



DRAFT MINUTES
of the Regular Meeting
Monterey Regional Water Pollution Control Agency
Board of Directors
January 24, 2000

1. CALL TO ORDER

The Regular Meeting of the Board of Directors of the Monterey Regional Water Pollution Control Agency was Called to Order by Chair Barlich at 7:01 p.m. on Monday, January 24, 2000, in the Board Room of the Administrative Offices at 5 Harris Court, Building D, in Ryan Ranch.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

BOARD MEMBERS PRESENT:

Jack D. Barlich, Chair	Del Rey Oaks
Darryl Choates, Vice Chair	Seaside
Janet Barnes [7:05 p.m.]	Salinas
Marion Bryson	Marina Coast Water District
Theresa Canepa	Monterey
Ramiro Cortez	Boronda County Sanitation District
Patricia Hopper	Castroville Service Area 14
Michelle Knight	Pacific Grove
David Pendergrass	Sand City
Judy Pennycook	Monterey County
Peggy Shirrel [7:04 p.m.]	Moss Landing County Sanitation District
Dewey J. Baird	U.S. Army - Ex-Officio

BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

Keith Israel	General Manager
Robert R. Wellington	Legal Counsel
Tom Buell	Manager of Finance
Bob Jaques	Director of Engineering Planning and Technology
Dan Mizerski	Manager of Wastewater Facilities
John Tiernan	Manager of Administrative Services
Deborah Fortune	Executive/Board Secretary
Kay Bardin	Accounting Supervisor
Mark Malanka	Field Maintenance Supervisor

OTHERS PRESENT: Les Turnbeaugh - City of Monterey – Public Works Department
Don Betts - City of Seaside – Public Works Department
John Fair - City of Salinas - Public Works Department

AUDIENCE: 0

4. CONSENT AGENDA

ACTION TAKEN: On a motion by Mr. Bryson, seconded by Mrs. Canepa, the Board unanimously approved the Consent Agenda A through I, as follows:

- A. Approve Minutes: Regular Meeting – November 29, 1999
- B. Receive Financial Statements: October/November 1999
- C. Receive Comparison Percentage of Budget Expended Through November/December 1999 vs. 1998
- D. Receive Check Register – November/December 1999
- E. Receive Plant Flows and Effluent Quality for Connected Agencies, Plus Flow Charts for Fort Ord and Marina – November/December 1999
- F. Receive Actual vs. Budgeted Fiscal Year 1999/00 Expenditures for the Capital Improvement Program and Capitalized Equipment Fund
- G. Receive Actual vs. Anticipated Fiscal Year 1999/00 Revenues from Connection Fees
- H. Receive Residential Dwelling-Unit Aggregate as of December 31, 1999
- I. Approve Appointment of Nomination Committee for the Election of Board Officers for 2000 [February 2000 through January 2001]

5. PUBLIC COMMENTS

[At 7:03 p.m., with no comments received, Chair Barlich opened and closed Public Comments.]

6. COMMITTEE REPORTS AND RELATED ACTION ITEMS

A. SPECIAL PROJECTS COMMITTEE

- (1) Questions Directed to Committee Chair [Dave Pendergrass]
There were no questions.
- (2) Approve Committee Minutes/Report – December 2, 1999
- (3) Consider Recommendation(s) of the Committee Regarding:
 - (a) Report on Member Entity Storm Water Compliance Plans

ACTION TAKEN: On a motion by Mr. Pendergrass, seconded by Mrs. Canepa, the Board unanimously approved the Special Projects Committee Minutes/Report of December 2, 1999, which included the following recommendation(s):

- That the Board concur, with regard to member entity storm water compliance plans, that staff be directed to:
 - 1. Convene a meeting of public works representatives from the MRWPCA's member entities, and the Regional Water Quality Control Board, to:

- Present findings of the MRWPCA's interviews with the entities of Pacific Grove, Monterey, Seaside, Marina, Monterey County, Salinas, Sand City, Del Rey Oaks, and Carmel;
 - Refine the listing of potential roles MRWPCA could play to assist member entities; and,
 - Further discuss the concept of a regional storm water permit, and define the organizational structure that would be best suited to this concept.
2. Report back to the Special Projects Committee in spring 2000 on the findings of this meeting, and staff's recommendations on the role of MRWPCA to assist its member entities in implementing their storm water programs.

B. RATE COMMITTEE

(1) Questions Directed to Committee Chair [Darryl Choates]

There were no questions.

(2) Approve Committee Minutes/Report – December 9, 1999

(3) Consider Recommendation(s) of the Committee Regarding:

(a) Update on Revisions to connection Fees

ACTION TAKEN: On a motion by Mrs. Knight, seconded by Mrs. Canepa, the Board unanimously approved the Rate Committee Minutes/Report of December 9, 1999, which included the following recommendation(s):

- That the Board concur that staff will make further recommendations regarding connection fees in early 2000, including plans for implementation.

C. BUDGET/PERSONNEL COMMITTEE

(1) Questions Directed to Committee Chair [Theresa Canepa]

There were no questions.

(2) Approve Committee Minutes/Report – January 13, 2000

(3) Consider Recommendation(s) of the Committee Regarding:

(a) Salary Survey Implementation

ACTION TAKEN: On a motion by Mrs. Knight, seconded by Mrs. Canepa, the Board unanimously approved the Budget/Personnel Committee Minutes/Report of January 13, 2000, which included the following recommendation(s):

- That the Board concur the salary survey, performed by Johnson & Associates, be implemented in phases, with the first phase adjustments retroactive to January 1, 2000, and subsequent adjustments on July 1, 2000, and July 2, 2001. The second and third phases of adjustments would be based on fund availability, as the survey implementation is voluntary on MRWPCA's part. The recommended decreases would begin July 1, 2000, with subsequent adjustments in 2001 and 2002.

D. RECYCLED WATER STORAGE COMMITTEE

- (1) **Questions Directed to Committee Chair [Theresa Canepa]**
There were no questions.
- (2) **Approve Committee Minutes/Report – January 13, 2000**
- (3) **Consider Recommendation(s) of the Committee Regarding:**
 - (a) **Update on Recycled Water Storage Project**

ACTION TAKEN: On a motion by Mr. Bryson, seconded by Mrs. Canepa, the Board unanimously approved the Recycled Water Storage Committee Minutes/Report of January 13, 2000, which included the following recommendation(s):

7. INFORMATIONAL ITEMS

- A. **Fort Ord Issues Update**
- B. **Reclamation Project Status Report Update**
- C. **Strategic Planning Goals and One-Year Objectives Update**
- D. **Y2K Response Update**

There were no comments or questions directed to staff on A through D above, as reported in the agenda.

8. STAFF REPORTS

- A. **General Manager/Legal Counsel**
There were no reports.
- B. **Department Head(s)**
There were no reports.
- C. **Presentation(s)**

1. Status Report – Impact of SB 709 (Increased Wastewater Permit Fines)

Messrs. Jaques and Mizerski summarized the impact of Senate Bill 709 that went into effect on January 1, 2000. This new law imposes mandatory minimum penalties on wastewater permit holders for a number of types of permit violations. SB 709 takes away latitude from the Regional Water Quality Control Boards to negotiate resolution of permit violations, and instead, requires fines be levied.

The key points addressed were: (1) Pollution Prevention Plan (undefined); (2) Toxic Limitations (EPA establishes a list in the California Toxics Rule and RWQCBs set limits); (3) Mandatory Minimum Penalties (\$3,000 by RWQCB); (4) Single Operational Upset (exception incident); (5) Exceptions to Fines (natural disaster or third-party, unpreventable); (6) Impact of SB 709 on MRWPCA (no margin for error, increased vulnerability); (7) MRWPCA History of Few Fines (only one in five years); (8) Potential Cost of SB 709 Using 1999 vs. 1998 Data (\$0 to \$12,000 vs. \$0 to \$18,000 per year).

To reduce exposure, MRWPCA is reviewing process changes and further examining the impact of SB 709. Staff has increased the scrutiny of reportable data to minimize errors, and will increase efforts to negotiate a favorable interpretation of SB 709.

Staff pointed out this bill was not recommended by the state or regional boards, it was a legislator's idea added at the last moment. It became effective January 1 and the state is still in the process of determining how to implement it.

9. BOARD MEMBER COMMENTS

Mrs. Knight congratulated staff on a successful New Year's Eve Y2K transition! In light of the recent overflow problems in Pacific Grove's sewer system, on behalf of the City of Pacific Grove, Michelle conveyed her appreciation and personal thanks from Steve Leiker for MRWPCA's expedient support, expertise, and assistance in responding to their emergency crises.

Vice Chair Choates congratulated Councilmember Janet Barnes for the Human Rights Award presented to her in December for all the worthwhile humanitarian efforts she participated in over the last year.

[At 7:27 p.m., Mr. Wellington confirmed to Chair Barlich there would be no Closed Session.]

10. CLOSED SESSION

11. ADJOURNMENT

With no further business, Chair Barlich adjourned the meeting at 7:28 p.m. to the next Regular Meeting on February 28, 2000, to be held at the Admin Offices at 5 Harris Court, Building D, Monterey, California.

Keith E. Israel
General Manager/Secretary to the Board

Jack Barlich
Chair of the Board of Directors

Date Passed: February 28, 2000