

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

DATE/TIME	LOCATION	ATTENDEES
<p>October 26, 2020 9:00 a.m.</p> <hr/> <p>Next Board Meeting November 16, 2020 6:00 p.m.</p>	<p>Public Works Building 604 W 6960 S Midvale, UT 84047</p>	<p><u>Board Members:</u> Anna Barbieri <u>Participating via phone and electronically:</u> Scott Bracken, Daniel Gibbons, Catherine Harris, Dwight Marchant, Kris Nicholl, Sherrie Ohm, Brint Peel, Patrick Schaeffer, Tessa Stitzer (beginning in Agenda: 3.2), Diane Turner, Keith Zuspan <u>Excused:</u> Jim Bradley, Kay Dickerson</p> <p><u>District & Support Staff:</u> Anthony Adams, Paul Korth <u>Participating via phone and electronically:</u> Rachel Anderson, David Ika, Andrea Murdock, Pam Roberts, Sione Tuione</p> <p><u>Public via phone:</u> Mike Reberg (Salt Lake County)</p>

AGENDA

Call to Order: Scott Bracken, Board Chair

Welcome and Introduction of New Board Member: Anna Barbieri, Taylorsville City Council

- Oath of Office Administered on Friday, October 16, 2020

1. Consent Items:

- 1.1. September 28, 2020 Board Meeting Minutes (**Motion & Approve**)
- 1.2. CARES (Coronavirus Aid, Relief, and Economic Security) Act Interlocal Agreement with Magna Metro Township (**Motion & Adopt**)
- 1.3. CARES Act Interlocal Agreement with White City Metro Township (**Motion & Adopt**)
- 1.4. Final Salt Lake County Interlocal Agreement for Building Lease and Space Rental (**Motion & Adopt**)

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

3. Business Items

- 3.1. Resident Request for Abatement/Refund for Incorrect Billing: Pam Roberts, General Manager (**Motion & Approve**)
- 3.2. 3rd Quarter Financial Report: Paul Korth, District Finance Director/CFO (**Informational**)

3.3. Human Resources (HR) Policies Related to Utah Codes on Medicinal Marijuana: Andrea Murdock, HR Manager and Rachel Anderson, Legal Counsel (**Motion & Adopt**)

3.4. General Manager's Report: Pam Roberts (**Informational**)

- Board Requested Emergency Response from Earthquake and Windstorm
- To Date, CARES Act Reimbursements
- Area Cleanup Customer Satisfaction Report: Sara Caldwell, Survey Analyst

3.5. Tentative Adoption of the WFWRD 2021 Tentative Budget: Pam Roberts & Paul Korth (**Adoption Requested**)

3.6. Set and Confirm the November 16th, 6:00 p.m. Public Hearing for the 2021 Budget: Pam Roberts (**Direction Requested**)

4. Closed Session (If Needed)

The Administrative Control Board may temporarily recess the meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, or other legally applicable reasons as provided by Utah Code Annotated §52-4-205.

5. Other Board Business

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

6. Requested Items for the Next Board Meeting/Public Hearing on Monday, November 16th, 2020:

- Public Hearing to Hear Public Comments
- Possible Adoption of the 2021 WFWRD Budget
- Confirm or Cancel the December 14th, 6:00 p.m. Public Hearing to Adopt the 2021 WFWRD Budget, Pending the Outcome of the November Public Hearing
- Review WFWRD Policies Related to Emergency/Disaster

TOPICS/ OBJECTIVES	KEY POINTS/ DECISIONS	ACTION ITEMS WHO – WHAT – BY WHEN	STATUS
Welcome and Introduction of New Board Member: Anna Barbieri, Taylorsville City Council			
	Board Member Barbieri introduced herself and expressed her excitement to serve on the WFWRD Board.		
1. Consent Items			
1.1 September 28, 2020 Board Meeting Minutes		Motion to Approve the Minutes by: Board Member Peel Seconded by: Board Member Nicholl Vote: All in favor (of Board Members present)	Approved October 26, 2020
1.2 CARES (Coronavirus Aid, Relief, and Economic Security) Act Interlocal Agreement with Magna Metro Township	Pam clarified that Magna and White City specifically requested interlocal agreements in regard to the CARES Act funding. Other municipalities have not requested interlocal agreements.	Motion to Approve the Cares Act Interlocal Agreement with Magna Metro Township by: Board Member Peel Seconded by: Board Member Nicholl Vote: All in favor (of Board Members present)	Approved October 26, 2020
1.3 CARES Act Interlocal Agreement with White City Metro Township		Motion to Approve the Cares Act Interlocal Agreement with White City Metro Township by: Board Member Peel Seconded by: Board Member Nicholl Vote: All in favor (of Board Members present)	Approved October 26, 2020
1.4 Final Salt Lake County Interlocal Agreement for Building Lease and Space Rental		Motion to Approve the Salt Lake County Interlocal Agreement for Building Lease and Space Rental by: Board Member Peel	Approved October 26, 2020

		Seconded by: Board Member Nicholl	
		Vote: All in favor (of Board Members present)	
2. Meeting Open for Public Comments	(Comments are limited to 3 minutes)		
	No public comments		
3. Business Items			
3.1. Resident Request for Abatement/ Refund for Incorrect Billing: Pam Roberts, General Manager (Motion & Approve)	<p>Pam explained her authority to issue refunds to customers for up to eight quarters (two years). If refunds are requested beyond that time frame, the Board must approve that amount up to the state statute of 16 quarters (four years). We depend upon our residents to identify and notify us of any incorrect billing. Occasionally, we identify incorrect billing when we go out and perform can checks and determine customers are paying for cans that are not on their property.</p> <p>The resident in question moved into their home in 2016. The previous resident had two waste cans, but one of the cans was no longer at the property when the new resident moved in, and the resident's account was not updated appropriately because we were not notified. The error was identified and reported by the resident. The resident is requesting the full four-year reimbursement of \$804.00. Pam recommended this authorization since the District was incorrectly billing this resident. The extra can was located at a nearby residence, and that resident has been notified and will be billed appropriately.</p> <p>Board Member Barbieri inquired how often this situation occurs. Pam stated that this is the second situation during 2020. Usually, if this situation is found,</p>		

<p>3.2. 3rd Quarter Financial Report: Paul Korth, District Finance Director/ CFO (Informational)</p>	<p>the resident accepts the refund up to the eight quarters which can be processed internally.</p> <p>Pam clarified that if residents are not willing to pay for the additional services identified, the payment will be attached to their property taxes since WFWRD has lien authority to obtain delinquent fees.</p> <p>Paul reviewed District finances through September 30, 2020. He indicated that our total revenues are down \$138,000, compared to 2019. This is primarily due to loss on the sale of trucks and a decrease in interest income and late fees. However, residential collections and Green Waste subscriptions are up.</p> <p>Personnel expenses have increased due to wage/salary increases from the market salary adjustment at the beginning of the year, and increased staffing compared to 2019. Administrative COVID-19 Leave has also affected this amount. The good news is that we have had less employee turnover and have been able to staff closer to our needs for operation.</p> <p>Overall operating expenses have increased \$749,000 compared to last year. This includes increased depreciation expense, disposal fees, and maintenance costs. We are showing a \$1.3 million loss, so far this year. This loss was expected. The summer is when we see the highest amount of our annual expenses. In regard to expenses, the information also shows that we have expended 72% of our annual budget, which is on track for our annual expectations.</p> <p>Our waste tonnage is up around 4% this year. This matches the increase we experienced in 2019. Pam commented that this is likely due to more individuals staying and working at home during the pandemic.</p>	<p>Motion to Approve the Abatement Refund by: Board Member Peel</p> <p>Seconded by: Board Member Turner</p> <p>Vote: All in favor (of Board Members present)</p> <p>Paul will start including the number of households in this section of the quarterly report.</p>	<p>Approved October 26, 2020</p>
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<p>3.3. HR Policies Related to Utah Codes on Medical Marijuana: Andrea Murdock, HR Manager & Rachel Anderson, Legal Counsel (Motion & Adopt)</p>	<p>Commercial waste haulers have reported a drop in their collections, which is transitioning to residential collections. Paul continued by stating that recycling tonnages have decreased 2.5% this year, which shows a continued annual decreasing trend. From what we are seeing, there is less garbage being placed in the recycle cans and we are currently seeing a 78% clean rate, overall. Paul reviewed the recycle disposal costs over the past few years and how we moved from receiving around \$10.00 per ton to paying \$50.00 per ton in 2018. In 2020, we started by paying approximately \$70.00 per ton, but this amount has gone down. These costs are related to the recycle commodities, which are highly volatile.</p> <p>Paul reviewed cash balances and identified unexpected rebates received that helped our financial status. Pam added that we entered 2020 with a \$1,000,000 saving in personnel expenses due to staff vacancies last year.</p> <p>Rachel overviewed an updated state law regarding marijuana use. The state now allows limited medical marijuana use. The proposed policy update reflects those new rules. Public employers are required to follow state law. The proposed policy treats medical marijuana use similar to medical opiate use. Employees may not be impaired while at work.</p> <p>Also, marijuana use is still illegal at the federal level. Since commercial driver licenses (CDLs) are federally regulated, it is still illegal for CDL drivers to use marijuana. This would apply to all of WFWRD's drivers, and they would continue to fall under the District's no tolerance policy.</p> <p>Board Member Harris inquired about identifying individuals at work who may be impaired. Andrea</p>		
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<p>3.4 General Manager’s Report: Pam Roberts (Informational)</p> <ul style="list-style-type: none"> Board Requested Emergency Response from Earthquake and Windstorm 	<p>explained that the District’s reasonable suspicion checklist is followed if an employee appears impaired. She added that our CDL and safety sensitive positions are also subject to random drug testing. We also conduct pre-employment drug testing. Rachel clarified that if qualifying employees test positive for marijuana or opiates, and they have a medical card allowing that use, this is fine as long as they are not impaired at work and can perform their duties.</p> <p>Pam added that for all drug testing, the District sees a positive or negative result on the test. It is up to the testing facility to conduct the research and determine if use is consistent with a medical prescription. Rachel clarified that state code will always trump District policy. This inclusion in our policy is to provide education and clarity.</p> <p>Pam clarified that WFWRD is identified as a second responder during emergencies. Our first priority, in any disaster, is to continue curbside services in any areas not affected by a disaster. WFWRD does not go into areas to help with cleanup efforts unless requested to do so by the appropriate municipality or authority.</p> <p>Pam reviewed the processes undertaken during the Magna Earthquake, back in March. WFWRD has an Emergency Response Plan and a Continuity of Operations Plan (COOP) to follow in emergencies and disasters. For the earthquake, Salt Lake County Public Works and the Municipal Services District were primarily involved in the cleanup. WFWRD’s Area Cleanup began in Magna in May and many residents utilized the services to cleanup remaining debris.</p>	<p>Motion to Adopt the Policy Update on Medical Marijuana by: Board Member Nicholl Seconded by: Board Member Gibbons</p> <p>Vote: All in favor (of Board Members present)</p>	<p>Approved October 26, 2020</p>
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<ul style="list-style-type: none"> To Date, CARES Act Reimbursements 	<p>For the windstorm, in early September, we were serving Holladay and Murray, the areas that was most heavily impacted. Our crews had to be called back due to limited access from damages caused by the severe winds. Residential collections were rescheduled the following Saturday to allow time for roads and other access to be cleared.</p> <p>Pam stated that for this emergency, we had adequate equipment but were short on staff. Green Trailer Rentals were offered to residents to assist with their cleanup efforts. Pam shared the statistics and for Holladay and Millcreek Cities, the rentals double those that were rented in September 2019.</p> <p>Salt Lake County Public Works opened up a collection area for green waste to be piled up, which was then transported to the landfill. WFWRD was able to assist on three days and reimbursements for equipment and labor expenses have been forwarded to Salt Lake County.</p> <p>Board Member Marchant thanked WFWRD and the community volunteers for the efforts to serve during the emergency, and commented that residents are needed for volunteering for cleanup. It can't just be government. Board Member Gibbons echoed these comments.</p> <p>Pam reported on COVID-19 related leave used by staff, and that \$55,000 in related administrative leave has been expended. She recommended that WFWRD offer more than the federally mandated 80 hours of COVID leave, due to the increase in cases and spreading within the state. We have employees who have been exposed more than once, and needed to quarantine multiple</p>		
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<ul style="list-style-type: none"> Area Cleanup Customer Satisfaction Report 	<p>times. She requested an additional 80 hours of administrative COVID leave to be offered to employees, if needed. We currently have eight COVID-19 cases among WFWRD staff since the beginning of the pandemic. Board Member Marchant added that we would not want employees coming to work when they are sick, simply because they do not have available leave. Pam asked for direction from the Board, and stated that this would be an expense in which she would request additional reimbursements through the CARES Act.</p> <p>Pam clarified that no municipalities have rejected our requests for reimbursement through the CARES Act, though some reimbursements have not been processed. Some municipalities are waiting until the end of the year to ensure that their own expenses are covered first.</p> <p>Board Member Barbieri voiced her concern that these additional hours of leave could be abused. Pam stated that we do rely on the integrity of our employees to not abuse benefits offered to them, but there may be a few situations when the leave may be abused.</p> <p>Pam mentioned that WFWRD has been sanitizing the inside of the collection trucks' cabs, and will continue to do so through the rest of this year. We still have strict hygiene protocols in place to reduce any close interaction between employees and the public.</p> <p>Pam reviewed statistics on how the modified Area Cleanup program (ACUP) was conducted this year, including number of containers and how they were delivered, and ratios per area. Sione Tuione, Area Cleanup Manager, confirmed that all residents who were placed on a waiting list, for a</p>	<p>Direction to Grant Additional 80 Hours of COVID Leave to Needed Employees by: Board Vice Chair Ohrn</p> <p>Seconded by: Board Member Harris</p> <p>Vote: All in favor (of Board Members present)</p>	<p>Approved October 26, 2020</p>
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container, were able to be accommodated, due to cancellations.

Board Member Stitzer explained unique challenges in Copperton with many residences having shared driveways, which created some issues in which one resident did not want the container in the shared driveway, and did not want to be liable for the contents if placed on the street. Pam stated that this would be taken into consideration going forward. Sione confirmed that some of these issues were addressed and accommodated during this year's program. Board Member Stitzer mentioned that many Copperton residents were very pleased with this year's service.

Pam continued her report and stated that we ended the ACUP with 10 drivers, this year. It takes 21 drivers to conduct the traditional ACUP. We are anticipating over \$300,000 in reduced cost this year, due to the modified program.

A program evaluation survey was issued to obtain input regarding this year's service. The majority of the respondents are residents who utilized the service. Over 2,700 residents responded to the survey, and there was an 83.1% satisfaction rating, but this may not reflect a complete picture, compared to the Customer Satisfaction Survey, which will be conducted next month.

We feel that this modified program was a success. We were able to complete the program without pulling many drivers from their residential sideload collection duties. It was much easier to manage even with staff shortages.

Board Member Marchant requested copies of the residents' comments per area, so that Board members

<p>3.5. Tentative Adoption of the WFWRD Tentative Budget: Pam Roberts & Paul Korth (Adoption Requested)</p>	<p>could get a better idea of what comments came from their municipalities. Board Chair Bracken recommended more notification time with postcards delivered to the residents announcing this program next year. Pam commented on other recommended improvements for the scheduling calendar for next year.</p> <p>Pam confirmed that staff's desire is to continue this modified program, and the proposed budget reflects this continued modified program next year.</p> <p>Pam explained the request to hold back four sideload collection trucks, due to increases in the Green Waste subscription program, an aging fleet, and also due to the additional time to acquire new trucks (up to one year versus the previous six months). This will increase our sideload fleet from 49 to 53 trucks.</p> <p>We are also proposing an increase to the Bulk Trailer Rental fee from \$145.00 to \$175.00. This will decrease the subsidy amount from the monthly service fee to pay for this program, as well as an increase in disposal costs over two tons, from \$35.00 to \$45.00. Additionally, we are proposing an increase to our non-residential front load collection services. Pam further clarified that curbside Green Waste program is a subscription program, and we do not want to subsidize this program from the monthly fees. Due to increased costs, the proposed \$1.00 per month fee increase for this program is proposed. This will be the first fee increase for this program since it started in 2014. This fee increase is still less for residents than a second garbage can.</p> <p>Pam reviewed the results of health benefit negotiations, and the request to add two additional driver positions. Paul continued identifying updates to the proposed budget regarding revenues and expenses.</p>		
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<p>3.5. Set and Confirm the November 16th, 6:00 p.m. Public Hearing for the 2021 Budget: Pam Roberts (Direction Requested)</p>	<p>Board Chair Bracken directed Pam to notify municipalities to review this tentative budget, and clarify that the modified Area Cleanup Program is included in this budget. He expressed his desire to be as transparent as possible.</p> <p>Board Chair Bracken pointed out that next month's Public Hearing is at 6:00 p.m. rather than in the morning. The meeting format will also be in a WebEx format. Anthony Adams, ACB Clerk, confirmed that the WebEx login information will be posted in the newspaper announcements of this meeting.</p>	<p>Motion to Adopt the 2021 Tentative Budget by: Board Member Stitzer Seconded by: Board Vice Chair Ohrn</p> <p>Vote: All in favor (of Board Members present)</p>	<p>Approved October 26, 2020</p>
<p>4. Closed Session</p>			
	<p>No Closed Session</p>		
<p>5. Other Board Business</p>			
<p>6. Requested Items for the Next Board Meeting</p>			
	<ul style="list-style-type: none"> • Public Hearing to Hear Public Comments • Possible Adoption of the 2021 WFWRD Budget • Confirm or Cancel the December 14th, 6:00 p.m. Public Hearing to Adopt the 2021 WFWRD Budget, Pending the Outcome of the November Public Hearing • Review WFWRD Policies Related to Emergency/Disaster 		

ADJOURN		Motion to Adjourn: Board Member Marchant Seconded by Board Member Peel Vote: All in favor (of Board Members present)	Approved October 26, 2020
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