



**MINUTES**  
**of the Regular Meeting**  
**Monterey Regional Water Pollution Control Agency**  
**Board of Directors**  
**June 24, 2002**

**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 Shirrel at 7:00 p.m. on Monday, June 24, 2002, 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:**

Peggy Shirrel, Chair	Moss Landing County Sanitation District
Morrie Fisher, Vice-Chair [7:03 p.m.]	Pacific Grove
Ramiro Cortez	Boronda County Sanitation District
Carlo Cortopassi	Castroville Service Area 14
Jack D. Barlich	Del Rey Oaks
Theresa Canepa	Monterey
Judy Pennycook [7:03 p.m.]	Monterey County
Gloria De La Rosa	Salinas
David Pendergrass	Sand City
Dewey J. Baird	U.S. Army - Ex-Officio

**BOARD MEMBERS ABSENT:**

Tom Moore	Marina Coast Water District
Darryl Choates	Seaside

**STAFF PRESENT:**

Keith Israel	General Manager
Robert Wellington	Legal Counsel
Robert Jaques	Director of Engineering Planning and Technology
John Tiernan	Director of Administrative Services
Tom Buell	Director of Finance

Kay Bardin                      Finance Director  
Karen Harris                  Community Relations Representative  
Deborah Fortune              Executive Assistant  
14 - MRWPCA Employees

**OTHERS PRESENT:**      Bill Reichmuth - City of Monterey  
   Leo Havener - City of Salinas

**AUDIENCE:**                      1

**4. PUBLIC COMMENTS**

[At 7:01 p.m., Chair Shirrel opened Public Comments.]

Mr. Charles Perry mistakenly stepped up to the podium to speak on the Lien Hearing, whereupon Mr. Wellington indicated that there would be a time for the public to comment when the hearing takes place further along in the agenda.

[At 7:02 p.m., Chair Shirrel closed Public Comments.]

**5. REPORT FROM MAY 20 CLOSED SESSION**

Mr. Wellington reported that the Board met in Closed Session for the purpose of deliberations regarding the Personnel Matter as shown on the agenda for last month's meeting. The Board directed its special legal counsel, Linda Tripoli, to prepare the Board's Decision, which was subsequently issued to the employee and the General Manager.

**6. CONSENT AGENDA**

Chair Shirrel noted one change to the May 20 Board Meeting minutes (Page 10), as shown and noted to the Board on the distributed handout, as follows:

"...With no further business, the meeting adjourned at **7:50** p.m. to the Budget Workshop...."

**ACTION TAKEN:** On a motion by Mr. Barlich, seconded by Mrs. Canepa, with no comments, the Board unanimously approved the Consent Agenda (Items A through R), as follows:

- A. Approve Minutes:      Regular Meeting –May 20, 2002  
   Budget Workshop - June 10, 2002
- B. Receive Financial Statements - April 2002
- C. Receive Comparison Percentage of Budget Expended Through May 2002 vs.

**2001**

- D. Receive Check Register – May 2002**
- E. Receive Plant Flows and Effluent Quality for Connected Agencies, Plus Flow Charts for Fort Ord and Marina – May 2002**
- F. Receive Actual vs. Budgeted Fiscal Year 2001/02 Expenditures for the Capital Improvement Program and Capitalized Equipment Fund**
- G. Receive Actual vs. Anticipated Fiscal Year 2001/02 Revenues from Capacity Charges**
- H. Adopt MRWPCA Resolution No. 2002-09, Adopting *Amendment* to the Hartford Deferred Compensation Plan Brought About by the Economic Growth and Tax Relief Reconciliation Act of 2001**
  - [This would comply with the new law, effective 1/1/02, to amend governmental eligible deferred compensation plans]**
- I. Adopt MRWPCA Resolution No. 2002-10, Adopting an *Amendment to the Amendment* to the Hartford Deferred Compensation Plan Brought About by the Economic Growth and Tax Relief Reconciliation Act of 2001**
  - [This would comply with Congress' direction to simply clarify the provisions of the new law that became effective 1/1/02]**
- J. Adopt MRWPCA Resolution No. 2002-11, Establishing the MRWPCA Investment Policy and Guidelines for Fiscal Year 2002/03**
- K. Adopt MRWPCA Resolution No. 2002-12, Certifying Compliance with Taxes, Assessments, and Fees or Charges Levied as an Incident of Property Ownership**
- L. Adopt MRWPCA Resolution No. 2002-13, Approving a Four-Year Memorandum of Understanding Between the MRWPCA and the Management Employees Group (MEG)**
- M. Adopt MRWPCA Resolution No. 2002-14, Establishing Salary Classifications and Ranges for the Management Employees Group (MEG) for Fiscal Year 2002/03**
- N. Adopt MRWPCA Resolution No. 2002-15, Approving a Four-Year Memorandum of Understanding Between the MRWPCA and the Mid-Management Employees Group (MMEG)**
- O. Adopt MRWPCA Resolution No. 2002-16, Approving a Four-Year Memorandum of Understanding Between the MRWPCA and the General Employees Association (GEA)**
- P. Adopt MRWPCA Resolution No. 2002-17, Establishing Salary Classifications and Ranges for the Mid-Management Employees Group (MMEG) and General Employees Association (GEA) for Fiscal Year 2002/03**
- Q. Approve Chemical Bid for Aluminum Chlorhydroxide (ACH)**
- R. Receive "Revised" Board Committee Assignments for May 2002 through March 2003**

**7. COMMITTEE REPORTS AND RELATED ACTION ITEMS**

**A. RATE COMMITTEE**

**1. Receive and Approve Committee Minutes/Report - Thursday, May 16, 2002**

**ACTION TAKEN:** On a motion by Mr. Barlich, seconded by Mrs. Canepa, with no comments, the Board unanimously approved the May 16, 2002, Rate Committee Minutes/Report, committee recommendation(s), as follows:

- That the Board approve that MRWPCA now begin offering its ratepayers a one-year trial credit card payment option with the outside agency of Official Payments Corporation; and,
- That the Board approve staff be directed to proceed with a re-write of Section 3-E in the ordinance establishing credit for prior capacity fees paid, which will then be reviewed by the committee before going back to the Board sometime after July 2002.

**B. BUDGET/PERSONNEL COMMITTEE**

**1. Receive and Approve Committee Minutes/Report - Thursday, May 30, 2002**

**ACTION TAKEN:** On a motion by Mr. Barlich, seconded by Mrs. Canepa, with no comments, the Board unanimously approved the May 30, 2002, Budget/Personnel Committee Minutes/Report, which had no recommendations to the Board.

**C. RECYCLED WATER STORAGE COMMITTEE**

**1. Receive and Approve Committee Minutes/Report - Thursday, May 30, 2002**

**ACTION TAKEN:** On a motion by Mrs. Canepa, seconded by Mr. Barlich, with no comments, the Board unanimously approved the May 30, 2002, Budget/Personnel Committee Minutes/Report, which had no recommendations to the Board.

**D. BUDGET/PERSONNEL COMMITTEE**

**1. Receive and Approve Committee Minutes/Report - Thursday, June 13, 2002, 2002**

**ACTION TAKEN:** On a motion by Mrs. Canepa, seconded by Mr. Barlich, with no comments, the Board unanimously approved the May 30, 2002, Budget/Personnel Committee Minutes/Report, which had no recommendations to the Board.

**E. RECYCLED WATER STORAGE COMMITTEE**

**1. Receive and Approve Committee Minutes/Report - Thursday, June 13, 2002**

**ACTION TAKEN:** On a motion by Mrs. Canepa, seconded by Mr. Barlich, with no comments, the Board unanimously approved the May 30, 2002, Budget/Personnel Committee Minutes/Report, which had no recommendations to the Board.

## **8. PUBLIC HEARINGS**

### **A. Lien Hearing for Delinquent Sewer Service Billing**

#### **1. Adopt MRWPCA Resolution No. 2002-18, Declaring Liens Against Real Property for Delinquent Sewer User Charges**

Using a transparency of the lien history back to 1992, Mr. Buell reported that the outstanding user fees, delinquency and filing fees are transferred to the Monterey County tax roll for payment with property taxes, or if taxes are not paid, in escrow when a property changes ownership. It takes time, but MRWPCA eventually receives all of the outstanding monies owed. Customers have until the end of June to pay their outstanding bills.

To an inquiry from Mr. Fisher, Mr. Buell stated that the homeowners in arrears are assessed delinquency fees each month, as well as a filing fee for the lien process.

[At 7:10 p.m., Chair Shirrel opened the floor for Public Comments on the Lien Hearing.]

Holding up and referring to the 1,400 names advertised in the Salinas Californian. Mr. Charles Perry, resident of Salinas, expressed an opinion that MRWPCA's direct billing of sewer system user fees is immoral and illegal and ignores Proposition 13, and that, sewer user fees should come out of taxes paid on property, not billed separately to property owners.

Mr. Fisher commented that the City of Pacific Grove used to have their own sewer treatment plant facility, and that the State of California ordered the city to join the regional sewer treatment facility. The legislature established this and it's doing exactly what it was supposed to do, in addition to any property taxes paid. He noted that he pays MRWPCA one year in advance and if everyone did, there wouldn't be this problem with liens. It's a great deal, because MRWPCA is doing a tremendous service to the County of Monterey. Mr. Fisher stated that he wholeheartedly supports the motion to adopt the lien resolution.

Mrs. Pennycook commented that each and every one of us has a duty to abide by the rules set out by the system. And, MRWPCA is doing a world of good by reclaiming water, reusing it, creating the ability to forestall seawater intrusion and protect the Monterey Bay.

[At 7:15 p.m., Chair Shirrel closed Public Comments.]

**ACTION TAKEN: On a motion by Mr. Barlich, seconded by Mrs. Canepa, the Board unanimously approved MRWPCA Resolution No. 2002-18, Declaring Liens Against Real Property for Delinquent Sewer User Charges, to be filed with the Monterey County Recorder's Office by July 1, 2002.**

**B. Proposed Fiscal Year 2002/03 Budget and Update of User Fees and Capacity Charges**

**1. Staff Report on Proposed Budget**

Mr. Buell reported that with the exception of a few items, the budget remains virtually the same as presented at the June 10 Budget Workshop.

Mr. Buell was pleased to announce that the Environmental Protection Agency notified him last week that EPA San Francisco went back to Washington to release our funds that were due. Thus, MRWPCA will receive another \$1.3 million; and \$400,000 from the state. The total of \$1.7 million is included in the reserves of the budget. Receipt of these funds will end the grants, which has been a 20-year project.

The commercial user fees are going down slightly and residential user fees will remain at \$9.30 for the eleventh year.

**2. Public Comments**

There were no comments from the public.

Mr. Fisher noted being thrilled that the monthly rate of \$9.30 has not been changed for eleven years. It's significant that the Agency has been managed so well that we have not had to raise rates. This is a real tribute to staff and the leadership of the sewer district that you've controlled and managed the funds so well. He commended staff and assured that the citizens of the communities are happy to know the rates are not being raised.

**3. Approve 2002/03 Budget**

**ACTION TAKEN: On a motion by Mr. Barlich, seconded by Mrs. Canepa, the Board unanimously adopted the 2002/03 Budget.**

Mr. Barlich expressed his appreciation to staff. And, Chair Shirrel once again thanked staff.

**4. Adopt MRWPCA Ordinance No. 2002-02, Amending Ordinance No. 2001-01, In Part, to Change the Sewer Service User Charges [Effective 7/1/02]**

**ACTION TAKEN: On a motion by Mr. Fisher, seconded by Mrs. Canepa, on a Roll Call Vote, the Board unanimously adopted Ordinance No. 2002-02, Amending Ordinance No. 2001-01, In Part, to Change the Sewer Service User Charges [Effective 7/1/02], as follows:**

**AYES: Cortez, Cortopassi, Pennycook, Barlich, Canepa, Shirrel,**

**Fisher, De La Rosa, Pendergrass**  
**NOES: None**  
**ABSENT: Moore, Choates**

**9. INFORMATIONAL ITEMS**

**A. Fort Ord Issues Update**

Mr. Buell reported discussions in the last week with the Army, and hopeful that negotiations will move along quickly in the next few weeks to bring closure by the end of the month.

**B. Reclamation Project Status Report Update**

Mr. Israel reported that wind and backup of CSIP well water into the storage pond stirred up the bottom of the pond, causing a brief plant shutdown the third week of June. If that event hadn't occurred, we would have achieved an all-time record water production during June.

**C. Strategic Planning Goals (May 2002 through April 2003) and One-Year Objectives Update**

There were no comments, questions, or discussion.

**10. STAFF REPORTS**

**A. General Manager/Legal Counsel**

Mr. Israel recognized staff for the great job on the budget and for all the employees working together making it possible to not have a rate increase for eleven years.

Chair Shirrel remarked that that's remarkable and she wished that were the case in the district she represents.

**B. Department Head(s)**

There were no further reports.

**C. Presentation(s):**

**1. Pacific Grove Grease Education Program**

Using a Powerpoint presentation, Mrs. Harris reported on MRWPCA's partnering efforts with the City of Pacific Grove to prevent excessive grease disposal into the sewer system, which began in July of 2001.

Cooking fats, oil and grease are significant contributors to sewer overflows, and past source control efforts have mainly focused on commercial discharges, however an estimated 25% is discharged from residential sources.

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MRWPCA assisted the City of Pacific Grove in developing an innovative recipe for 'fat free sewers.' In cooperation with the city, an outreach program was developed focusing on public education. The program is proactive, positive, and strives for voluntary behavior change. Residents are asked to "Put a Lid On Grease" by placing cooking fats in a resealable container, and when full, placing the can in the garbage.

Public outreach activities included: (1) Residential mailing campaign, (2) Mass media campaign, (3) Plumber workshop, (4) School programs, (5) Recognition programs, (6) Community exhibits.

The program has been effective because of positive media coverage, good cooperation, increased public awareness, school involvement, positive teacher evaluations, and partnerships developed.

Together we can "Put a Lid on Sewer Spills!"

Chair Shirrel commented on the excellent presentation and that the commercial fishermen in Moss Landing need the same program. And, Mrs. Canepa noted this just shows what we can accomplish together.

On behalf of the Pacific Grove City Council and the citizens of Pacific Grove, Mr. Fisher thanked Karen for the outstanding job in assisting Pacific Grove to improve its sewer lines. He hopes other communities are as active in trying to solve sewer line problems.

Mr. Barlich also thanked Karen for bringing this important program to the Seaside County Sanitation District, which consists of the cities of Seaside, Sand City, and Del Rey Oaks. We greatly appreciate it and think it's a great program.

Mr. Israel added that we feel this is a very innovative program, and in particular, Karen's done a great job putting it together. And, we've nominated our program to the CASA wastewater agencies for consideration of award for public outreach.

**11. BOARD MEMBER COMMENTS**

There were no comments or questions.

[At 7:29 p.m., Chair Shirrel adjourned the Regular meeting to Closed Session, whereupon everyone but the Board and Rob Wellington left the meeting room.]

[At 7:30 p.m., Chair Shirrel convened the Closed Session.]



**12. CLOSED SESSION**

**A. Conference with Labor Negotiator**

1. MRWPCA Negotiator: Keith Israel  
Employee Organization(s): All Bargaining Groups

**B. Personnel Matter**

1. **Public Employee Performance Evaluation: General Manager**

[At 7:39 p.m., Mr. Wellington requested Mr. Israel to return to the meeting room]

[At 7:42 p.m., Chair Shirrel adjourned the Closed Session and reconvened the Open Session, whereupon the remaining staff and public were invited back into the meeting room.]

Mr. Wellington announced that in Closed Session on the Personnel Matter indicated on the Agenda, the Board took up the evaluation of the General Manager, and a vote was taken, where the Board voted unanimously to (1) continue the General Manager in his present position, (2) re-evaluate in 12 months; and (3) that he shall receive the same cost-of living increase as the rest of the Agency employees. No other action was taken.

**13. ADJOURNMENT**

With no further business, the meeting adjourned at 7:45 p.m. to the next Regularly-Scheduled Meeting on Monday, July 29, 2002, at 7:00 p.m.

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Keith E. Israel  
General Manager/Secretary to the Board

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Peggy Shirrel, Ph.D.  
Chair of the Board of Directors

Date Passed: July 29, 2002