

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

DATE/TIME	LOCATION	ATTENDEES
<p>November 15, 2021 6:00 p.m.</p> <hr/> <p>Next Board Meeting January 24, 2022 9:00 a.m.</p>	<p>Public Works Building 604 W 6960 S Midvale, UT 84047</p>	<p><u>Board members:</u> <u>Participating electronically:</u> Anna Barbieri, Scott Bracken, Daniel Gibbons, Dwight Marchant, Kris Nicholl, Sherrie Ohrn, Brint Peel, Patrick Schaeffer, Tessa Stitzer, Keith Zuspan <u>Excused:</u> Jim Bradley, Phil Cardenaz, Catherine Harris, Diane Turner</p> <p><u>District & Support Staff:</u> Anthony Adams, Paul Korth, Renee Plant <u>Participating electronically:</u> Rachel Anderson, David Ika, Pam Roberts, Ken Simin</p> <p><u>Public:</u> <i>None</i></p>

AGENDA

Call to Order: Scott Bracken, Board Chair

1. Consent Items:

1.1. October 25, 2021, Board Meeting Minutes (**Motion & Approve**)

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

3. Business Items

3.1. Review the Tentatively Adopted 2022 Budget, Fee Schedule and the 2022 Budget Presentation: Pam Roberts, General Manager; and Paul Korth, Finance Director (**Informational**)

- Increase the fee for new cans from \$50.00 to \$60.00 while discontinuing the \$10.00 stand-alone delivery fee.
- Increase the New Home Startup Fees to \$130.00 to cover the costs for two new can purchases (garbage/recycling) (\$60.00 per can + \$10.00 delivery fee = \$130.00)
- Discontinue the Damaged Can Fee of \$70.00 for customer-caused damage of a can and combine all replacement can fees at \$70.00.
- Increase the fees for a refurbished can from \$20.00 to \$35.00

- Add a fee of \$120.00 for a 14-yard roll-off container, requested by municipalities for cleanup events, which shall include the delivery of the container and up to two tons of disposal per container. Additional per ton fees will apply for amounts exceeding two tons as represented on the Fee Schedule.

4. Public Hearing to Allow Comments on the 2022 Tentative Budget:

- Open the Public Hearing on the Tentatively Adopted 2022 Tentative Budget and the Public Hearing on the Proposed Changes to the Fee Schedule: Scott Bracken
- Citizen Public Input (Public comments are limited to 3 minutes)
- Board Comments
- Close of the Public Meeting

5. Continued Business Items:

- 5.1.** At the Board's Option, Adopt Resolution 4406 and Exhibit "A," 2022 Budget and Fee Schedule Including Fee Adjustments: Board Chair Bracken **(Adoption Requested)**
- 5.2.** Confirm or Cancel the Date for the Next Board Meeting Scheduled for Monday, December 13, 2021, at 9:00 a.m.: Board Chair Bracken **(Board Action Requested)**
- 5.3.** Board Adoption of Resolutions 4404, Recognizing Board Member Dwight Marchant; 4407, Recognizing Board Member Brint Peel; and 4408, Recognizing Board Member Kris Nicholl for Their Service on the Administrative Control Board: Pam Roberts; and Rachel Anderson, Legal Counsel **(Adoption Requested)**
- 5.4.** Board Adoption of Resolution 4405 Approving Pam Roberts to Serve as a Board Member on the Utah Local Government Trust Board of Directors, and to Receive Compensation Being Directed to the District: Pam Roberts & Rachel Anderson **(Adoption Requested)**
- 5.5.** Review of General Manager's Evaluation of COVID Vaccination Incentive Options: Pam Roberts **(Informational/Direction Requested)**
- 5.6.** General Manager's Report: Pam Roberts **(Informational)**
 - Leaf Bag Collections
 - Annual Customer Satisfaction Survey

5.7. Board Adoption of the 2022 Board Meeting Schedule: Anthony Adams, Board Clerk (**Adoption Requested**)

5.8. Board Discussion on the 2022 Board Vice Chair: Board Chair Bracken and Pam Roberts

6. Closed Session (If Needed)

The Administrative Control Board will adjourn the regular meeting to convene in a closes session to discuss the pending or reasonable imminent litigation, or other legally applicable reasons as provided by Utah Code Annotated §52-4-205.

7. Other Board Business

This time is set aside to allow board members to share and discuss topics.

8. Requested Items for the Next Board Meeting(s):

- If Board Desires to Hold the December 13th Board Meeting: Adoption of the 2022 District Budget and Fee Schedule
- Monday, January 24, 2022 Meeting:
 - Introductions of New Board Members and Returning Board Members
 - 2021 Year-end Financial Report
 - General Manager's Report
 - Status of WFWRD's Request to Reorganize as a Local District

TOPICS/ OBJECTIVES	KEY POINTS/ DECISIONS	ACTION ITEMS WHO – WHAT – BY WHEN	STATUS
1. Consent Items			
1.1 October 25, 2021, Board Meeting Minutes		<p>Motion to Approve the Minutes by: Board Member Peel Seconded by: Board Vice Chair Ohrn</p> <p>Vote: All in favor (no opposing or abstaining votes)</p>	Approved November 15, 2021
2. Meeting Open for Public Comments	(Comments are limited to 3 minutes)		
	No Public Comment		
3. Business Items			
<p>3.1. Review the Tentatively Adopted 2022 Budget, Fee Schedule and the 2022 Budget Presentation: Pam Roberts, General Manager; and Paul Korth, Finance Director (Informational)</p> <ul style="list-style-type: none"> • Increase the fee for new cans from \$50.00 to \$60.00 while discontinuing the \$10.00 stand-alone delivery fee • Increase the New Home Startup Fees to \$130.00 to cover the costs for two new can purchases (garbage/recycling) (\$60.00 per can + \$10.00 delivery = \$130.00) • Discontinue the Damaged Can Fee of \$70.00 for customer- 	<p>Board Chair Bracken confirmed that there have been no changes to this budget since it was tentatively adopted last month.</p> <p>Pam reviewed the 2022 budget with the curbside can fee increases to offset the price of can purchases. She stated that there will be no increase to the base fee, in 2022; and we will maintain the same level of services for our residents. She mentioned the increases to the price of curbside cans and thanked the ACB for their support in approving a 2% merit and 2% COLA (cost of living allowance) increases for our employees. She also expressed her thanks to the Board for supporting and sustaining our recycling program during the recent difficult times with the commodities markets.</p> <p>The increased demand for commodities and the recent revenues for recycling is what has allowed us to absorb the increased costs for salary market adjustments for drivers and defer a fee increase for 2022.</p>		

<p>caused damage of a can and combine all replacement can fees at \$70.00</p> <ul style="list-style-type: none"> • Increase the fees for a refurbished can from \$20.00 to \$35.00 • Add a fee of \$120.00 for a 14-yard roll-off container, requested by municipalities for cleanup events, which shall include the delivery of the container and up to two tons of disposal per container. Additional per ton fees will apply for amounts exceeding two tons as represented on the Fee Schedule 	<p>Board Chair Bracken reminded Board members that we were originally planning a fee increase for 2022, but we are able to delay that due to decline in recycling processing costs and recent recycling revenues.</p>		
4. Public Hearing			
<ul style="list-style-type: none"> • Open the Public Hearing on the Tentatively Adopted 2022 Tentative Budget and the Public Hearing on the Proposed Changes to the Fee Schedule: Scott Bracken, Board Chair • Citizen Public Input (Public comments are limited to 3 minutes) • Board Comments • Close of the Public Hearing 	<p>There was no public input.</p>	<p>Motion to Open the Public Hearing by: Board Member Peel Seconded by: Board Member Zuspan</p> <p>Vote: All in favor (no opposing or abstaining votes)</p> <p>Motion to Close the Public Hearing by: Board Member Peel Seconded by: Board Member Zuspan</p>	<p>Approved November 15, 2021</p> <p>Approved November 15, 2021</p>

		Vote: All in favor (no opposing or abstaining votes)	
5. Continued Business Items			
5.1. At the Board’s Option, Adopt Resolution 4406 and Exhibit “A,” 2022 Budget and Fee Schedule Including Fee Adjustments: Board Chair Bracken (Adoption Requested)		Motion to Adopt Resolution 4406 and Exhibit “A”: 2022 Budget and Fee Schedule Including Fee Adjustments by: Board Member Peel Seconded by: Board Member Gibbons Vote: All in favor (no opposing or abstaining votes)	Approved November 15, 2021
5.2. Confirm or Cancel the Date for the Next Board Meeting Scheduled for Monday, December 13, 2021, at 9:00 a.m.: Board Chair Bracken (Board Action Requested)	Board Chair Bracken inquired if there were any topics for discussion in December. Pam stated that she is unaware of any needed discussion topics unless the Salt Lake County Council moves up their discussion on our reorganization to a local district. However, based on Board Member Bradley’s comments in a previous meeting, this topic will not take place until January. Rachel confirmed that we can leave this meeting on our calendar and cancel it up to a few days before the scheduled day. Board Chair Bracken requested to keep the meeting on the calendar and to cancel it closer to the meeting date if there are no topics for discussion.	Pam will reach out to Lisa Hartman, after the Thanksgiving Holiday, to inquire of the reorganization topic discussion with the Salt Lake County Council.	
5.3. Board Adoption of Resolutions 4404 Recognizing Board Member Dwight Marchant, 4407 Recognizing Board Member Brint Peel, and 4408 Recognizing Board Member Kris Nicholl for their Service on the Administrative Control Board: Pam Roberts and	Board Chair Bracken expressed his thanks to Board Members Marchant, Peel, and Nicholl for their service on the ACB. Pam commented that these three board members all came on in 2017, when the metro townships were incorporated. Sandy City appointed Board Member Nicholl in 2016 when the City decided to have representation due to the growing number of homes annexed. She also expressed her gratitude and her sadness to see these members leave the ACB. Board	Motion to Adopt Resolutions 4404, 4407, and 4408 by: Board Vice Chair Ohrn Seconded by: Board Member Zuspan Vote: All in favor (no opposing or abstaining votes)	Approved November 15, 2021

<p>Board Chair Bracken (Adoption Requested)</p>	<p>Vice Chair Ohrn stated her appreciation of being able to work with these individuals, and their knowledge and experience.</p> <p>Pam had Anthony display the crystal award that will be given to each of these retiring Board members. She will attend each municipality’s council meetings to present each of these awards. She addressed each of these Board members and specifically thanked them for their service and support.</p>		
<p>5.4. Board Adoption of Resolution 4405 Approving Pam Roberts to Serve as a Board Member on the Utah Local Government Trust Board of Directors, and to Receive Compensation Being Directed to the District: Pam Roberts and Rachel Anderson, Legal Counsel (Adoption Requested)</p>	<p>Board Member Bracken commented that the Utah Local Government Trust (ULGT) compensates their board members for their service and participation. Pam’s compensation is directed into the District’s funds for employee celebration purposes. The ACB has approved this annually, in the past. Pam stated that her current term expires at the end of 2023, and confirmed that ULGT requests an annual resolution to be adopted.</p>	<p>Motion to Adopt Resolution 4405 Approving Pam Roberts to serve on the ULGT Board of Directors by: Board Member Peel Seconded by: Board Member Stitzer</p> <p>Vote: All in favor (no opposing or abstaining votes)</p>	<p>Approved November 15, 2021</p>
<p>5.5. Review of General Manager’s Evaluation of COVID Vaccination Incentive Options: Pam Roberts (Informational/Direction Requested)</p>	<p>Pam indicated that she conducted this analysis based on the direction she received by the ACB last month. She identified four primary factors motivating this evaluation:</p> <ul style="list-style-type: none"> • WFWRD is an essential service provider. • Recent rises in COVID cases among WFWRD staff have created challenges fulfilling our service mandates. • The Centers for Disease Control (CDC) has strongly encouraged everyone to get vaccinated since the vaccine has been available. • Other employers are either requiring vaccination or providing incentives. 		

We had a drastic increase in affected employees in October; and, with only two weeks into November, four staff members have needed COVID leave from work. Those individuals who have been vaccinated have a shorter quarantine time than those unvaccinated if they have no symptoms. Additionally, since COVID has been declared a health and safety hazard, OSHA (Occupational Safety and Health Administration) is mandating all employers with 100+ employees to make vaccinations mandatory. With 94 full-time employees and several part-time/seasonal employees, it is unknown if WFWRD would be impacted by this.

Pam stated her position that everyone has a choice, and she would prefer to provide an incentive to get vaccinated rather than make it mandatory. She reviewed incentive programs from SelectHealth and Salt Lake County, from which our proposed incentive program is based. She spoke with Mike Ongkiko, Managing Director of NFP, which is WFWRD's health insurance broker and advisors. Mr. Ongkiko confirmed this proposed incentive program follows ADA (Americans with Disabilities Act), HIPAA (Health Insurance Portability and Accountability Act), and the EEOC (Equal Employment Opportunity Commission) regulations. Mr. Ongkiko also verified that WFWRD is not required to offer an incentive for individuals who may have a religious or medical exception accommodation. Pam stated that the Board could certainly allow the incentives in these cases. She expressed her confidence that the monetary value of these incentives would be effective while not being punitive for those not wishing to participate.

The proposed incentive program would be a \$200.00 incentive for fully vaccinated staff (vaccines one and two) by a certain date with an additional \$100.00 for receiving the booster vaccine. Board Member Peel

confirmed that if everyone participated and received all vaccinations, including the booster; it would cost the District around \$30,000.00. Pam reminded Board members that WFWRD has already paid over \$100,000.00 in COVID leave. Board Member Peel stated that this would be a great investment to reduce additional expenses for COVID leave. Board Member Marchant inquired if this would be a retroactive program. Pam confirmed it would be retroactive to include all staff who have already received the vaccine.

Board Chair Bracken stated that the Health Department can reprint individual's vaccination cards if the original was misplaced. Pam also confirmed that COVID leave is not budgeted into the 2022 budget, with the thought that after two years, employees will use their own sick leave, but this could change based on ACB direction.

Board Vice Chair Ohrn commented that we still have to quarantine if we've been potentially exposed, even if we show no symptoms. We cannot yet treat COVID like the flu. People who are fully vaccinated continue to become infected. She acknowledged the concern for having staff out of work, but expressed her hesitation to continue spending money on COVID relief and health choices.

Board Member Stitzer stated that individuals have a right to choose, as stated earlier, and an incentive program to get vaccinated seems to counter that philosophy. She would not like to risk employees quitting because of this choice, nor would she like to see us pay out incentives and still have people out on COVID leave because some are not vaccinated. In general, incentives are great, but she does not think it fits for this situation. Board Member Zuspan agreed with Board Member Stitzer's comments. If one gets sick because of their decision to remain unvaccinated,

that is their choice. However, if they make others sick by that choice, this becomes a different and more challenging issue. From this perspective, it should not be an incentive. People should do this because it is the right thing to do and to protect others as well.

Board Chair Bracken said that health-related incentives are not uncommon. He shared a personal experience in which it helped identify a health risk. He added that this incentive might be the nudge that some individuals need to get vaccinated.

Pam confirmed that all hygiene protocols have been reinstated for drivers and our office areas, including sanitizing surfaces, wearing facemasks in the office areas while also physically distancing, and sanitizing the inside of our truck cabs at least once per month. Pam confirmed that drivers are not guaranteed the same truck every day, which is why we sanitize the trucks.

Board Member Barbieri asked if our insurance company offers any incentives. Pam stated that she did ask PEHP about this, but there are no incentives or discounts for vaccinations.

Board Member Marchant inquired if we know how many employees are unvaccinated. Will this incentive make a difference if most are already vaccinated? Pam confirmed that we do not know how many are vaccinated. Some employees have volunteered that information, but we have not asked for that data due to privacy.

Board Member Nicholl stated that the rationale behind the amounts is well-reasoned. If this is the nudge to convince people to get vaccinated, it is worth it.

Board Member Gibbons voiced his respect for both sides of this issue, and stated two reasons for adopting this incentive. Firstly, spending \$100,000.00 on COVID leave versus a maximum of \$30,000.00 on this incentive is fiscally prudent, though we don't know the end result. Secondly, we have a duty to protect our employees, and getting as many vaccinated as possible will help do that.

Board Member Stitzer clarified that she is in favor of vaccines and protecting employees. She is concerned for situations where employees feel excluded if they have a religious, medical, or other exemption. This is not an equal opportunity incentive. She voiced interest in knowing how many are not vaccinated and what we would estimate paying for continued COVID leave in addition to paying this incentive. She also voiced interest in knowing how many employees are vaccinated, how many are willing to divulge their vaccination status, and if an incentive would convince them to get vaccinated. More information is needed.

Board Member Barbieri added that if most of the employees are vaccinated, the return on investment may not be worth the incentive.

Board Chair Bracken requested a motion and a vote to give staff direction on this issue.

Board Member Peel suggested we research the numbers more to determine the percentage of employees already vaccinated. The Board could then review those numbers to see if there is a clearer direction to take.

There was discussion on if an employer can ask this question to its employees. Rachel stated that she will confirm any actions do not violate HIPAA regulations, which states that an employer can ask about employees'

Motion to Move Forward with the COVID Vaccination Incentive Program by: Board Member Nicholl

Seconded by: Board Member Peel

Vote:

Board Chair Bracken: Yea

Board Vice Chair Ohrn: No

Board Member Barbieri: No

Board Member Gibbons: Yea

Board Member Marchant: Yea

Board Member Nicholl: Yea

	<p>these services with an outside vendor rather than a part-time employee. Having a contracted specialist increases the separation from administration as well as relieving some of the workload from administrative staff. The survey will be released this week to the public and run through December 4th. Invitations will be sent via email to all customers which have an email on file with us. We pushed out a notice through Xpress Bill Pay, via a recommendation from the Kearns Metro Township Council. Additionally, 10,000 postcard invitations will be sent to random residents for which we do not have an email address. The links will also be posted on our social media and website pages.</p> <p>The annual Employee Satisfaction Survey will be conducted in mid-December. Pam will begin working with Y² Analytics (our contracted survey vendor), and keep the survey similar to what has been conducted in the past. Pam confirmed that the employee surveys are completely anonymous. Y² Analytics' representatives will come onsite to administer the survey to our driving staff. The remaining office staff will receive email links to take the survey.</p>		
<p>5.7 Board Adoption of the 2022 Board Meeting Schedule: Board Chair Bracken (Adoption Requested)</p>	<p>Board Chair Bracken introduced the 2022 ACB Meeting Calendar, which follows the same pattern as in previous years.</p>	<p>Motion to Adopt the 2022 Administrative Control Board Meeting Schedule by: Board Vice Chair Ohrn Seconded by: Board Member Schaeffer</p> <p>Vote: All in favor (no opposing or abstaining votes)</p>	<p>Approved November 15, 2021</p>
<p>5.8 Board Discussion on the 2022 Board Vice Chair: Board Chair Bracken and Pam Roberts</p>	<p>Board Chair Bracken stated that the Board's Chair and Vice Chair attend a monthly pre-board meeting to determine and confirm agenda discussion items. It would be prudent to get an idea of who may be a</p>		

	<p>potential Vice Chair for 2022, so that the January meeting is not left solely on Board Vice Chair Ohrn, who will become the new Chair in 2022.</p> <p>Pam indicated that she reached out to Board Member Gibbons to determine his interest in this role. Board Member Gibbons voiced his support to serve if there are no other members interested to fill this role. No other Board Members voiced interest in this role at this time.</p> <p>Board Chair Bracken directed that Board Member Gibbons be invited to the January Pre-Board Meeting, and any other Board Members interested in serving as the 2022 Vice Chair, to notify Pam. Formal nominations and appointments will take place at the January ACB Meeting.</p>		
6. Closed Session			
	No Closed Session		
7. Other Board Business			
	No Other Board Business		
8. Requested Items for the Next Board Meeting			
	<ul style="list-style-type: none"> • Introductions of New Board Members and Returning Board Members • 2022 ACB Officer Nominations/ Appointments • 2021 Year-End Financial Report • Follow-up on COVID Vaccination Incentive Program • General Manager’s Report 		

	<ul style="list-style-type: none"> Status of WFWRD's Request to Reorganize as a Local District 		
ADJOURN		Motion to Adjourn: Board Member Peel Seconded by Board Member Marchant Vote: All in favor (no opposing or abstaining votes)	Approved November 15, 2021