed to the WFWRD Administrative Control Board (ACB). Board Member Newton clarified that Mayor McAdams and Councilman Michael Jensen wanted to have an at-large representative in addition to the one County representative representing the unincorporated islands, which would be three representatives from the County to keep within the statute. This at-large representative would support the county, overall, providing a broader perspective without any attachment to specific neighborhoods. Board Member Newton also clarified that she does not share this view because all municipalities are represented equally on the ACB, and that there are already controls in place for acceptable County representation she stated that she felt that the County Council already has enough controls in place related to WFWRD and the Board. Board Member Wilson indicated that she supports the at-large representation with up to three County appointees to the ACB. She currently serves in an at-large role and understands the benefits of having someone with a global perspective. The County Council was content with having two representatives, but was uncomfortable with having only one appointee. With the current growth plan,</p>	<p>Motion to recommend the amendment proceed as originally proposed by: Board Member Gunn Seconded by: Board Member Bracken</p> <p>Vote: All in favor (of Board Members present)</p>	<p>Approved May 23, 2016</p>
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and maintaining an odd number of representatives on the ACB, this would increase the County representation to three members. She stated that the County Council was stumped on how to address the having an at-large representative on the Board in addition to the representative for the remaining unincorporated areas without having the total representatives from the County being three to meet the Statute.

Board Member Barbour stated that she doesn't believe an at-large position is needed because the ACB will have a representative from each area served by WFWRD. Mark Anderson clarified that State law states that the County has ultimate control of the District regardless of the number of representatives appointed to the Board, and can determine how much control and authority it allows to the ACB. The original Resolution's intent was that the County wanted to give as much autonomy, to the ACB, as was legally allowed. The Council granted the Board autonomy and authority in creating the Board. An extra County representative would provide more oversight and influence, but the County still retains ultimate control regardless of the number of representatives it appoints. The County Council has as much control and authority as they chose to.

Board Member Bracken asked what type of representation was standard with other service districts. Mark replied that the spectrum of representation is as wide as is possible, with some service districts without administrative control boards. He also clarified that the County Council is statutorily required to have representation on the ACB for this District.

Board Member Wilson added a comment from the County Council Meeting from Councilman Jensen that the residents of the unincorporated areas deserve unhindered representation and then forego the global representative.

She referred to a possible dispute related to routes, which the global representative may be able to assist with disputes and be a benefit to all.

Vice Chair Tischner asked if this regional representative would be a current at-large County representative or extend to any of the Council, and if we see this type of representation extending into other control boards overseen by the County Council. Board Member Newton clarified that the initial appointee from the County Council would represent the unincorporated areas, and the additional one or two representatives would be at-large appointees. She did not know what will happen to United Fire Authority (UFA) and United Police District (UPD). There was no answer available to give for Vice Chair Tischner's second question.

Pam Roberts clarified that as of January 2017, there will be 2,700 homes in unincorporated areas of the County, which are not part of any municipality with representation, and that an at-large representative from the County Council for these residents may make sense since the homes are throughout the District.

Board Chair Brass strongly indicated that he feels the Board needs to be trusted as elected officials that represent residents without more oversight from the County with the additional representative beyond the one to represent the remaining unincorporated areas.

Board member Gunn stated that there are three representatives from the County now and asked for clarification on the number of County representatives. Board member Newton stated that the County has three representatives appointed to represent the current townships such as Kearns and Magna and the unincorporated areas. She stated that after January, all of the Townships and Millcreek will have elected officials to represent their areas.

Board member Wilson clarified that she and Jim Bradley serve as an at-large representative for the County and Aimee serves a district. The thought would be that in January there will be five new representatives to represent the Townships and one for Millcreek City.

Board Member Barbour clarified that all of the municipalities will have representation on the ACB. This leaves 2,700 homes in unincorporated areas needing representation. She does not believe that they need more than one representative since some current members of the ACB represent more homes than that the remaining unincorporated county. Board Member Bracken concurred that he feels that up to two representatives from the County is sufficient depending on what gives the odd number.

Board Chair Brass called for a recommendation from the Board.

Board member Gunn made a motion that the District proceeds with a request to the County Council to keep the current amended language in Resolution 4670 pertaining to the Board composition, stating that the County Council will appoint up to two representatives keeping the odd number to stay within state statute.

Board Member Newton requested to make one more comment relating to this topic. She asked that Mark Anderson attend the next Council Meeting to help clarify the position of the County Council in regards to the ACB. She feels that if the County Council better understood their role, they would feel more comfortable about the ACB's recommendation.

3.4. Follow-Up on Area Clean-Up Options; Pam Roberts
(Informational/Directional)

Pam reviewed various options, in regards to the Area Clean-Up Program, to help defer expenses to delay the need to raise service fees to our customers. Initially, the suggested plan was to defer \$1.8 million in the purchase of new vehicles. Additionally, the Area Clean-Up Program

can be reorganized to change service from five days a week to four days a week, which was the original format before 2011. By changing to four days a week 40% of our residents will have the containers more than one day, instead of the current 20% and meet the demand for our customers wanting the container in their neighborhood for more than one day. This will also help with the burden of the number of drivers and tarpers needed to be hired, as well as assist with the more restrictive labor thresholds for providing health insurance for seasonal workers. This change will also save \$125,000 per year, and be easier to manage. The change will decrease the number of containers only slightly, changing from seven homes per container to almost eight homes per container.

Board Member Bracken asked how many drivers were in this program. Gaylyn Larsen replied that we currently have between 19 to 28 drivers, with 28 being the optimum number desired.

Board Member Gunn clarified the two changes being proposed and asked when we would need to address the issue that we are deferring. Board Member Newton agreed and asked for clarification on the impact of the deferral of the truck purchases. Stuart Palmer clarified that the deferral is only temporary and over the next few years we will catch up to our truck purchasing schedule. The temporary deferral will be implemented so that we do not have to raise service fees for 2017. This is deemed as a very manageable risk. Board Member Gunn asked what the ultimate solution would be. Pam Roberts replied that we will need to raise fees or reduce services, and we are delaying that discussion/decision until the additional municipalities have their newly assigned representation, and can provide input. Board Members Newton and Barbour agreed that local control is always preferable. Board Chair Brass agreed with Board Member Gunn that we will need to address the issue of raising fees soon. We need to maintain a competitive edge in the market. Board

<p>3.5. Utah Retirement Systems (URS) Public Employee noncontributory Retirement Systems Audit Report; Gaylyn Larsen (Informational)</p> <p>3.6. Reminder: Utah State Auditor’s Training for Board Members; Anthony Adams, Board Clerk (Informational)</p> <p>3.7. Momentum Recycling Re-Grand Opening today (Monday the 23rd) at 1:00-4:00 pm; Pam Roberts (Informational)</p>	<p>Member Wilson commented that this could be a wonderful educational opportunity for our customers and could also provide input from them on the services they want and what they are willing to pay for those services.</p> <p>Gaylyn announced that our recent bi-annual audit from the URS was concluded successfully with no corrections or anomalies. Pam Roberts offered her praise to Gaylyn and Pam Savage for their work and efforts with the employees’ retirement accounts and this audit.</p> <p>Anthony reminded the Board members that there is mandatory training from the State Auditors’ Office. This training is for any newly appointed local and special service district board members. This training must also be completed at least once for every term. He also clarified that if newly appointed members have already taken this training during their service on another district board, it does not need to be taken while still within their term.</p> <p>Board Chair Brass indicated that he completed the training within an hour and the online administrators were very attentive to fix any issues.</p> <p>Pam stated that everyone is invited to attend this event. There will be an open house and tour at 1:00, with a formal media press release at 2:00 with Mayor Ben McAdams, herself, and managers from Momentum Recycling. She clarified that Momentum Recycling focuses specifically on glass recycling. Board Clerk Adams will send a map to the facility to the Board members.</p>		
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<p>3.8. National Garbage Person Day Celebration on Friday June 17th at 6:50-8:00 am; Pam Roberts (Informational)</p>	<p>Pam announced that we will be having a breakfast for our drivers and staff, and all Board members are invited to attend the celebration.</p>		
<p>4. Requested Items for Next Meeting on Monday, June 27, 2016</p>			
	<ul style="list-style-type: none"> • 2016 YTD Loss Report and Associated Costs • Update on Curbside Subscription Programs: Green Waste and Glass Collection • Resolution Recognizing National Waste & Recycling Association’s Driver of the Year, Gary Reay • Upcoming Three Year Renewal for the Interlocal Agreement Between WFWRD and Salt Lake County for Administrative Services for Fleet, Information Services, Building/Space Rental, Shared Hook Lift Truck Lease & Surveyor 		
<p>ADJOURN</p>		<p>Motion to adjourn: Board Member Newton seconded by Board Member Barbour</p> <p>Vote: All in favor (of Board Members present)</p>	