

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

DATE/TIME	LOCATION	ATTENDEES
<p>February 22, 2021 9:00 a.m.</p> <hr/> <p>Next Board Meeting March 22, 2021 9:00 a.m.</p>	<p>Public Works Building 604 W 6960 S Midvale, UT 84047</p>	<p><u>Board Members:</u> <u>Participating electronically:</u> Anna Barbieri, Scott Bracken, Jim Bradley, Daniel Gibbons, Catherine Harris, Dwight Marchant, Kris Nicholl, Sherrie Ohrn, Brint Peel, Patrick Schaeffer, Diane Turner, Keith Zuspan <u>Excused:</u> Kay Dickerson, Tessa Stitzer</p> <p><u>District & Support Staff:</u> Anthony Adams, Paul Korth, Pam Roberts <u>Participating electronically:</u> Craig Adams, Rachel Anderson, Sione Tuione</p> <p><u>Public participating electronically:</u> Sheila Adler</p>

AGENDA

Call to Order: Scott Bracken, Board Chair

1. Consent Items:

- 1.1.** January 25, 2021 Board Meeting Minutes (**Motion & Approve**)

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

3. Business Items

- 3.1.** Review the 2021 Budget Adjustment and Review of the Timeline of the Project and Completion: Pam Roberts, General Manager and Paul Korth, Finance Director (**Informational**)

- Adjust the 2021 Capital Budget by an additional \$216,791. Increasing the Total Budgeted Amount from \$3,370,400.00 to \$3,587,191.00 for the following:
 - \$168,791.00 to Expand the District’s Compressed Natural Gas (CNG) Fueling Station. (Construction and Permits)
 - \$40,000.00 in 2021 for the Actual Purchase Price of Two CNG Front Load Truck Chassis.
 - \$8,000.00 to Order Two Front Load Bodies in 2021 to be Paid in 2022.

4. Public Hearing to Allow Comments on the 2021 Budget Adjustment

- Open the Public Hearing on the 2021 Budget Adjustment: Scott Bracken
- Citizen Public Input (Public comments are limited to 3 minutes)
- Board Comments
- Close of the Public Hearing

5. Continued Business Items

- 5.1.** Adopt Resolution 4402 and Exhibit “A”, 2021 Budget Adjustment for Capital Purchases: Board Chair Bracken (**Adoption Requested**)
- 5.2.** Follow-up on Concerns Raised by Residents in the Hi Country Estates II Community (HCEII): Board Chair Bracken, Board Member Bradley, Pam Roberts (**Discussion/Direction Requested**)
- 5.3.** Refund/Credit Request for Erroneous Charges: Pam Roberts (**Approval Requested**)
- 5.4.** Open and Public Meeting Act Training: Rachel Anderson, Legal Counsel (**Informational**)
- 5.5.** General Manager’s Report: Pam Roberts (**Informational/Direction**)
- 5.6.** Report on the 2021 Area Cleanup Plan: Pam Roberts and Sione Tuione, Collections Manager (**Informational/Direction Requested**)
- 5.7.** Annual WFWRD Human Resources Policy Review and Manual Updates Adopted in 2020: Andrea Murdock, Human Resources Manager (**Informational**)
- 5.8.** Follow-up Discussions on the Process for WFWRD to Reorganize to a Local District, Executive Summary: Rachel Anderson (**Informational/Direction Requested**)
- 5.9.** 2020 Financial Audit Process and Timelines: Paul Korth (**Informational**)

6. 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.

7. Other Board Business

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

8. Requested Items for the Next Board Meeting/Public Hearing on Monday, March 22nd, 2021 at 9:00 a.m.:

- General Manager's Report
- Follow-up: Municipalities' Desires of Reorganization to a Local District

Pending Board Approval

TOPICS/ OBJECTIVES	KEY POINTS/ DECISIONS	ACTION ITEMS WHO – WHAT – BY WHEN	STATUS
1. Consent Items			
1.1 January 25, 2021 Board Meeting Minutes		<p>Motion to Approve the Minutes by: Board Member Marchant Seconded by: Board Member Harris Vote: All in favor (of Board Members present)</p>	Approved February 22, 2021
2. Meeting Open for Public Comments	(Comments are limited to 3 minutes)		
	<p>Ms. Sheila Adler reviewed the ongoing discussion on waste collection service to the residents in the homeowner association (HOA) which she represents. She commented on continued issues with the current dumpster containers that are provided. She confirmed that she is waiting for responses from Waste Management and A-1 Disposal for collection services. Two other private vendors have denied the request for service to her area. She also stated that the HOA does not have the ability to bill their residents for sanitation collection and needs WFWRD to continue billing individual residents.</p> <p>Board Vice Chair Ohrn confirmed that to keep everyone’s service equitable, everyone would have to use the dumpster in the winter. We need to consider the safety of our drivers, equipment, and the residents. It has been determined that it is not safe in that area during winter conditions.</p> <p>Board Member Harris stated that the nature of services depends upon truck and staff safety. She voiced her gratitude in WFWRD staff’s evaluations, and stated her confidence in Pam’s leadership to determine the best method of service for this area. It is not the Board’s</p>	<p>Board Chair Bracken directed Ms. Adler to obtain responses from the remaining private haulers, and for her and WFWRD to determine a good solution to this issue.</p>	

	duty to confront the day-to-day operations of the District, nor to come up with a solution to this request.		
3. Business Items			
3.1. Review the 2021 Budget Adjustment and Review of the Timeline of the Project and Completion: Pam Roberts, General Manager & Paul Korth, Finance Director (Informational)	<p>Pam reviewed the proposed plan to add eight additional CNG fueling stations to our existing site. The vendor who provides fuel and services to our current site is Utah Clean Energy. They will be the vendor to expand the fueling site. She is also working with the appropriate governing agencies to facilitate this project.</p> <p>Paul reviewed the specific costs related to this capital project. An additional \$216,791.00 will be added to the Capital Budget, increasing the total budgeted amount from \$3,370,400.00 to \$3,587,191.00. The costs will cover \$168,791.00 for eight additional CNG fueling spots at our fueling island, \$40,000.00 for the purchase of two CNG front-loading truck chassis, and \$8,000.00 for the two CNG front-loading truck bodies, which will be paid in 2022.</p>		
4. Public Hearing to Allow Comments on the 2021 Budget Adjustment			
	No public comments	<p>Motion to Open the Public Meeting by: Board Member Peel Seconded by: Board Member Bradley Vote: All in favor (of Board Members present)</p> <p>Motion to Close the Public Meeting by: Board Member Bradley Seconded by: Board Member Peel Vote: All in favor (of Board Members present)</p>	<p>Approved February 22, 2021</p> <p>Approved February 22, 2021</p>

5. Continued Business Items				
<p>5.1. Adopt Resolution 4402 and Exhibit “A”, 2021 Budget Adjustment for Capital Purchases: Board Chair Bracken (Adoption Requested)</p>		<p>Motion to Adopt Resolution 4402 and Exhibit “A” by: Board Member Bradley Seconded by: Board Member Zuspan</p> <p>Vote: All in favor (of Board Members present)</p>	<p>Approved February 22, 2021</p>	
<p>5.2. Follow-up on Concerns Raised by Residents in the Hi Country Estates II Community: Board Chair Bracken, Board Member Bradley & Pam Roberts (Discussion/Direction Requested)</p>	<p>Pam thanked Board Chair Bracken and Board Member Bradley for getting together to follow up after last month’s meeting. WFWRD staff always wants to provide the best service possible. It is difficult to treat all residents in this area the same for services. The terrain in Area D (Arnold Hollow) is more difficult than Areas A and B. To provide curbside for all areas at all times of the year is not feasible despite our desire and the resident’s desire to do so. Curbside is always our preferred method because dumpsters invite illegal dumping at the site. During the winters it is not feasible for us to go into Areas A and B because of the unpaved roads. A compromise may be able to be made with Area C, but it is dependent upon winter weather conditions.</p> <p>We have explored the possibility of a hybrid billing system. However, each time we work outside of our standard business model, it does increase our workload and costs.</p> <p>There has been a history of winter service challenges in this area for many years which has required creative adjustments. In the past, this has involved extra labor from our supervisors transporting cans in smaller pickup trucks. Last year, we decided to switch to a dumpster container, which the HOA agreed to have placed on their property.</p>			

<p>5.3. Refund/Credit Request for Erroneous Charges: Pam Roberts (Approval Requested)</p>	<p>Pam determined that containers need to be utilized during the winter months, while accommodating the areas we can service. A compactor would be ideal if the HOA can set aside land area for it.</p> <p>Board Member Turner complimented Pam on her work with this difficult issue and offered her support for whatever direction was decided. Board Member Bradley thanked Board Members Harris, Ohrn and Turner for their appropriate comments. He especially thanked Pam and WFWRD staff for their thoughtful and professional work and approach to this topic. Board Member Peel suggested considering a lockable container for this area. Pam indicated that this is a possibility to consider. Board Member Zuspan commented on the liability aspect identified by Utah Local Governments Trust. This risk is a concern for the organization. He spoke of the additional community education that the Town of Brighton undergoes for their residents to utilize the dumpster containers in their municipality.</p> <p>Pam stated that there is a resident in Big Cottonwood Canyon who owns two neighboring properties, but one of the properties is undeveloped and vacant. However, we have been erroneously billing for both of these properties. The property owner notified us of the error. Internal policies allow the General Manager to refund/credit up to two years. Any additional refund, up to a total of four years, must be approved by the Board. Pam requested authority to issue a credit of \$708.00 to the resident for the past four years of erroneous charges.</p>	<p>Board Chair Bracken directed Pam to continue to work with Ms. Sheila Adler to finalize the arrangement for her HOA.</p> <p>Motion to Approve \$708.00 Credit to Identified Resident by: Board Member Marchant Seconded by: Board Member Harris Vote: All in favor (of Board Members present)</p>	<p>Approved February 22, 2021</p>
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5.4 Open and Public Meeting Act
Training: Rachel Anderson
(Informational)

Rachel provided the required annual Open and Public Meeting Act Training to board members. She defined and explained the importance of public meetings. She reviewed the requirements for public notices and also for closed meetings. She emphasized that no action nor discussion can be taken in a public meeting unless it is on the agenda. The only exception is chair-approved discussion on a topic brought up by a member of the public during the public comments section of the meeting, but no decisions can be made unless the topic is elsewhere on the agenda for that purpose.

Emergency meetings are allowed under certain circumstances, and all meetings are recorded with minutes and either a video or audio recording. Pending minutes are public record and must be made available to the public within three days after being approved.

Closed meetings can be held if a quorum is present and at least two-thirds of members present vote to close the meeting. There are only certain topics that can be discussed in a closed meeting, and no decisions can be made during a closed meeting. Recordings are still required, but remain private records. In rare circumstances where recordings are not required, an affidavit must be signed confirming the qualifying reasons.

Electronic meetings are allowed with an adopted policy, ordinance, or resolution allowing such; but an anchor location is typically still required for public attendance/participation. This has changed during the pandemic, and meetings are allowed completely online if the Board Chair determines it is necessary to protect the health and safety of attending individuals. Additional notification requirements exist under this situation.

<p>5.5. General Manager’s Report: Pam Roberts (Informational/ Direction)</p>	<p>Chance or social meetings are not considered official meetings under this Act. Email communications are permitted outside of open meetings, though conversations/discussions should occur through public meetings. No sidebar or electronic discussions should take place during a public meeting.</p> <p>Board Member Peel inquired if a new closed session is required for each topic if there are multiple topics to discuss. Rachel confirmed that multiple topics can be discussed under the same closed session, as long as all reasons are announced. The only time different closed sessions would be required is if one or some of the topics required a recording and the others did not. She added that most meeting agendas have a standing agenda item for potential closed sessions. She recommends listing the specific closed items on the agenda and then allowing the board members to vote to discuss those items in a closed session.</p> <p>Pam stated that WFWRD continues to manage workloads during the pandemic. There are still employees who need the COVID-related leave. She will provide a report on this next month.</p> <p>Pam announced that she is continuing to work with Salt Lake County (SLCo) on the second amendment to the Interlocal Agreement for Landfill Services. We have a verbal agreement with SLCo Solid Waste Management’s Executive Director to make our requested adjustments, and getting them before their legal counsel and then the County Council for adoption. Starting this year, we want to move from an 85% annual commitment to a waste tonnage commitment of 94,000 tons delivered to SLCo facilities (transfer station and/or the landfill). This allows us more</p>	<p>Approval</p>	
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flexibility for the delivery of waste to other and more economical vendor locations. Beginning in January of 2024, we want to reduce that tonnage amount down to 90,000 tons annually. This is due to Trans-Jordan opening their own transfer station in Sandy City, and we would take collections from White City directly to this new facility. There is also a request for a 10-year extension to this agreement, which WFWRD feels is doable.

Pam stated that WFWRD needs to make a day of service change to some residents in Millcreek. This change is needed to maintain service efficiencies. A portion of Millcreek that will move their collection day from Tuesdays to Fridays. There are 1,387 homes between 3300 South and 3900 South, and from Highland Drive to 2300 East that will be affected. The last Tuesday collection for these residents will be March 16th, and their first Friday collection will be March 19th. Millcreek City is being notified of the change to help get the word out. WFWRD will also send letters to all affected residents, and notices will also be attached to the residents' cans the week before the change.

Pam also encouraged board members to download the WFWRD mobile application from their respective phone app store if they have not already done so. The Recycle Right Tool is on the WFWRD application as well as reminder notifications for collection days.

5.6 Report on the 2021 Area Cleanup Plan: Pam Roberts and Sione Tuione, Collections Manager (Informational/Direction Requested)

Pam thanked the Board for approving a 3% salary increase for staff working in the Area Cleanup Program (ACUP) to boost recruitment and retention. She also thanked them again for the salary market adjustments for all employees.

Last year, WFWRD implemented a container reservation system for this program, which will continue for 2021. The container per area ratio may vary this year, if the number of reservations made may be more or less than we have planned with 90 reservations per day. This year's rotation will begin in Holladay and Murray and will end in Millcreek.

Sione stated that we looked into how we can improve this program from last year by being more efficient and servicing more residents. We plan to provide up to 90 containers per day, opposed to the 80 per day in 2020. Depending upon the area and staffing, we may be able to provide more than 90 containers. We also want to give residents more time to plan for their container. So, the first mailers will be mailed out this week, giving residents approximately six weeks to plan and schedule their container. This pattern will follow through all areas in the District. Also, for most areas, additional days will be added to their reservation availability based on the municipality's population.

Board Chair Bracken inquired about the comparative staffing needs from the traditional program. Sione confirmed that the reservation program uses less staff as the traditional program. He added that the additional days are still similar to the timeframe of the traditional program two years ago. We started late in 2020 and had fewer days than previous years.

Board Chair Bracken added that the success of this program is dependent upon the functionality of the web-based scheduling aspect, and the call-in support.

Pam praised Sione's hard work on this program, and mentioned that we had very little time to adjust to the new format last year. She also praised the entire team to

<p>5.7. Annual WFWRD Human Resources Policy Review and Manual Updates Adopted in 2020: Andrea Murdock, Human Resources Manager (Informational)</p>	<p>make it work. She added that last year’s team received a few peer-nominated Outstanding Employee Awards that equate to \$200 on the employee’s paychecks.</p> <p>Pam spoke more about the needed staff for the ACUP. For the traditional program, we need at least 21 drivers and five field support staff. Last year we were only able to hire 16 drivers and three ground crew, but averaged only 11 drivers per day. Staffing was the primary reason for the needed change.</p>	<p>Board Chair Bracken directed this topic to be postponed to next month’s ACB meeting.</p>	
<p>5.8. Follow-up Discussions on the Process for WFWRD to Reorganize to a Local District, Executive Summary: Rachel Anderson (Informational/ Direction Requested)</p>	<p>Pam described the associated attachments in the Board Packet related to this discussion, including a history of steps taken towards total autonomy since the creation of this Special Service District, back in 1977. The goal of becoming a local district would allow complete autonomy.</p> <p>Rachel introduced a one-page summary with the hopes that it would be beneficial for board members to take back to their respective municipal councils for discussion. The document includes information about the differences of a local district and special service district. She expounded upon this and the differences with each entity’s authorizations. Special service districts are still under the control of the organizing entity, while local districts are completely autonomous. She reviewed a recent situation where our boundaries needed to be changed, and WFWRD had to defer to</p>		

SLCo to instigate and manage this task. As a local district, this extra step would not be needed. She also reviewed a similar situation when the Metro Townships were incorporated, and the SLCo had to change our charter to allow them representation on our Board.

The second part of the document describes the required steps to reorganize into a local district. A Utah Code was enacted in 2013, with WFWRD specifically in mind, for transitioning to a local district since there was no legal process before that time. Firstly, SLCo would pass an intent resolution stating the intent to convert WFWRD to a local district. A public hearing would be held at least 35 days after this intent resolution. All municipalities within the District would need to consent to the reorganization, and if even one municipality opposed it, the process would stop. As a result, municipal consent through an official municipal resolution, should be obtained first. After this, SLCo passes a resolution reorganizing WFWRD as a local district, and it is filed with the Lieutenant Governor's office.

Board Member Marchant inquired if board member elections would need to be held as a local district, or if they are still appointed by the municipality. Rachel confirmed that WFRWD would still have appointed board members.

Board Chair Bracken requested that Rachel provide a pro forma resolution that board members could take back to their municipalities to use as a resolution template. Board Chair Bracken also confirmed that the transition would be seamless and not affect budgets or operations.

Board Member Barbieri asked if there is any anticipated pushback from municipalities. Rachel stated

Rachel will create a resolution template for the municipalities and deliver by next week.

that there is no anticipated pushback. This will not change services or fees to residents. Pam added that this was approached in August of 2019 with no municipal opposition, but it did not move forward at that time due to other District focus at that time.

Board Member Gibbons thanked Rachel for the information and asked about Salt Lake County's position on this issue. Board Member Bradley stated that he does not see any downside for the County, though it has not been discussed in that council. He added that personally he does not want to see continued reorganization of entities that have taxing authority. He does not see anything wrong with the current organization. He asked for more input from the Boardmembers.

Board Member Peel mentioned that switching to a local district could improve our position in contract negotiation with SLCo, and expounded on his experience in prolonged contract negotiations with SLCo as a past Board Chair and Vice Chair. He added that SLCo could dissolve the District at any time under our current political structure. Becoming a local district removes that possibility.

Board Member Barbieri stated her concern of being dependent on a separate organization (SLCo) going through their own administrative changes if we have needs that require it to go through their council. She also voiced her concerns about additional entities with tax authority, but we also have the public watching us; and municipalities could leave the district if they disapprove of our direction.

Board Chair Bracken requested that board members discuss this topic with their respective councils and determine the formal direction at the March or April

Board Member Bradley will address this topic with the Salt Lake County and Administration for input and opinions.

<p>5.9. 2020 Financial Audit Process and Timelines: Paul Korth (Informational)</p>	<p>board meeting. Rachel added that official municipal approval would be premature by next month's meeting, but the discussion within the next month is important. If more information is needed, she or Pam can provide that needed information and support for each municipal council.</p> <p>Paul stated that we are getting ready for our annual audit this week. The audit report and related CAFR (Comprehensive Annual Financial Report) are anticipated to be presented at the May board meeting. He added that our auditors occasionally send out Fraud Risk Questionnaires to board members, and requested board members to complete and return that questionnaire directly to the auditors if they receive one.</p>	<p>All Boardmembers are to discuss the topic with their respective councils and mayors and report back during the March Board meeting.</p>	
<p>6. Closed Session</p>			
	<p>No Closed Session</p>		
<p>7. Other Board Business</p>			
	<p>Board Member Marchant commended Pam and Sione for their handling of collections related to the recent snowstorm, and remaining on schedule.</p>		
<p>6. Requested Items for the Next Board Meeting</p>			
	<ul style="list-style-type: none"> • General Manager's Report. <ul style="list-style-type: none"> ○ COVID-19 Update • Follow-up on Municipalities' Desires of Reorganizing WFWRD to a Local District. • Annual WFWRD Human Resources Policy Review and Manual Updates Adopted in 2020. • 2020 Operations Accomplishments 		

	<ul style="list-style-type: none"> Recycling Market Updates 		
ADJOURN		Motion to Adjourn: Board Member Peel Seconded by Board Member Harris Vote: All in favor (of Board Members present)	Approved February 22, 2021

Pending Board Approval