



**MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY (MSWMA)
Board of Commissioners Regular Meeting**

AGENDA

***Civic Center Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482
Fort Bragg City Hall, Downstairs Conference Room ♦ 416 N. Franklin Street ♦ Fort Bragg, CA 95437***

To participate or view the virtual meeting, go to the following link: <https://us06web.zoom.us/j/85470132549>

Or you can call in using your telephone only:

- *Call (toll free) 1-888-788-0099*
- *Enter the Access Code: 843 5076 1007*
 - *To Raise Hand enter *9*
- *To Speak after being recognized: enter *6 to unmute yourself*

*Or One tap mobile (for easy connection on smart phones):
US: +16694449171,,85470132549# or +12532158782,,85470132549#*

Alternatively, you may view the meeting (without participating) by clicking on the name of the meeting at www.cityofukiah.com/meetings.

March 23, 2023 - 10:00 AM

1. CALL TO ORDER

- 1.a. Introductions and Administer of Oath of Office to New Commissioners
- 1.b. Elect Chair and Vice Chair, and Establish a Regular Meeting Date, Time, and Location.

2. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

3. APPROVAL OF MINUTES

- 3.a. Approval of the Minutes for the October 20, 2022, Regular Meeting.

4. GENERAL MANAGER AND FINANCIAL REPORTS

- 4.a. Report on the Status of Restructuring.
- 4.b. February 28, 2023, Year-to-Date Financial Report

5. BOARD MEMBER REPORTS AND ANNOUNCEMENTS

6. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The Mendocino Solid Waste Management Authority Board of Commissioners (Commissioners) welcomes input from the audience. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than

7. DISCUSSION AND ACTION ITEMS

- 7.a. Consideration and Possible Action to Approve and Authorize the Chairperson to Execute Three Agreements: (1) *Services Agreement with Ukiah Waste Solutions to Provide Household Hazardous Waste Services for MSWMA*; (2) *Agreement to Lease 3200 Taylor Drive to Ukiah Waste Solutions*; and (3) *Services Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA*; that could Restructure the Operation of the Mendocino Solid Waste Management Authority (MSWMA), All with an Effective Date of April 1, 2023.
Recommended Action: Approve and authorize the Chairperson to execute three agreements: (1) Services Agreement with Ukiah Waste Solutions to Provide Household Hazardous Waste Services for MSWMA; (2) Agreement to Lease 3200 Taylor Drive to Ukiah Waste Solutions; and (3) Services Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA; all with an effective date of April 1, 2023.
Attachments: None
- 7.b. Approval of Budget Amendments.
Recommended Action: a. Approve new Budget line item in the amount of \$19,083.25 to reimburse the City of Ukiah for costs to restate the MSWMA JPA agreement, and to develop and execute a plan for restructuring MSWMA. b. Approve new Budget line item in the amount of \$48,000 for City of Ukiah initial compensation under the terms and conditions of the Services Agreement with City of Ukiah to provide General Manager and related administrative services to MSWMA, as described in paragraph 4A, for the period March 1, 2023 to June 30, 2023.
Attachments: None
- 7.c. Transfer of MSWMA Funds to New Custodian.
Recommended Action: a. Direct and authorize the Chairperson to take the immediate steps necessary to authorize the transfer of all MSWMA cash balances including the operating checking and savings accounts, and any undeposited funds to the custody of the Director of Finance, City of Ukiah as described in paragraph 2B(4) of the Services Agreement with City of Ukiah to provide General Manager and related administrative services to MSWMA.
Attachments: None
- 7.d. City of Fort Bragg – County of Mendocino Jointly Owned Casper Transfer Station Surcharge Bank Account.
Recommended Action: a. Direct and authorize the Chairperson to take the immediate steps necessary to transfer the balance in the City of Fort Bragg – Mendocino County jointly owned Casper Transfer Station gate fee surcharge bank account to either the City of Fort Bragg or the County of Mendocino as directed in writing by both of those agencies, reducing the account balance to zero, and close the account. b. Advise the City of Fort Bragg and the County of Mendocino to give written notice to Solid Wastes of Willits, Inc, (SWOW), the operator of the Casper transfer station, to cease remitting Casper transfer station gate fee surcharges to MSWMA, and to make all future remittals of the Casper transfer station gate fee surcharge as directed by the City of Fort Bragg and the County of Mendocino.
Attachments: None
- 7.e. Consideration and Possible Action on Appointing a Coastal and an Inland Commissioner to an Advisory Executive Committee.
Recommended Action: Discussion and possible action to appoint a coastal and an inland commissioner to an Advisory Executive Committee, a standing committee subject to Brown Act rules as Described in paragraph 2A(3) of the Services Agreement with City of Ukiah to provide General Manager and related administrative services to MSWMA.

Attachments: None

- 7.f. Consideration and Possible Adoption of Resolution Adopting the Style of Action Minutes in Conjunction with Digital Audio or Digital Audio-Video Recordings to be the Official Recordation Used for the Mendocino Solid Waste Authority Board of Commissioners.

Recommended Action: Adopt the resolution establishing the Action Minute style in conjunction with digital audio or digital audio-video recordings for the official recordation used for the Mendocino Solid Waste Authority Board of Commissioners.

Attachments:

1. Proposed Resolution

8. SET NEXT MEETING DATE

- 8.a. Set Date of Next Commission Meeting.

Recommended Action: Set the date for the next Commission meeting for April 20, 2023.

9. CLOSED SESSION - MAY BE HELD AT ANY TIME DURING THE MEETING

Closed Session may be held at any time during the meeting. Any public reports of action taken in closed session will be made in accordance with Government Code section 54957.1

- 9.a. **Conference with Labor Negotiator (54957.6)**

Unrepresented employees: (All Positions]

- 9.b. **Public Employee Discipline/Dismissal/Release**

10. ADJOURNMENT

Please be advised that MSWMA needs to be notified 24 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. MSWMA complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the MSWMA Directors after distribution of the agenda packet are available for public inspection at the front counter at the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA 95482, during normal business hours, Monday through Friday, 8:00 am to 5:00 pm.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Kristine Lawler, MSWMA Secretary

Dated: 3/17/23

Minutes • Board of Commissioners
Mendocino Solid Waste Management Authority
Thursday, October 20th, 2022, at 10:00am
3200 Taylor Drive, Ukiah, CA 95482

AGENDA ITEM 1: CALL TO ORDER

The Mendocino Solid Waste Management Authority regular meeting was called to order by Chair Jim Brown at 10:03am. Present were Commissioners: Jim Brown, Dan Gjerde, Maureen Mulheren, Madge Strong, Jim Brown, Jessica Morsell-Haye (signed-in at 10:22)

AGENDA ITEM 2: AUDIENCE COMMENT

- NONE

AGENDA ITEM 3: CONSENT CALENDAR

- a) Approve Resolution 2021-2, authorizing Board to continue to meet by teleconference pursuant to Government Code 54953 in Compliance with AB 361.
- b) Approve MSWMA & Caspar Fund Balances
- c) Approval of Minutes for September 15th, 2022
Motion made by Dan Gjerde /2nd by Madge Strong to approve the minutes for September 15th, 2022. Motion was approved with Jessica Morsell-Haye absent for vote.

AGENDA ITEM 4: GENERAL MANAGER'S REPORT –

- a) FY21/22Budget vs Actuals –Multiple inquiries on the negative income showing. Explanation of income coming in after end of the month reports.
- b) Facility Status Report– Jim Brown & Maureen Mulheren both gave a brief update on the appearance and operations of the facility.

AGENDA ITEM 5: DISCUSSION AND ACTION ITEMS

- a) Draft proposal from City of Ukiah—Jim Brown noted that the contracts are still being reviewed.
- b) Continuing discussion of illegal dumping on Dogwood in Brooktrails – Maureen Mulheren advised that they have done a few clean-ups out at the site and the County is looking at having the road block off to avoid more dumping.
- c) Caspar Checking Account Update – Sally gave update that Letters are ready for signatures then the correct parties can go into the bank for the transfer.

AGENDA ITEM 6: REPORTS & ANNOUNCEMENTS FROM MEMBERS OF THE BOARD

None

AGENDA ITEM 7: SET DATE FOR NEXT MEETING

The next MSWMA Board meeting will be held on November 17th, 2022.

AGENDA ITEM 8: CLOSED SESSION:

None

AGENDA ITEM 9: ADJOURNMENT

The meeting was adjourned at 10:40am

Chairperson

Date:

Secretary

Date:

ATTEST:

MSWMA FUND BALANCES**Thru February 28th, 2023****With Savings Bank of Mendocino County****SAVINGS BANK CHECKING ACCT. \$ 243,814****MONEY MARKET SAVINGS ACCT. \$ 27,800****Total Cash \$ 271,614**

Month	Expenditures	Income
March-22	\$34,416	\$40,081
April-22	\$51,301	\$85,009
May-22	\$51,289	\$55,281
June-22	\$35,495	\$55,953
July-22	\$90,186	\$39,507
August-22	\$50,524	\$19,980
September-22	\$40,061	\$67,158
October-22	\$44,463	\$42,962
November-22	\$33,709	\$46,860
December-22	\$36,248	\$21,594
January-23	\$30,429	\$40,500
February-23	\$28,487	\$57,688
1-YEAR TOTAL	\$526,608	\$572,573

CASPAR JPA FUND BALANCE

Thru February 28th, 2023

With Savings Bank of Mendocino County

CASPAR RENT CHECKING ACCT. \$ 305,778

Total Cash \$ 305,778

Month	Expenditures	Income
March-22	\$0	\$6,044
April-22	\$1,438	\$11,457
May-22	\$0	\$0
June-22	\$0	\$10,990
July-22	\$0	\$38
August-22	\$27,453	\$13,252
September-22	\$0	\$6,475
October-22	\$0	\$5,465
November-22	\$0	\$37
December-22	\$0	\$38
January-23	\$0	\$6,332
February-23	\$0	\$0
1-YEAR TOTAL	\$28,891	\$60,128

MendoRecycle
Budget vs. Actuals: FY 2022-23 - FY23 P&L
 July 2022 - June 2023

	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Overall Total		
	Actual	Actual	Actual	Actual	Actual	Actual	Budget	% of Budget
	10/1-31/22	11/1-30/22	12/1-31/22	1/1-31/23	2/1-28/23	7/1/22-2/28/23	7/1/22-6/30/22	
Income								
340 CalRecycle Payments						0	0	
City/County Payment Program						0	40,140	0.00%
HHW Grant	101,432					101,432	45,000	225.40%
Oil Payment Program						0	30,000	0.00%
Tire Abatement Grant						0	16,497	0.00%
Tire grant income						0	5,773	0.00%
Used Oil Incentive Payments		980		220		1,200	1,000	120.00%
Total 340 CalRecycle Payments	\$ 101,432	\$ 980	\$ 0	\$ 220	\$ 0	\$ 102,632	\$ 138,410	74.15%
345 Employee Payments						0	0	
Employee Heath Premiums						0	1,000	0.00%
Total 345 Employee Payments	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,000	0.00%
350 Contract/Program Payments						1,341	0	
Batteries	265				378	642	2,800	22.94%
Matress Recycle Program Payment						0	300	0.00%
PaintCare Contract	272		109	155		2,413	30,000	8.04%
Total 350 Contract/Program Payments	\$ 537	\$ 0	\$ 109	\$ 155	\$ 378	\$ 4,396	\$ 33,100	13.28%
355 Disposal Site Surcharge						0	0	
355 South Coast TS	1,291	1,155	1,187	1,228	1,275	10,281	16,000	64.26%
Ukiah TS	20,897	21,085	20,397	18,653	18,750	163,229	270,000	60.46%
Willits TS	16,006	15,901	15,056	13,381	15,998	131,836	207,000	63.69%
Total 355 Disposal Site Surcharge	\$ 38,193	\$ 38,141	\$ 36,641	\$ 33,262	\$ 36,023	\$ 305,346	\$ 493,000	61.94%
370 HHW Service	4,933	383	1,918	2,470	2,149	14,616	0	
HHW			125			125	30,000	0.42%
HHW Sonoma Co						0	10,000	0.00%
Total 370 HHW Service	\$ 4,933	\$ 383	\$ 2,043	\$ 2,470	\$ 2,149	\$ 14,741	\$ 40,000	36.85%
375 Interest	10	9	11	10		70	0	
Sales of Product Income	0	0	0	0	0	0	0	
Uncategorized Income						466	0	
Total Income	\$ 145,104	\$ 39,513	\$ 38,803	\$ 36,118	\$ 38,549	\$ 427,651	\$ 705,510	60.62%
Gross Profit	\$ 145,104	\$ 39,513	\$ 38,803	\$ 36,118	\$ 38,549	\$ 427,651	\$ 705,510	60.62%
Expenses								
400 Administrative						0	0	
Audit						0	6,000	0.00%
Dues & Subscriptions		120	83	26		254	100	254.06%
Health insur.	3,581	3,581	2,331	2,323	2,292	24,558	70,000	35.08%
Legal Services						0	3,000	0.00%
Payroll Service	60	60	55	55	55	462	1,000	46.20%
Printing						0	300	0.00%
Professional fees	1,188	1,132	1,383	853	1,117	8,353	5,000	167.06%
Professional Services		3,973		15		8,232	18,000	45.73%
Workers comp						-3,344	11,000	-30.40%
Total 400 Administrative	\$ 4,828	\$ 8,866	\$ 3,852	\$ 3,271	\$ 3,464	\$ 38,515	\$ 114,400	33.67%
405 Facility						0	0	
Cell Reimburse	80	40	40	40		280	500	56.00%
Facility Improvement						0	2,000	0.00%
General Maintenance	89	28	294	75	734	1,445	3,000	48.18%
Liability Insurance	1,634					1,634	19,500	8.38%
Utilities						0	0	
Garbage	37	37	37	37	41	264	2,000	13.18%
Internet						535	1,000	53.46%
Power	97	172	191	204	208	1,443	2,700	53.44%
Propane		1		821		822	800	102.70%
Telephone	169	169	182	168	174	1,388	2,400	57.85%

Water/Sewer	164	87	114	150	101	988	1,400	70.60%
Total Utilities	\$ 468	\$ 466	\$ 524	\$ 1,379	\$ 523	\$ 5,439	\$ 10,300	52.81%
Total 405 Facility	\$ 2,271	\$ 535	\$ 858	\$ 1,494	\$ 1,257	\$ 8,799	\$ 35,300	24.93%
410 Automotive						0	0	
Auto Fuel	467	439	260	223	136	3,606	7,600	47.45%
Auto Vehicle maint.	1,316		953	20	2,273	5,433	20,000	27.16%
Total 410 Automotive	\$ 1,783	\$ 439	\$ 1,213	\$ 243	\$ 2,409	\$ 9,039	\$ 27,600	32.75%
415 Travel						0	0	
Lodging		180				180	500	36.00%
Per Diem						0	300	0.00%
Tolls/Fees						0	100	0.00%
Vehicle mileage	41	16	27	19		172	300	57.27%
Total 415 Travel	\$ 41	\$ 196	\$ 27	\$ 19	\$ 0	\$ 352	\$ 1,200	29.32%
420 Personnel						0	0	
Hourly	8,570	13,274	9,603	8,494	7,634	81,542	208,312	39.14%
Interim GM						3,427	120,000	2.86%
Overtime						0	3,000	0.00%
Pension SEP-IRA	5,095			4,717		15,606	32,000	48.77%
Personnel Advertising						0	500	0.00%
Taxes	636	989	715	1,013	714	6,597	12,000	54.97%
Temp	8,332	7,910	9,693	5,933	7,910	51,824	0	
Temp OT	376	300	461	290	365	2,361	0	
Total 420 Personnel	\$ 23,008	\$ 22,473	\$ 20,473	\$ 20,447	\$ 16,624	\$ 161,356	\$ 375,812	42.94%
425 Equipment						0	0	
H.E. Fuel	256		153	118		528	600	87.92%
H.E. R&M						109	3,000	3.62%
Heavy Equipment-Machines				142		142	2,500	5.66%
IT Purchase						0	1,000	0.00%
Rental						0	300	0.00%
Safety Equipment						41	600	6.79%
Storage & furniture						0	400	0.00%
Tools					80	111	2,500	4.45%
Total 425 Equipment	\$ 256	\$ 0	\$ 153	\$ 260	\$ 80	\$ 930	\$ 10,900	8.53%
430 Supplies						0	0	
HHW Handling Materials	527	30	2,326	1,049		5,547	30,000	18.49%
Illegal Dump Clean Up Supplies						0	1,000	0.00%
Janitorial Supplies		34		199		233	300	77.62%
Office supplies	121	68	94	16		382	1,500	25.49%
Postage						120	300	40.00%
Safety Supplies	283		539	510		2,526	3,000	84.19%
Total 430 Supplies	\$ 932	\$ 132	\$ 2,959	\$ 1,775	\$ 0	\$ 8,808	\$ 36,100	24.40%
435 Training						0	0	
Conferences/Events		95				95	0	
In Person Training						0	300	0.00%
Training Fees	135					184	300	61.33%
Total 435 Training	\$ 135	\$ 95	\$ 0	\$ 0	\$ 0	\$ 279	\$ 600	46.44%
440 Education, Outreach and Advrtis						0	0	
Events						0	1,000	0.00%
Outreach Advertising		116				116	2,500	4.65%
Total 440 Education, Outreach and Advrtis	\$ 0	\$ 116	\$ 0	\$ 0	\$ 0	\$ 116	\$ 3,500	3.32%
445 Service Charges			1,196			1,196	0	
Bank Fees	28		12	52	13	177	700	25.22%
HHW disposal expense	6,338	1,257	6,983	671	460	51,875	125,000	41.50%
HHW Program Materials		4,854	1,148			12,004	0	
Illegal dump cleanup	90					115	5,000	2.30%
IT Service	109	109	109	109	109	902	1,000	90.20%
Tire disposal expense						0	5,000	0.00%
Total 445 Service Charges	\$ 6,565	\$ 6,221	\$ 9,448	\$ 832	\$ 582	\$ 66,269	\$ 136,700	48.48%
Total Expenses	\$ 39,819	\$ 39,073	\$ 38,984	\$ 28,340	\$ 24,416	\$ 294,462	\$ 742,112	39.68%
Net Operating Income	\$ 105,285	\$ 440	\$ -180	\$ 7,778	\$ 14,133	\$ 133,189		
Other Income								
Late Fee Income						2		
Total Other Income	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 2		

Net Other Income	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 2
Net Income	\$ 105,285	\$ 440	-\$ 180	\$ 7,778	\$ 14,133	\$ 133,191
Money Market Savings	\$ 27,796	\$ 27,797	\$ 27,799	\$ 27,800	\$ 27,800	\$ 27,800
Total Net Income with Money Market Savings	\$ 133,081	\$ 28,237	\$ 27,618	\$ 35,578	\$ 41,933	\$ 160,991

**PLACEHOLDER FOR ADMINISTRATIVE CONTRACT BETWEEN CITY
OF UKIAH AND MSWMA**

AGREEMENT WILL BE POSTED PENDING LEGAL REVIEW



STAFF REPORT

SUBJECT: Consideration and Possible Action to Approve and Authorize the Chairperson to Execute Three Agreements: (1) *Services Agreement with Ukiah Waste Solutions to Provide Household Hazardous Waste Services for MSWMA*; (2) *Agreement to Lease 3200 Taylor Drive to Ukiah Waste Solutions*; and (3) *Services Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA*; that could Restructure the Operation of the Mendocino Solid Waste Management Authority (MSWMA), All with an Effective Date of April 1, 2023.

ATTACHMENTS:

- Services Agreement with Ukiah Waste Solutions to Provide Household Hazardous Waste Services for MSWMA; (2) Agreement to Lease 3200 Taylor Drive to Ukiah Waste Solutions; and (3) Services Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA
- MSWMA Joint Powers Authority Agreement dated November 19, 2019 for reference.

Summary:

Change the Authority's operating structure by approving the following three agreements: (1) Services Agreement with Ukiah Waste Solutions to Provide Household Hazardous Waste Services for MSWMA; (2) Agreement to Lease 3200 Taylor Drive to Ukiah Waste Solutions; and (3) Services Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA; all with an effective date of April 1, 2023.

Background: The Mendocino Solid Waste Management Authority made up of Mendocino County and the Cities of Fort Bragg, Ukiah and Willits has a long history of providing professional Household Hazardous Waste collection and disposal and other services to the communities of the County and Cities. In order to function, the organizational structure of the Authority has depended upon a General Manager who could oversee and direct the various functions needed to fulfill the mission of the Authority. In recent years, the Authority has not been able to attract and retain a General manager who performed this oversight role effectively. This has led to a diminution of the services provided. In November 2019, the Authority considered an alternative operating structure and after discussion chose to make further attempts to strengthen the existing general manager model. In 2019, the Commission also refined the Authority's mission statement by approving a revised and restated Joint Power Authority Agreement (Agreement). In the period that followed, the Member agencies made cash contributions to the Authority in an effort to support the operations functions. In 2022, the Commission, after careful consideration and discussion, recognizing that the general manager model was not working, invited the submission of a plan that would restructure the Authority's operating model. The

RECOMMENDED ACTION: Approve and authorize the Chairperson to execute three agreements: (1) Services Agreement with Ukiah Waste Solutions to Provide Household Hazardous Waste Services for MSWMA; (2) Agreement to Lease 3200 Taylor Drive to Ukiah Waste Solutions; and (3) Services Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA; all with an effective date of April 1, 2023.

Commission wanted the new model to be financially viable, efficient and bring back the Authority's service to an acceptable level in keeping with its mission outlined in the November 2019 JPA Agreement revision and available recourses. That proposed restructuring is described in the three attached agreement that are presented as part of this agenda item. A copy of the November 2019 JPA Agreement is also attached for reference.

Discussion: The attached three agreements provide for an operating structure that will restore a level of service, as determined annually in the budget adoption process, for the collection and disposal of Household Hazardous Waste and other services described in the current JPA Agreement. These services will primarily be funded annually by the per ton fee collected at the gate of all transfer stations in the County and Cities, and currently available Cal Recycle and other grants. The three agreements provide for: 1. boots on the ground HHW services provided by the Contractor at a level determined by the annual budget, at costs detailed in an annually approved rate sheet and other services at agreed upon rates, 2. the beneficial use of the MSWMA Facility by the Contractor to provide HHW services through a \$1 per year lease agreement, and a condition that the Contractor, at its own cost, will operated a California Certified Buy Back Center at the Facility for the Term of the lease, and 3. administrative services provided by the City of Ukiah based upon an annually budgeted compensation amount that includes general, financial, accounting, Commission meeting, and grant management services.



STAFF REPORT

SUBJECT: Approve of two (2) FY2023 Budget Amendments

ATTACHMENTS:

Summary:

Approve two (2) amendments to the MSWMA FY 2023 annual budget: 1. Amend the annual budget to reimburse the City of Ukiah for direct out of pocket costs of \$19,083.25 expended in the period 2019 to 2023 to benefit all Members of MSWMA for the development and implementation of the MSWMA Revised and Restated Joint Powers Authority Agreement (Agreement) and the development of an MSWMA operational restructuring plan embodied in the three agreements that implement that plan. 2. Amend the annual budget to provide \$48,000 compensation for FY 2023 to the City of Ukiah under the Agreement with City of Ukiah to Provide General Manager and Related Administrative Services.

Background: Starting in mid 2019, in the absence of a functioning general manager position at the Authority, the City of Ukiah stepped forward as requested to develop and present to the Commission a MSWMA Revised and Restated Joint Powers Authority Agreement (Agreement) that would refine the Authority's mission statement. The Agreement and other operational choices prepared and presented by the City, were the basis for the Commission to consider operational alternatives. The Authority adopted the Agreement on November 19, 2019 but chose to stay with the general manager operational model. In 2022, after it became apparent that the general manager operational model was not functioning effectively, the City of Ukiah was again asked to consider and develop an alternative operating model to be presented to the Commission for consideration. The \$19,0783.25 budget amendment request for the for the period 2019 through the present includes only the City's out of pocket direct expenses for the City Attorney who drafted the Agreement, and the three agreements presented in agenda item 7a that define the new operating structure along with the business advisor costs for time devoted directly for the recommendations of the development, drafting, coordination and implementation of the restructure plan. All related costs during this period that benefit all Members for City of Ukiah Public Works, City Manager, Grant Specialist, Finance, and City Clerk have been all been funded by the City of Ukiah alone, and no reimbursement is requested for those costs from MSWMA.

2. The Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA requires the Commission to approve a compensation amount to the City annually through the budget process. \$48,000 is proposed as a budget amendment for that compensation amount to the City of Ukiah for FY2023.

Discussion:

RECOMMENDED ACTION: Approve new Budget line item in the amount of \$19,083.25 to reimburse the City of Ukiah for costs to restate the MSWMA JPA agreement, and for developing and drafting a plan for restructuring MSWMA. b. Approve new Budget line item in the amount of \$48,000 for City of Ukiah initial compensation under the terms and conditions of the Services Agreement with City of Ukiah to provide General Manager and Related Administrative Services to MSWMA, as described in paragraph 4A, for the period March 1, 2023 to June 30, 2023.

1. In the absence of a functioning MSWMA General Manager position, both in 2019 and currently, the City of Ukiah has developed and presented the Agreement for approval in order to refine MSWMA mission, considered alternatives for the operation of MSWMA, developed and negotiated for an agreement structure that would allow for the continued existence of MSWMA and its services and presented that restructuring plan on this agenda. The City asks for a budget amendment that would allow for a reimbursement for some of the City's direct out of pocket costs that has been expended to benefit all Members of MSWMA.
2. The Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA calls for the Commission to budget annually for the compensation to the City of Ukiah for services provided under that agreement. The request budget amount for those services for FY 2023 is \$48,000.



AGENDA SUMMARY REPORT

SUBJECT: Transfer of MSWMA Funds to New Custodian.

ATTACHMENTS:

1. MSWMA Staff Report 3-23-23 7c

Summary: Contingent of the Commission's approval of the MSWMA/City of Ukiah (City) Service Agreement (Agreement), the Commission will direct the Chairperson to take the steps necessary to immediately transfer all MSWMA cash balances on deposit with Savings Bank of Mendocino, and any undeposited amounts, including the balances in the Checking and Money Market Savings Accounts to the City and then close the accounts.

Background: If, in an earlier action on this agenda, the Commission has approved the Agreement, then as described in section 2B of that Agreement, the City will assume the role of MSWMA Treasurer. In order to accomplish that change, all funds of MSWMA must be transferred to the City. The Chair can direct the Commissioner who currently has signing power over the two Savings Bank accounts to co-operate with the City to determine the balances on hand in those accounts and to take the steps necessary to transfer those funds and any undeposited amounts to the City in its role as Treasurer.

Discussion: The City will hold such current and future MSWMA funds under the terms and conditions described in section 2B of the Agreement.

Recommended Action: a. Direct and authorize the Chairperson to take the immediate steps necessary to authorize the transfer of all MSWMA cash balances including the operating checking and savings accounts, and any undeposited funds to the custody of the Director of Finance, City of Ukiah as described in paragraph 2B(4) of the Services Agreement with City of Ukiah to provide General Manager and related administrative services to MSWMA.



STAFF REPORT

SUBJECT: SUBJECT: Contingent on the prior approval of the Service Agreement between MSWMA and the City of Ukiah (City), direct the transfer of all MSWMA funds to the City in its role as Treasurer

ATTACHMENTS: None

Summary: Contingent of the Commission's approval of the MSWMA/City of Ukiah (City) Service Agreement (Agreement), Commission will direct the Chairperson to take the steps necessary to immediately transfer all MSWMA cash balances on deposit with Savings Bank of Mendocino, and any undeposited amounts, including the balances in the Checking and Money Market Savings Accounts to the City and then close the accounts.

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Discussion: The City will hold such current and future MSWMA funds under the terms and conditions described in section 2B of the Agreement.

Recommended Action:

Direct the Chairperson to take the steps necessary to immediately transfer all MSWMA funds on deposit at Savings Bank of Mendocino County, and any undeposited amounts, to the City in its role as Treasurer of MSWMA as described in section 2B of the Agreement, and close those accounts when the transfer has been accomplished.

RECOMMENDED ACTION:

Direct the Chairperson to take the steps necessary to immediately transfer all MSWMA funds on deposit at Savings Bank of Mendocino County, and any undeposited amounts, to the City in its role as Treasurer of MSWMA as described in section 2B of the Agreement, and close those accounts when the transfer has been accomplished.



STAFF REPORT

SUBJECT: City of Fort Bragg – County of Mendocino Jointly Owned Casper Transfer Station Rent Bank Account.

ATTACHMENTS: None

Summary:

MSWMA will no longer hold the funds jointly owned by the County of Mendocino and the City of Fort Bragg collected at the Caspar transfer station. These Funds will be transferred to the City of Fort Bragg as requested by the County and City.

Background:

The Caspar transfer station is jointly owned by the County of Mendocino and the City of Fort Bragg. A \$3 per ton portion of the transfer station rent due the County and City has been remitted by the Caspar transfer station operator to MSWMA for deposit into an account managed by MSWMA at the request of the County and City. The County and City have decided to transfer those funds which are jointly owned by the County and City to the City of Fort Bragg for more direct control.

Discussion:

The Caspar transfer station rent fund remitted to and held by MSWMA belong jointly to the County of Mendocino and the City of Fort Bragg. The transfer of these funds to the City and County gives them direct control, eliminating an administration function previously carried out by MSWMA.

RECOMMENDED ACTION:

Direct and authorize the Chairperson to take the immediate steps necessary to transfer the balance in the City of Fort Bragg – Mendocino County jointly owned Casper Transfer Station rent bank account to the City of Fort Bragg as directed in writing by both of those agencies, reducing the account balance to zero, and close the account.



STAFF REPORT

SUBJECT: SUBJECT: Consideration and Possible Action on Appointing a Coastal and an Inland Commissioner to an Advisory Executive Committee.

ATTACHMENTS: None

Summary: The establishment of a three-member standing Brown Act Advisory Executive Committee by appointing one Commissioner from the coastal and one Commissioner from the inland MSWMA service areas to serve along with the General Manager on the Committee. The Committee will advise the General Manager and help in the identification of issues and development of recommendations to be presented to the full Commission.

Background:

The Commissioners all serve as either Members of the Mendocino County Board of Supervisors or the City Councils of Fort Bragg, Ukiah or Willits. The distances between these jurisdictions and the time demands on the Commissioners can sometimes make it difficult to find opportunities to meet as a group to discuss issues and identify possible solutions facing the geographically separate service areas and the Authority as a whole.

Discussion:

If a three person standing Brown Act Advisory Executive Committee were to be established by the Commission, issues and opportunities could be discussed on a more current basis with the General Manager and presented more efficiently to the full Commission. The committee could consist of one Commissioner representing an area that includes the coastal service area and one Commissioner who represents an inland service area and the General Manager, as suggested by section 2A (3) of the Services Agreement with City of Ukiah to Provide General Manager and Related Administrative Services to MSWMA.

RECOMMENDED ACTION: Discussion and possible action to appoint a coastal and an inland commissioner to an Advisory Executive Committee, a standing committee subject to Brown Act rules as described in paragraph 2A(3) of the Services Agreement with City of Ukiah to provide General Manager and related administrative services to MSWMA.



AGENDA SUMMARY REPORT

SUBJECT: Consideration and Possible Adoption of Resolution Adopting the Style of Action Minutes in Conjunction with Digital Audio or Digital Audio-Video Recordings to be the Official Recordation Used for the Mendocino Solid Waste Authority Board of Commissioners.

ATTACHMENTS:

1. Proposed Resolution

Summary: Commissioners will consider adopting a resolution adopting the style of action minutes in conjunction with digital audio or digital audio-video recordings to be the official recordation used for the Mendocino Solid Waste Authority Board of Commissioners.

Background: Currently the MSWMA Commissioner meetings are using a summary style of minutes that can be an inefficient and inaccurate form of recordation, and an ineffective use of staff time. The action style of minutes is currently being used by both the Mendocino County Board of Supervisors and the Ukiah City Council. The following are excerpts from the City Clerk's Association of California Guidelines for Preparing Minutes for Governmental Agencies:

- The City Clerks Association of California issues guidelines as a tool for government agencies to transition to minute styles that are efficient, succinct, cost-effective for staff to prepare, and more appropriately aligned with the intent of the Government Code.
- All components of minutes shall be for the primary purpose of memorializing decisions made by the legislative body. Any minute component that does not serve this primary purpose should be minimized or eliminated; this includes comments made by individual body members and members of the public.
- Minutes should provide a record of a) when and where a meeting took place, and who was present (including member absences, late arrivals, departures, adjournment time); b) type of meeting (Regular/Special/Adjourned Regular); c) what was considered; d) what was decided; and e) agreed upon follow-up action. Pursuant to Government Code 54953(c)(2), minutes shall report any action taken and the vote or abstention on that action of each member present for the action.
- Comments made by members such as "for the record" or "for the minutes" have no bearing on the content of minutes and are given no greater and no lesser consideration than other comments made at the public meeting. Members seeking to memorialize comments should incorporate such verbiage into the language of the motion. As an alternative, members may submit written statements to be retained with the agenda item.
- Individuals speaking under public comment. Brief summary minutes shall, at a minimum, list the public member's name (if provided); and, at a maximum, include the overall topic and stance/position. Such as Mr. Jones spoke in opposition to the Project X. Being mindful that the minutes are recordings of the legislative body's proceedings, it is not appropriate to include detail of individual comments. There is an exception for public testimony provided during public hearings, for which the minutes shall include the speaker's name (if provided) and a summary position of the speaker (i.e., supported or opposed).

- The legislative body may wish to choose more, substantive (summary) minutes if there's no archival audio/video backup recording available of its proceedings. If audio/video recording is available for future reference, minute notations can be more limited (action).

Action Minutes make it possible to easily review the minute document for what actions were taken and people who contributed to the discussions. They also circumvent any possible clerk-misinterpretations, and/or Commissioner objections of what was or wasn't included in the minutes.

Discussion: Staff is recommending that the Commission adopt the resolution (Attachment 1) establishing the Action Minute style in conjunction with digital audio or digital audio-video recordings for the official recordation used for the Mendocino Solid Waste Authority Board of Commissioners.

Recommended Action: Adopt the resolution establishing the Action Minute style in conjunction with digital audio or digital audio-video recordings for the official recordation used for the Mendocino Solid Waste Authority Board of Commissioners.

RESOLUTION NO. 2023-**RESOLUTION OF THE MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY BOARD OF COMMISSIONERS (MSWMA COMMISSIONERS) ADOPTING THE STYLE OF ACTION MINUTES IN CONJUNCTION WITH DIGITAL VIDEO AND/OR AUDIO RECORDINGS TO BE THE OFFICIAL RECORDATION USED FOR THE MSWMA COMMISSIONERS.**

WHEREAS, the MSWMA Commissioners are currently using a summary style of minutes that can be an inefficient and inaccurate form of recordation, and an ineffective use of staff time; and

WHEREAS, the Mendocino County Board of Supervisors and the Ukiah City Council have been successfully using Action Minutes and a digital video and/or audio recording for over ten years; and

WHEREAS, Action Minutes have become the preferred standard among many cities across the state; and

WHEREAS, Action Minutes is a style that is efficient, succinct, cost-effective for staff to prepare, more appropriately aligned with the intent of the Government Code, and quickly show actions taken, identifies individuals who participate in the discussions, is a cost-efficient use of staff time, and avoids any possible clerk-misinterpretations, and/or Commissioner objections of what was or wasn't included in the minutes; and

WHEREAS, if a Commissioner wishes to include a written statement with the minutes, those written statements can be included in its action minutes.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the MSWMA Commission establishes Action Minutes in conjunction with the video and/or digital audio recordings, which are to be kept as permanent records, as the official recordation of the meetings of the Mendocino Solid Waste Management Authority Board of Commissioners.

PASSED AND ADOPTED this 23rd day of March, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____, Chair

ATTEST:

Kristine Lawler, MSWMA Secretary