

MINUTES OF THE SPECIAL MEETING OF THE
PERSONNEL COMMITTEE OF THE
COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY
VIA TELECONFERENCE

March 23, 2022
11:00 o'clock, A.M.

Pursuant to the call of the Chairperson and upon written notice of the Secretary setting the time and place of a special meeting and mailed to each Director at least 24 hours before the meeting, a special meeting of the Personnel Committee of the County Sanitation Districts of Los Angeles County was held at the Joint Administration Office, 1955 Workman Mill Road, Whittier, California, on March 23, 2022, at 11:00 a.m., via teleconference, for the purpose of:

1. Public Comment
2. Approve Minutes of Special Meeting Held February 23, 2022
3. Approve *Resolution of the Board of Directors of the Personnel Committee Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency on March 4, 2020 by California Governor and Authorizing Remote Teleconference Meetings of the Legislative Body*
4. CLOSED SESSION - Personnel Related Matters

There were present: Patrick J. Furey, South Bay Cities and District No. 5
Ali Saleh, District No. 1
Lauren Meister, District No. 4
Janice Hahn, District No. 9
Richard Barakat, District No. 15
Kathryn Barger, District No. 17
Ali Sajjad Taj, District Nos. 18 and 19
Steve Hofbauer, District No. 20
Cory Moss, District No. 21
Margaret E. Finlay, District No. 22
William "Bill" Davis, District No. 23
Holly J. Mitchell, District No. 27 and Newhall Ranch
Michael T. Davitt, District No. 28
Keir Jones, District No. 29
Cathy Warner, Chairperson, District No. 2

Absent: Raymond Dunton, District No. 3
Joseph Buscaino, Districts Nos. 8 and 16
R. Rex Parris, District No. 14
Laurene Weste, Santa Clarita Valley

Also present: Robert Ferrante, Chief Engineer and General Manager
Wesley Beverlin, Committee Counsel
Kimberly S. Christensen, Secretary of the Committee

RE: PUBLIC COMMENTS

The Chairperson announced this was the time for any questions or comments by members of the public. There were no public comments or questions to address the Board on matters not listed on the agenda. Public comments on items listed on agenda are included in the item(s) below.

RE: MINUTES

Upon motion of Director Hofbauer, duly seconded and unanimously carried by a roll-call vote, the minutes of the special meeting held on February 23, 2022, were approved.

RE: RESOLUTION PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ON MARCH 4, 2020 BY CALIFORNIA GOVERNOR AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY - ADOPT

A proposed *Resolution of the Board of Directors of the Personnel Committee Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency on March 4, 2020 by California Governor and Authorizing Remote Teleconference Meetings of the Legislative Body* was presented. The Governor's two executive orders (N-29-20 & N-08-21), under which the agency has been conducting its teleconferenced meetings, during the

continued existence of the Governor's proclaimed state of COVID-19 emergency, will be conducted under the provisions of AB 361 which added California Government Code section 54953(e), to the Brown Act. Under the provisions of AB 361 (Government Code section 54953(e)), at their first next meeting, each District must adopt, by majority vote, an initial resolution making certain findings about the continuing COVID state of emergency and health and safety risks of conducting their board meeting in person. By statute, this Resolution and its referenced findings, are only legally valid for 30 days. A copy of the proposed Resolution was attached to the agenda. A recommendation was made to adopt the Resolution.

Upon motion of Director Hofbauer, duly seconded and unanimously carried by a roll-call vote, the following Resolution was adopted:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
PERSONNEL COMMITTEE
PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF
EMERGENCY ON MARCH 4, 2020 BY CALIFORNIA GOVERNOR AND AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY

WHEREAS, the Personnel Committee ("Committee") is committed to preserving and nurturing public access and participation in meetings of the District's Board of Directors and committees; and

WHEREAS, all meetings of the Committee's Board of Directors are open and public, pursuant to the requirements of the Ralph M. Brown Act (California Government Code Sections 54950-54963) (the "Brown Act"), so that any member of the public may attend, participate, observe and watch the District's Board of Directors conduct business; and

WHEREAS, the Brown Act, Section 54953(e), allows for conducting and participating in meetings by members of a legislative body, without compliance with the requirements of the Brown Act Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition under the Brown Act Section 54953(e) is the declaration of a state of emergency by the Governor pursuant to California Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within California caused by the conditions outlined and described in California Government Code Section 8558; and

WHEREAS, a proclamation of a state of emergency is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-induced disasters; and

WHEREAS, it is further required that the state or local officials have imposed or recommended measures to promote social distancing, or the Board of Directors of the Committee have held a meeting where it considered and determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, such conditions now exist in the District as Governor Newsom declared a State of Emergency on March 4, 2020 as a result of the threat of COVID-19; and

WHEREAS, the County of Los Angeles Department of Public Health Order of the Health Officer issued March 3, 2022 (the "County Order") includes recommendations that all persons within the jurisdiction of the County of Los Angeles public health agency always practice required and recommended infection control measures when among others, especially in an indoor setting; and

WHEREAS, the Committee's Board of Directors does hereby find that the ongoing and significant risks associated with COVID-19 infection, especially in the absence of capacity limits and physical distancing requirements for indoor activities, on those individuals with underlying health conditions that make them susceptible to severe COVID-19 illness and individuals who are not and cannot be vaccinated, that COVID-19 infection remains a significant health hazard to all residents, and desires to proclaim a local emergency and ratify

the proclamation of a state of emergency by the Governor of the State of California, and further, ratify the County Order findings related to the ongoing health hazards of COVID-19; and

WHEREAS, as a consequence of the declared state of emergency and the local emergency, the Board of Directors of the Committee does hereby find that the District shall continue to conduct its meetings in accordance with the provisions and requirements of the Brown Act Section 54953(e), and that the legislative bodies of the District shall comply with the requirements to provide the public with access to, and an opportunity to comment at all meetings of the District's legislative bodies in accordance with the requirements of the Brown Act Section 54953(e)(2); and

WHEREAS, the District will continue its practice of live streaming its meetings via the Zoom software platform which allows members of the public to observe and participate in the meetings via video or call-in options, and will continue to offer members of the public an opportunity to make oral comments during the meetings and/or submit written comments before the meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE PERSONNEL COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true, correct, and are incorporated in this Resolution by reference.

Section 2. Proclamation of Local Emergency. The Board of Directors of the Committee does hereby proclaim that a local emergency now exists throughout the territory of the District and, as described in the County Order, recommendations from health officers include ongoing masking, and social distancing practices especially for indoor settings and particularly for individuals who, due to vaccine status or underlying health conditions, continue to be at risk for severe illness, and COVID-19 infection remains a significant health hazard to all residents of the District.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Committee's Board of Directors hereby ratifies the Governor of the State of California's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Chief Engineer and General Manager, staff and legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, without limitation, conducting open and public meetings in accordance with the Brown Act Section 54953(e) and all other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of 30 days after the date of this resolution, or such time that the Committee's Board of Directors adopts a subsequent resolution in accordance with the Brown Act Section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with the requirements of the Brown Act Section 54953(b)(3).

PASSED AND ADOPTED by the Board of Directors of the Personnel Committee this 23rd day of March 2022 by the following vote:

AYES: Eighteen (18)

NOES: None

ABSTAIN: None

ABSENT: Five (5)

RE: PERSONNEL RELATED MATTERS
DISCUSSION AND POSSIBLE ACTION

The Chief Engineer and General Manager will update the Personnel Committee (Committee) on matters concerning the union-represented, self-represented, and non-represented employee units. The Committee will meet in closed session pursuant to Section 54957.6 of the Government Code, Conference with Labor Negotiators. Agency Designated Representatives: Robert Ferrante, Chief Engineer and General Manager; Chuck Boehmke, Assistant Chief Engineer and Assistant General Manager; Matt Eaton, Departmental Engineer; and Jennifer Allen, Human Resources Manager.

District Counsel advised that it would be in the interest of the District to meet in closed session pursuant to Section 54957.6 of the California Government Code *Conference with Labor Negotiators. Agency Designated Representatives: Robert Ferrante, Chief Engineer and General Manager; Chuck Boehmke, Assistant Chief Engineer and Assistant General Manager; Matt Eaton, Departmental Engineer; and Jennifer Allen, Human Resources Manager* to discuss matters concerning the union-represented, self-represented, and non-represented employee units.

Upon motion of the Chairperson, the meeting convened in closed session at 11:09 a.m. pursuant to Section 54957.6 of the Government Code, *Conference with Labor Negotiators*, to discuss the matter referred to by District Counsel.

Upon motion of the Chairperson, the meeting reconvened in regular session at 12:08 p.m.

District Counsel reported that while in closed session, the Board took no action that requires a report under the provisions of the California Government Code.

RE: UPDATE ON SOLID WASTE
MANAGEMENT MATTERS

The Chief Engineer and General Manager provided an update regarding the solid waste system finances. He reminded the Directors that solid waste funding is

generated from customers who use our facilities.

He showed a brief slide presentation. Large capital expenses included stormwater improvements and the Materials Recovery Facility sorting line automation. The stormwater improvements were a result of state mandates. The new sorting line was installed to produce higher quality recyclable commodities to comply with stringent rules by China. Recent changes in the solid waste market have occurred as small waste collection/hauling business are being purchased by larger regional organizations. This has had a direct impact on Districts' solid waste facilities which serve small to medium sized businesses now being purchased. Additionally, regulatory changes by the South Coast Air Quality Management District required public agencies (but not private organizations) to convert trucks to certified natural gas. These stringent regulatory requirements and declining market share has reduced the Districts' solid waste system low reserves and created a negative cash flow.

In 2019, a Solid Waste Director Ad Hoc Committee was formed to review the challenges faced by the solid waste system and made recommendations to Districts' staff to provide the best service at cost-effective rates. The Chief Engineer and General Manager highlighted two findings as follows: Develop innovative solutions to address the challenge, including exploring partnerships with private companies; Maximize use of the sort line at Puente Hills Material Recovery Facility (MRF) and discontinue line sorting at Downey Area Recycling and Transfer (DART) facility for the foreseeable future, transfer commingled recyclables and other high-quality recyclable streams to the Puente Hills Material Recovery Facility (MRF) for sorting with the new more efficient and effective sort line.;

As a result of the funding exchange to pay off the CalPERS Unfunded Accrued Liability, the solid waste system reserves were replenished. In 2021, a Solid Waste Task Force, consisting of Districts' staff, was formed to evaluate solid waste operations and assets and make recommendations regarding the long-term future and finances of the facilities. One of the objectives set by the Task Force was that the a solid waste facility process must generate revenue to cover expenses, capital replacement and overhead costs. Due to possible future needs for the facilities, the Task Force did not recommend selling land or facilities at this time. The Solid Waste Task Force concluded, during the interim period, to maximize the productive use and revenue of the facilities, the Districts should explore potential lease opportunities.

Regarding immediate potential property leases, the Districts will focus on the MRF sort line and DART facility. Both facilities are currently underutilized. In December 2021, a *Request for Proposals* was issued for these facilities. One proposal was received for the MRF sort line and three proposals were received at DART. Athens was the best proposal at both sites. Partnering with Athens would increase and guarantee positive revenue during the term of the agreement.

He discussed one concern regarding the lease. Ten Districts' employees are impacted by leasing the DART facility. However, there would be no layoffs. The employees can be transferred to other facilities with no demotions or pay cuts. Management has already met with SEIU and they understand the leases would help with overall operations.

The Chief Engineer and General Manager advised that this is information only. Staff is still working out the potential leases. If the leases are successfully negotiated, then Districts Nos. 2 and 18 (who hold title to the Puente Hills MRF) would consider approval of the lease agreements and other necessary actions in May 2022.

In response to Director Barakat, the Chief Engineer and General Manager stated that in the next few years, solid waste operations will focus on the Food Waste Recycling Program and additional revenue will be generated from it. Food waste slurry is transferred to the Joint Water Pollution Control Plant (JWPCP), where it is injected into the anaerobic digesters and converted to biogas. He stated that the Districts hopes that the program continues to grow as the county and cities start their organics collection program. He also advised that staff met with California Environmental Protection Agency (EPA) to discuss California Air Resources Board's requirement for all vehicles to be zero-emissions by 2035. There is no guidance for renewable gas. There will be continued push for huge greenhouse reductions in California and there needs to be a role for digester gas.

In response to Director Hahn, the Chief Engineer and General Manager stated that this is the first time the lease opportunity is being discussed, although he has discussed solid waste issues and the associated financial hardships for several years and as recently with the PC in October of last year. He advised that the DART is located in an industrial area. There is a Conditional Use Permit to operate the DART as a solid waste facility. Staff determined that leasing is more favorable than selling. He stated that other uses at the site would be limited because of the configuration of the building including the loading bays. Staff will work with the City. Staff will meet with the City to discuss the potential change in operation.

In response to Director Meister, the Chief Engineer and General Manager stated that the DART lease length is currently under negotiation. He advised that 10 years could potentially be attractive. Contracts for transfer operations to take trash to Orange County landfills will expire mid-2025.

Director Meister stated regarding alternate use of land, it usually takes a long time with environmental impact reviews, etc.

The Chief Engineer and General Manager stated that Director Meister had a good point. Solid waste management is in a state of transition. Solid waste operations must continue to evolve to address increasing requirements to divert organics away from landfills, avoid financial losses, and maintain reserves.

The Chairperson stated that the Districts are the only one in the wastewater game. Solid waste must compete with the open market.

The Chief Engineer and General Manager stated that tonnage is dwindling.

Director Hahn asked if there were any other lease opportunities.

The Chief Engineer and General Manager stated that staff looked at other options/solid waste uses and there were none. He asked if she wanted Districts' staff to discuss with her staff.

Director Hahn declined, although she asked the Chief Engineer and General Manager to keep her apprised on the progress.

The Chief Engineer and General Manager advised that the lease is still being negotiated, then the matter would go to Districts Nos. 2 and 18 in May to be considered.

Upon motion of the Chairperson, duly seconded and unanimously carried, the meeting was adjourned.

CATHY WARNER
Chairperson

ATTEST:

KIMBERLY S. CHRISTENSEN
Secretary

/ee