

**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF THE
CASTRO VALLEY SANITARY DISTRICT
HELD ON MARCH 18, 2008**

[1. Call to order, Roll Call, and Pledge of Allegiance.]

The Special Meeting of the Board of Directors of the Castro Valley Sanitary District was called to order by President Johnson at 6:05 p.m., Tuesday, March 18, 2008, at the District Office. The Pledge of Allegiance was led by President Johnson.

ROLL CALL:

PRESENT: DIRECTORS Akagi, Francis, Johnson, McGowan and Waespi

ABSENT: None

LATE: None

Staff in attendance:
Roland Williams, General Manager
Anthony Varni, District Counsel

Others in attendance are listed on the attached attendance sheet.

[2. Items from the Public.]

President Johnson asked if anyone had any comments on items other than the Solid Waste Services Contract. Comments will be heard during the item from the public.

[3. Solid Waste Services Contract.]

Manager Williams presented a memorandum to the Board outlining the results of the direction given at the March regular Board meeting. Staff was directed to research three options and present findings to the Board at this meeting. The options were as follows:

1. Continue the RFP process with WMAC and award a new agreement by the May 2008 Board meeting.
2. Extend the current agreement 1 or 2 years and start a new RFP process for disposal and collection separately.
3. Start a new RFP process without extending the current agreement past May 1, 2009.

Manager Williams stated the staff and consultant, R3 Consulting, recommend Option #1, as the most viable and requested the Board direct staff to continue negotiations with WMAC.

President Johnson asked for comments from the public on this subject. Comments received were as follows:

- Dean Kattler, WMAC – stated WMAC signed an agreement with labor today.
- David Tucker, WMAC – stated WMAC was the only company to respond to both disposal and collection contracts. He also stated WMAC is the only company that has a chance of getting the District to the 75% diversion goal by 2010. He reminded the Board that 75% of the residents stated they like the service provided by WMAC.
- Louie Pellegrini, ACI – stated ACI bid on the job and is still willing to discuss options with the District. He believes there have been material changes in negotiations for which they did not have an opportunity to provide pricing. Those items include a 10 year contract term, floor and ceiling on the RRI, and de-bundling the commercial rates.
- Kevin Kin, Republic – mentioned the Board has a tough job to do. He noted that Republic did come to the pre-bid but decided not to bid due to the 15-mile rule imposed by Stopwaste.Org. The landfill owned by Republic is 18 miles from Castro Valley. If the rule could be relaxed they would like to be considered.
- Richard Via, Tri-Ced – announced Tri-Ced has entered into an agreement with Chabot College to grant funds for an Environmental Services Center. He stated Tri-Ced is always looking for ways to improve the community with grants and funding of worthy causes. They are also interested in discussing a profit sharing model with the District; the first of it's kind in Alameda County.

President Johnson asked the Board for their thoughts on the matter and proposed next steps. After some discussion Member McGowan introduced a motion to accept staff 's recommendation of Option #1, with the modification that the Board will consider awarding a new agreement at the May 2008 Board meeting and, the agreement should include a de-bundled rate for commercial, a long-term (20) year disposal agreement, and completed negotiations of the exceptions, most importantly the issue of force majeure. The motion was seconded by Member Akagi and passed on a 5-0 vote.

President Johnson called for a break at 6:45 p.m. and the meeting reconvened at 6:55 p.m.

[4. Adjournment to Closed Session (one item). The Board may adjourn to Closed Session in accordance with Government Code Section 54956.9(b.3.D.) for the purpose of conferring with or receiving advice from legal counsel regarding pending litigation.

Member Akagi made a motion to go into closed session seconded by Member Francis and passed 5-0.

A. Reconvene to Open Meeting and report on any action taken in Closed Session.

A motion was made by Member Akagi to return to open meeting at 7:45 p.m. The motion was seconded by Member Francis and passed on a 5 – 0 vote.

President Johnson reported the Board received information from District Counsel and no action was taken.

[5. Miscellaneous Comments from Board Members and Staff.]

No comments from Board members or staff.

[6. Adjournment of Meeting.]

There being no further business to come before the Board, Member Akagi made a motion, seconded by Member Francis and passed on a 5 - 0 vote, to adjourn the meeting at 7:50 p.m. by President Johnson.

Respectfully submitted,

Daniel M. Akagi,
Secretary of the Sanitary Board