

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

DATE/TIME	LOCATION	ATTENDEES
<p>May 24, 2021 9:00 a.m.</p> <hr/> <p>Next Board Meeting June 28, 2021 9:00 a.m.</p>	<p>Public Works Building 604 W 6960 S Midvale, UT 84047</p>	<p><u>Board Members:</u> Anna Barbieri, Scott Bracken, Jim Bradley, Dwight Marchant, Diane Turner <u>Participating electronically:</u> Catherine Harris (through Agenda 3.3), Kris Nicholl (through Agenda 3.3), Sherrie Ohrn, Patrick Schaeffer, Tessa Stitzer (starting in Agenda 3.2), Keith Zuspan <u>Excused:</u> Kay Dickerson, Daniel Gibbons, Brint Peel,</p> <p><u>District & Support Staff:</u> Anthony Adams, Rachel Anderson, David Ika, Paul Korth, Ethan Morris, Andrea Murdock, Pam Roberts <u>Participating electronically:</u> Craig Adams</p> <p><u>Public:</u> Neil Boyd (Herriman), <u>Participating electronically:</u> Patrick Craig (Salt Lake County), Justun Edwards (Herriman City Staff), Trever Hansen (Unincorporated County Resident), Jennifer Kennedy (Murray City Staff), Melissa Kotter (On Track Solutions), Ron Stewart (Gilbert & Stewart, CPA)</p>

AGENDA

Call to Order: Scott Bracken, Board Chair

1. Consent Items:

- 1.1.** April 26, 2021, Board Meeting Minutes (**Motion & Approve**)

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

3. Business Items

- 3.1.** 2020 Independent Auditor’s Report: Paul Korth, Finance Director; and Ron Stewart, Gilbert & Stewart CPAs (**Informational**)
- 3.2.** Transferring Collections Services for Horizon Heights Multi-Unit Condo Complex, Effective Tuesday, July 27, 2021: Pam Roberts, General Manager (**Direction/Approval**)
- 3.3.** Sustainability Team Recycling Report: Ethan Morris, Sustainability Coordinator (**Informational**)

- 3.4. Recommended Salary Market Adjustments for Equipment Operators and Lead Equipment Operators, and Compression Adjustments: Pam Roberts; Andrea Murdock, Human Resources (HR) Manager; and Melissa Kotter, HR Consultant (**Approval Requested**)
- 3.5. Policy Revisions for Private Roads Adding an Appeal Process: Rachel Anderson, Legal Counsel; and Pam Roberts (**Direction/Approval**)
- 3.6. Appointments for the Ad Hog Committee for Private Road Appeals (**Appointments**)
- 3.7. Update on Municipal Support for WFWRD Reorganization: Pam Roberts (**Informational/Direction**)
- 3.8. Recommendations for Board Meeting & Associated Technology Needs: Pam Roberts; and Anthony Adams, Board Clerk (**Discussion/Direction**)

4. 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.

5. Other Board Business

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

6. Requested Items for the Next Board Meeting on Monday, June 28th, 2021 at 9:00 a.m.:

- Review Current Cash Balances and Cash Projections
- Review Current Waste and Recycling Services Fee Comparisons
- General Manager's Report
 - Area Cleanup Status Report
 - Filling Vacant Allocations
 - Private Roads
- Listing of Properties Released from Tax Sale

TOPICS/ OBJECTIVES	KEY POINTS/ DECISIONS	ACTION ITEMS WHO – WHAT – BY WHEN	STATUS
1. Consent Items			
1.1 April 26, 2021, Board Meeting Minutes		Motion to Approve the Minutes by: Board Member Marchant Seconded by: Board Member Turner Vote: All in favor (of Board Members present)	Approved May 24, 2021
2. Meeting Open for Public Comments	(Comments are limited to 3 minutes)		
	<p>Neil Boyd, Board President of the Horizon Heights Condominium Owners Association, in Herriman, followed up on his public comments from last month regarding the discontinuation of services. He requested more than three minutes for his comments, and also requested permission to respond during agenda 3.2. Board Chair Bracken directed Mr. Boyd to conduct his discussion during his public comment.</p> <p>Mr. Boyd clarified that there are two separate associations in the area affected by the proposed cessation of services, and also clarified the legal status of the association he represents, and described the reasonings why WFWRD should continue to provide collection services to the condominiums within the association he represents.</p> <p>Trever Hansen, from Dell Haven Lane, was present but delegated his comments to Board Member Bradley, for discussion/presentation at the appropriate time.</p>	<p>Board Chair Bracken directed Mr. Boyd to forward the materials he had for presentation to Pam Roberts. It would then be forwarded for legal advisement.</p>	

3. Business Items			
<p>3.1. 2020 Independent Auditor's Report: Paul Korth, Finance Director; and Ron Stewart, Gilbert & Stewart CPAs (Informational)</p>	<p>Paul announced that the 2020 Independent Financial Audit has been completed. This audit was performed by Gilbert & Stewart, CPAs. Additionally, we have released the Comprehensive Annual Financial Report. He introduced Ron Stewart, from Gilbert & Stewart, CPAs, who conducted the independent audit. Paul added that WFWRD rotates auditors every three years, and this is the third year that this firm has conducted this annual audit.</p> <p>Ron Stewart briefly reviewed the audit process for WFWRD, which includes verifying that the district's financial statements are materially correct; reviews that internal controls are designed, implemented, and working; and reviews state auditing compliance.</p> <p>Mr. Stewart announced that WFWRD's financial statements have been validated and are materially correct, including cash, investments, accounts receivables, pensions, and OPEB (other post-employment benefits) liabilities. It also includes capital assets, prepaid expenses, and accounts payable. A significant number of reviews are conducted and compared to prior years' financial statements. The Independent Auditor's Report reflects an "unmodified opinion," which is the best opinion an organization can receive.</p> <p>Opinions are not given on reviews of internal controls, but they are evaluated and tested. No instances of deficiency or material weakness were identified. Internal controls are properly designed, implemented, and working effectively.</p> <p>For state auditor compliance, the auditors reviewed budgetary compliance, fund balance, fraud risk</p>		

<p>3.2. Transferring Collections Services for Horizon Heights Multi-Unit Condo Complex, Effective July 27, 2021: Pam Roberts, General Manager (Direction/Approval)</p>	<p>assessment, open & public meetings, and the public treasurer's bond. In the auditor's opinion, WFWRD is in compliance with state requirements, as of December 31, 2020.</p> <p>Mr. Stewart concluded by praising WFWRD staff for their cooperation with the audit process. Pam confirmed that a new request for bid will take place for a new auditor this year.</p> <p>Pam agreed that WFWRD has been servicing homes on private roads, both in and out of Homeowner Associations (HOAs). She and Rachel Anderson (WFWRD's legal counsel) have been scrubbing our resolutions and adding definitions to our policy manual related to servicing private roads.</p> <p>Pam clarified that the Horizon Heights condominium complex is excluded from our service obligations because it is multi-unit complex with more than four units to each building, and on a private road. WFWRD originally overstepped in this instance, and we are working to transition this complex to a private service provider. She reviewed similar complexes that WFWRD has transitioned to private collection within the past several months, which have a similar property setup. We are obligated to service homes, up to a four-plex, on public roads. Anything beyond that is outside of our mandate and would require a contract to provide services, even if we have provided services to those residents for years.</p> <p>It has been discovered that some of the private developers have been incorrectly listing WFWRD as the sanitation provider for these private neighborhoods. We worked with these developers and the city to</p>		
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	<p>correct that information to avoid confusion once we discovered the error.</p> <p>There is another section within Horizon Heights which includes single family dwellings and townhomes, and not condominiums. These homes are under a separate HOA; and even though some homes are on a public road, they are still within that private HOA, which excludes them from our service obligation. This HOA has already begun the process to transfer sanitation services to a private company.</p> <p>Board Member Barbieri commented that more of these types of complexes will be created in all of the municipalities, with some on private roads. Pam confirmed that these complexes should be referred to private haulers, going forward. We are not accepting any new homes on private roads. Board Chair Bracken added that staff will continue to audit all of the municipalities' private roads for which we are currently providing services, to determine if WFRD should or can continue to provide those services.</p> <p>Board Member Bradley stated that sanitation has always been a public service provided by a governmental entity. Even after breaking away from the county, we still have that obligation. We should view things differently than if we were a private corporation. If it is appropriate and possible, we should provide these services to everyone regardless of whether they are on a public or private road. The Salt Lake Valley is becoming more dense and complex. We need higher density housing to accommodate the growth. We shouldn't draw a line in the sand for private developments. Conversely, we should not be going where it is dangerous or not possible. We need a subjective process to evaluate current and new developments. He shared an example of Dell Haven</p>		
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	<p>Lane, off of Dimple Dell Road. Board Member Harris agreed and indicated that there is no coordination with municipal permitting or planning services. Safety is the overwhelming concern.</p> <p>Rachel clarified some points in the discussion, and stated that we are limited by our creation resolution. The policies have been crafted to provide operational direction within the bounds of the resolution. The ACB is the policy making entity for WFWRD. Pam, and her team, are the administrators/implementors of the policies. We don't want situations where we bring operational decisions to the board every month. This is Pam's role. This is why we are working to create a policy that reflects the board's desires within the bounds of the resolution which created WFWRD. This is also related to the issue of transitioning WFWRD to a local district. If we want to change our organizational business model, we have to go back to the Salt Lake County Council for that change until we become a local district. Pam and her team are also working to identify all areas, within the district, which fall outside of those areas. This is in line with our current charter. Arbitrary decisions should not be made based on individual appeal. It should be equally applied based on clear policy.</p> <p>Rachel further identified that planned unit developments (PUDs) do not have a global definition, but are defined by each municipality. These are where narrower streets may be designed and could cause challenges for our services in these areas when we are not consulted. This would be a great opportunity for us to be more involved in these development plans, on a municipal level. Board Chair Bracken commented that the planning commissions are generally outside of our purview. It would certainly help to have input on these high-density developments. This should be discussed at</p>		
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<p>3.3. Sustainability Team Recycling Report: Ethan Morris, Sustainability Coordinator (Informational)</p>	<p>a later meeting. Pam commented that developers typically work with private haulers during this process. With the confusion in Herriman, developers assumed that we would provide the service, but we weren't contacted or consulted. Rachel concluded by indicating that we do not have authorization to drive on private roads. This is another reason to have contracts in place for our services.</p> <p>Board Member Marchant inquired if Horizon Heights would meet our qualification if not for a technicality. Pam confirmed that it is not merely a technicality, and Horizon Heights does not meet qualification for us to provide services to their community. In the past we have not accepted multi-building and multi-unit complexes on a private road. This did not occur until the quick development in the southwest area of the valley where we did not have mechanisms in place to perform checks and balances. She confirmed the staff's desire to let this community go and follow the precedence that has been set. Board Member Marchant voiced support of consistent guidelines for our service areas.</p> <p>Rachel indicated that this direction is not unique to WFWRD. In all municipalities, they do not go on private roads to collect waste or plow snow. These are all privately contracted by the residents or an association. Board Member Turner stated that we cannot be all things to all people, and agreed on Pam's request/recommendation.</p> <p>Pam stated that the recycling markets have calmed down recently. She introduced WFWRD's Sustainability Coordinator, Ethan Morris. Ethan confirmed that there is a lot of good news in recycling.</p>	<p>Motion to Transfer Horizon Heights Condominiums to a Private Hauler, Effective July 27th by: Board Member Turner</p> <p>Seconded by: Board Member Barbieri</p> <p>Vote: Board Members Barbieri, Bracken, Harris, Marchant, Ohrn, Nicholl, Schaeffer, Stitzer, Turner, and Zuspan in favor. Board Member Bradley opposed.</p>	<p>Approved May 24, 2021</p>
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	<p>Ethan reviewed the current 2021 recycling tonnages and calculated that each resident is disposing approximately 40 pounds of recycling each month. He reviewed the clean/contamination rates for each municipality for 2021. The district's overall contamination average is 25.48%. He added that this information shows us where we can focus educational efforts to help reduce contamination. These efforts will increase during the summer. Board Member Marchant requested future reports to show the history of change for municipalities.</p> <p>Ethan described the process to obtain contamination percentages by monthly "sample sorts." There is a sample sort conducted for each municipality every month. Magna and Kearns are currently combined, but starting in June, Waste Management will conduct sample sorts for these two municipalities separately.</p> <p>Pam pointed out that paper and cardboard are the highest quantities of recyclable commodities that we collect, and they have been performing well in the commodities markets. Ethan confirmed that these commodities have increased \$10 per ton. This is due to supply and demand. He also stated that they are the easiest commodities to contaminate. With our consistent educational efforts, he expects to see a reduction in recycling contamination. He also provided guidance on specific recycling questions for private or commercial entities. Markets and customers are demanding and supporting more sustainable packaging.</p> <p>The demand for certain recycled plastics is expected to increase through 2028, due to demand for automotive and construction purposes. Also, scrap metal is doing well. Glass is not included in this report, but is doing well since that market is local, within the state of Utah.</p>	<p>Ethan will prepare an updated report that includes glass.</p>	
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<p>3.4. Recommended Salary Market Adjustments for Equipment Operators and Lead Equipment Operators, and Compression</p>	<p>Ethan described how WFWRD works directly with residents to educate them on recycling, including spot-checking cans on the street before they're collected to identify any contamination. Cans are tagged if there is an issue with the contents of a can so that the resident is better educated for the future. We have seen positive results with this process. He added that containers should only require a small amount of water to swish around to clean them out. If it requires more, such as a peanut butter container, it is not worth the work and resources to clean it out. We should not use other valuable resources to clean out a recyclable container.</p> <p>Ethan announced that he is working with Samantha DeSeelhorst, Associate Planner & Sustainability Analyst for Holladay, Cottonwood Heights, and Millcreek, to develop a Millcreek Recycling Development Zone. This would increase recycling resources, via tax credits, to businesses within this zone.</p> <p>Recycling educational resources and statistics were discussed, including WFWRD's mobile application, recycling guide, the "Recycle Right" online tool, social media recycling tips, and virtual classroom visits. Ethan also reviewed WFWRD's planned community summer event participation.</p> <p>Ethan stated that recycling should not be bagged, even in paper bags. Recycling centers will not take the time to open bags to empty the contents. They will just be sent to the landfill.</p> <p>Melissa provided some background on the Equipment Operator position, starting with the 2018 market adjustment. Even with the 1.5% adjustment in 2021, this is still not enough to attract and retain needed staff.</p>		
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<p>Adjustments: Andrea Murdock, HR Manager; and Melissa Kotter, HR Consultant (Approval Requested)</p>	<p>Current market data was reviewed, and it was discovered that the midpoint market rate was 5.6% higher than our current pay plan. Due to this increase, it is recommended that the Equipment Operator and Lead Equipment Operator positions be adjusted to better align with the markets. This quick market change is also compounded due to the very low unemployment rate within the state, leading to high competition to fill these positions. Andrea confirmed that employee recruitment and retention has been difficult this year.</p> <p>Melissa further explained how these adjustments have impacted pay compression for the Collection Supervisor and Collection Manager positions. To address this, Melissa is recommending the starting pay for these two positions to start at the 25th percentile on the pay scale. This brings these positions closer to market quicker, and will help bring pay equity to all positions. The proposed percentage increase would be part of the employee's 2021 merit increase. She confirmed that the market data obtained was from local and regional data and surveys, including public and private industries, so that it is applicable to our needs.</p> <p>Pam restated that Equipment Operator, Lead Equipment Operator, and Area Cleanup are the most difficult to recruit and retain as CDL (commercial driver's license) drivers. The annual maximum for this increase is \$228,439. This would kick off in the first pay period in June. For 2021, starting in June, the increased amount for fulltime staff, including benefits, is \$122,880. To include Area Cleanup staff, the grand total for 2021 is \$136,413. She requested approval for this increase, and also the increase in starting pay for Equipment Operator and Area Cleanup positions.</p> <p>Melissa explained the plan for future phases of market adjustments. This would include credit for previous</p>		
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	<p>years of related experience. The first phase would be allowing new applicants credit on the pay scale for related experience to enhance their starting salary. Industry-specific experience would be given 100% credit, while related experience that is not industry-specific would be given 50% credit for years of experience. Years of experience would be capped at 10 years, which would place an applicant at the 75th percentile, equaling a starting wage of \$24.83 for an Equipment Operator. This still allows employees to grow within the salary range.</p> <p>Phase two would be the same process, but with current Equipment Operators. A form will be completed to identify experience, and it will be a one-time salary adjustment. The cost for this phase will not be known until we collect this data from current employees. Phase three would follow this process for all other positions within WFWRD. This third phase would be implemented in the 2022 budget year.</p> <p>Board Chair Bracken commented that there is a lot of competition for employees with the needed skills for our collection drivers. We can't provide the needed services if we don't have staff to collect trash and recycling. This proposed plan will acquire and retain valuable employees. This will save money in the long run. Board Vice Chair Ohrn expressed her gratitude for this research and concurred with Board Chair Bracken's comments.</p>		
3.5 Policy Revisions for Private Roads Adding an Appeal Process: Rachel Anderson, Legal Counsel; and Pam Roberts (Direction/Approval)	Rachel indicated that due to requests from board members, additional reviews have been conducted on our policy for private roads. As a result, areas for additional clarification have been identified. The primary change includes the concept of excluded properties to clarify what is included in our service area	<p>Motion to Approve Salary Market Adjustments for the Identified Positions, as presented, by: Board Member Marchant</p> <p>Seconded by: Board Member Bradley</p> <p>Vote: All in favor (of Board Members present)</p>	<p>Approved May 24, 2021</p>

	<p>mandate. She referenced the discussion during Agenda 3.2 of today's meeting. She clarified that homes on a public road, but within an HOA would be listed in the excluded category to reduce financial and jurisdictional confusion with those homes. This situation, however, is extremely rare. She further explained that it would not apply to homes that were not originally PUDs.</p> <p>She reviewed the proposed appeal process, and the creation of an ad hoc ACB subcommittee to address private road appeals. This subcommittee will review the General Manager's decision and determine if policies were applied correctly, not to grant exceptions to the policy.</p> <p>Board Member Bradley restated that we should assume that we provide residential collection services, irrespective of the classification of where they live. He understands excluding commercial and industrial. We should not automatically exclude residential private roads. We should maintain an inclusive mindset. Pam confirmed that this philosophy does not fit within the bounds of WFWRD's existence. Decades ago, when WFWRD was part of the County, there were not as many private haulers. So, these private roads defaulted to our service area. Our policy addresses situations where a private hauler is not available and allows WFWRD to provide needed services in these rare cases.</p> <p>Board Member Barbieri asked if new equipment would be necessary to accommodate high density housing areas, which would add liability and require additional staff and resources. If so, we need to change our charter and business model. As a more accepting mindset, it would also lead to inconsistencies. Rachel stated that if high density housing is built on public roads, we will need to have this discussion; but as long as they are built on private roads, it is outside of our service</p>		
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	<p>mandate. Board Chair Bracken echoed the logic of which entity will plow the snow off the roads. If it is privately contracted, then sanitation collection should also be private.</p> <p>Board Member Bradley commented about the subjectivity of private road enforcement. Pam stated that our policies should be designed to be clear enough to avoid subjectivity. She added that our service area will not shrink, but will grow organically within our service charter because there are new single-family homes on public roads and not part of HOAs as well. Our purpose is to fill the gap that is not provided by the private industry. We should not be competing with private companies by marketing for new business and under bidding them.</p> <p>Board Member Bradley also expressed concern regarding the proposed appellate process. He questioned who would collect during this process. Pam answered that whoever was collecting at that time would continue until the decision was made and arrangements for any transition could take place. Board Member Bradley also inquired about the finality of the ad hoc committee's decision. Rachel confirmed that the current proposal identifies the committee's decision as final. There was also confusion regarding deadlines within the appeal process, which were clarified.</p> <p>Board Member Bradley readdressed the concerns from a resident on Dell Haven Lane, whose waste has not been collected for three to four weeks, due to this private road concern. Services have been provided for the residents that bring their cans out to the main road.</p>		
3.6 Update on Municipal Support for WFWRD Reorganization: Pam	Pam quickly shared the current status of municipal support for WFWRD to reorganize to a local district.	<p>Due to time constraints, Board Chair Bracken directed this topic to continue at the next meeting. He further directed board members to review the proposed policy changes, including the appeal process, for next month's meeting.</p> <p>Board Member Bradley and Pam will discuss this issue outside of this meeting, due to time constraints.</p>	

Roberts (Informational/Direction)	All municipalities have passed resolutions in support. She will continue to work with Salt Lake County on this process.		
3.7 Recommendations for Board Meetings & Associated Technology Needs: Pam Roberts (Discussion/Direction)	Pam proposed that we continue future board meetings as was conducted today. Board Chair Bracken concurred that this meeting worked well, and agreed.		
6. Closed Session			
	No Closed Session		
7. Other Board Business			
	No Other Board Business		
6. Requested Items for the Next Board Meeting			
	<ul style="list-style-type: none"> Continued Discussion on Policy Revisions for Private Roads Adding an Appeal Process <ul style="list-style-type: none"> Appointments for the Ad Hoc Committee Review Current Cash Balances and Cash Projections Review Current Waste and Recycling Services Fee Comparisons General Manager's Report. <ul style="list-style-type: none"> Area Cleanup Status Report Filling Vacant Allocations Private Roads Listing of Properties Released from Tax Sale 		
ADJOURN		Motion to Adjourn: Board Member Barbieri Seconded by Board Member Turner Vote: All in favor (of Board Members present)	Approved May 24, 2021

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