

SOLID WASTE SPECIAL SERVICE DISTRICT #1 (SWSSD1)
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Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. §54-2-207(4), the Administrative Control Board of the Solid Waste District has decided to continue to hold electronic meetings without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, the Solid Waste District has continued to hold meetings by electronic means.

**MINUTES: REGULAR MEETING AND PUBLIC HEARING OF THE
SWSSD1 ADMINISTRATIVE CONTROL BOARD**

MONDAY, APRIL 26, 2021, 4:00 PM

BOARD MEMBERS PRESENT: Kalen Jones (Chair), Kevin Fitzgerald (Vice Chair), Mary McGann (Treasurer), Chad Harris (Member), and Diane Ackerman (Member).

Others present: Evan Tyrrell (District Manager), Jessica Thacker (District Program Manager/District Clerk), Chris Scovill (District Facilities Supervisor), LJ Blackburn (District Administrative Assistant/Bookkeeper).

These minutes are presented in the order of the agenda and not necessarily in the order of discussion. The board packet is available on the District's website located here:
<https://swssd1.org/board-meetings-and-minutes/>.

SPECIAL MEETING – CALL TO ORDER (4:00PM)

Kalen Jones called the meeting to order at 4:18pm.

CITIZEN'S INPUT

No comments from the public were received.

APPROVAL OF MEETING MINUTES

- A. MARCH 22, 2021 REGULAR MEETING**
- B. APRIL 8, 2021 SPECIAL MEETING & PUBLIC HEARING**

MOTION: Mary McGann motioned/Kevin Fitzgerald seconded to approve the minutes for March 22, 2021 and April 8, 2021 as written in the April 26, 2021 Board packet. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

TREASURER/FINANCIAL

C. ACTION ITEM: APPROVAL OF EXPENDIATURES FOR THE MONTH OF MARCH 2021

Evan Tyrrell provided a brief summary of the expenditures for the month of March with both routine expenditures, including two payroll periods and a Grand County health insurance payment along with unique non-routine due diligence expenditures associated with the pending acquisition of Monument Waste Services, LLC's Utah-based operations and payment to Lance Excavating Inc. for chipping and grinding of reclaimed green waste at the Moab Landfill. He stated that a deposit in the amount of \$40,000 into the Escrow account for real property had been made as well.

MOTION: Kevin Fitzgerald motioned/Mary McGann seconded to approve the expenditures for the month of March 2021 in the amount \$203,454.88. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

REPORTS FROM BOARD AND STAFF

D. DISTRICT STAFF REPORTS

Evan Tyrrell provided a brief staff report in which he stated that he had been holding meet and greets with Monument Waste Services, LLC (MWS) staff and had provided offer letters. He stated that the District was continuing to look for another qualified operator for District operations while informing the Board that an operator had been hired and that the District looked forward to working with them.

Evan Tyrrell stated that MWS due diligence was continuing to move forward smoothly. He stated that the Community Recycle Center (CRC) baler was down for mechanical repairs with replacement parts scheduled to arrive later this week.

Jessica Thacker provided a brief staff report regarding the Earth Day events from the previous weekend. She stated that there had been a total of 14 participants that led to approximately 1,000 pounds of aluminum cans collected. She stated that it was tentative that the event would return again in November for America Recycles Day.

No other staff reports were provided.

E. BOARD REPORTS

Diane Ackerman provided a brief Board report stating that in cooperation with Our Community Village, she was able to host a composting workshop in which 17 members of the community attended. She stated that Jessica Thacker had attended as well and had informed her (D. Ackerman) that an article covering the workshop would be written by Ms. Thacker.

Kalen Jones stated that the Moab City Council had voted to approve the transfer of the MWS franchise agreement to the District.

No other Board reports were provided.

OLD BUSINESS

F. *POSSIBLE ACTION ITEM: APPROVAL OF A PROVISIONAL DISTRICT STAFF EMPLOYEE HANDBOOK TO BE EFFECTIVE MAY 1, 2021*

Evan Tyrrell introduced the Provisional District Staff Employee Handbook by stating that it was a very dense documents that had undergone a significant amount of edits. He stated that sections such as nepotism, vacation and compensatory accruals, and disciplinary actions had been heavily edited and were pending legal review. Kalen Jones stated that the City had expanding their policy on nepotism to included members of household outside of the traditional definition due to a previous issue encountered at the City and suggested Evan use that language for future drafts. He explained how the suggested sick, vacation, and compensatory times would affect both District and Monument staff. He explained that Monument staff would have their current vacation accruals paid out and upon closing, would start new under the District’s sick and vacation accruals rates while also allowing for negative vacation leave to Monument staff for those with currently approved vacation requests. Chad Harris asked how sick leave was being handled if allowances for “gifting” sick leave had been explored in the event of extreme cases of sickness such as cancer treatment. Evan Tyrrell stated that there was currently no provision for this, but it is something that could be explored in the future. Mary McGann suggested the potential concept of a “sick leave bank” and mentioned that several large organizations and hospitals had chosen to implement a policy where those who choose not to receive the COVID-19 vaccination not be authorized to receive sick pay should they contract COVID-19.

Evan Tyrrell explained the changes that had occurred to the disciplinary sections, stating that they had previously been divided into three subsets of violations. He stated that the appeal process had also been more clearly defined, removing traces of potential ambiguity.

Kalen Jones inquired to the reasoning behind partisan and non-partisan differentiations in the provided drafts and Evan Tyrrell stated that the language was potentially a relic from older drafts and had posed this question to the Employers Council previously. Mary McGann agreed the references are likely a relic from when Grand County was labeled as non-partisan. Kalen Jones also expressed the importance of incentivizing and encouraging all staff, both District and Monument, to receive their COVID-19 vaccination but he also acknowledged the level concern surrounding the vaccines themselves.

MOTION: Mary McGann motioned/Kevin Fitzgerald seconded to approve the updated District Employee Handbook as Provisional pending Employee Council review and comment with an effective date of May 2, 2021, striking 6 months of employment before vacation can be used. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

NEW BUSINESS

G. *POSSIBLE ACTION ITEM: ADOPTION OF AN UPDATED DISTRICT CODE OF ETHICAL CONDUCT POLICY*

Evan Tyrrell stated this policy underwent a similar review back in 2018 and minimal changes have been made. He stated that this statement should be recited at the beginning of the calendar year while revisiting the code with both new and existing staff. Mary McGann stated that studies have been done regarding the

implementation of these policies and results have found them effective in lowering fraud. She stated it is a highly recommended practice by the Utah Audit Association.

MOTION: Mary McGann motioned/Diane Ackerman to adopt the District Policy 140-1050, Code of Ethical Conduct, with an effective date of April 27, 2021. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

H. *POSSIBLE ACTION ITEM: ADOPTION OF AN UPDATED VISITORS AND WORKPLACE DISTRACTIONS SAFETY POLICY*

Evan Tyrrell stated this policy had also undergone an Employer's Council review but upon further inspection, he stated he'd like to conduct a more comprehensive review and update to the document prior to implementation. Diane Ackerman volunteered to assist as Board member for review.

MOTION: Mary McGann motioned/Chad Harris seconded to table Agenda Item H, Update Visitors and Workplace Distractions Safety Policy. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

I. *POSSIBLE ACTION ITEM: ADOPTION OF A PROVISIONAL DRUG AND ALCOHOL TESTING POLICY FOR DISTRICT EMPLOYEES WHO HOLD A COMMERCIAL DRIVER'S LICENSE (CDL) AND WHO PERFORM SAFETY-SENSITIVE TRANSPORTATION FUNCTIONS, INCLUDING DRIVING A COMMERCIAL MOTOR VEHICLE (CMV)*

Evan Tyrrell stated there is much to learn regarding this and that he had been working with the Consortium of Drug and Alcohol Testing and MRO Services (CODA) to develop and implement a more comprehensive Drug and Alcohol policy for staff that drive commercial motor vehicles and perform safety-sensitive transportation functions. He stated the policy was a template received from CODA and is fully vetted in DOT rules and regulations and would be explicit for staff that hold CDLs, drive commercial vehicles, and hold safety-sensitive positions. Evan Tyrrell explained he would serve as the Designated Employer Representative (DER), someone who has the authority to remove employees from safety-sensitive positions and stated there is training for these positions. He asserted that once the CODA account had been created, the District would be provided with all the necessary information and resources and required staff would be sent to Elwood Staffing for testing. Evan Tyrrell explained that this document did not need to be passed as provisional and could be approved as a final document with some minor additions that defer to the District's Employee Handbook.

MOTION: Diane Ackerman motioned/Chad Harris seconded to approve the District Drug and Alcohol Testing Policy for employees with Commercial Driver's Licenses that perform safety-sensitive transportation functions. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

J. POSSIBLE ACTION ITEM: APPROVAL FOR DISTRICT STAFF TO SUBMIT AN APPLICATION TO THE UTAH DIVISION OF CORPORATIONS & COMMERCIAL CODE FOR CONSIDERATION FOR THE DISTRICT TO CONDUCT BUSINESS AND OPERATE UNDER THE DBA CANYONLANDS SOLID WASTE AUTHORITY

Evan Tyrrell stated an intent to submit a “Doing Business As” (DBA) application to the Utah Division of Corporations and Commercial Code, foregoing a formal name change, to ease confusion regarding the Solid Waste Special Service District #1 name and suggested an all-encompassing name of “Canyonlands Solid Waste Authority (CSWA)” that covers both District and Monument operations. He stated the District’s current name is too generic, does not give a sense of location, and not attractive business-wise. Evan Tyrrell explained that Dan Kirkpatrick had given permission for the District to continue using the Monument branding for the meantime, but urged the Board to consider a DBA/name change approval as soon as possible to begin the re-branding process (logo, decals, etc.). Nearly all Board members expressed support for the suggested name change. Kevin Fitzgerald stated that he had held several discussions with community members regarding a potential name change and stated they had expressed interest in a less confusing acronym for the District. Kalen Jones expressed slight trepidation regarding the name change since branding is very important and felt more feedback on a potential name change might have been helpful.

MOTION: Kevin Fitzgerald motioned/Diane Ackerman seconded to approve District staff to submit an application to the Utah Division of Corporations and Commercial Code for consideration for the District to conduct business and operate under the DBA Canyonlands Solid Waste Authority. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

MOTION: Mary McGann motioned/Kevin Fitzgerald seconded to enter closed session to discuss character, competency of an individual. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

The closed session began at 5:19pm.

PUBLIC HEARING – CALL TO ORDER (6:00PM)
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K. PUBLIC HEARING ON FEE SCHEDULES FOR THE MOAB TRANSFER STATION, ROLL-OFF CONTAINER SERVICES, AND RESIDENTIAL AND COMMERCIAL TRASH AND RECYCLING SERVICES

Mary McGann left the meeting following the end of closed session at 5:54pm. Kalen Jones called the Public Hearing to order at 6:01pm. No public comments were received.

Evan Tyrrell stated that the District has posted this information on the Utah Public Notice website as well as published the Public Notice for the past three weeks in a local publication stating that the District would adopt all 2021 Monument Fee Schedules and incorporated those rates in full with additional footnotes and disclaimers. He explained some operational changes such as bringing some electronic waste totes brought to the Transfer Station and transfer of tires from the Transfer Station to Moab Landfill.

Evan Tyrrell explained minor changes that had been made to the Fee Schedule for Roll-Off Container Services. He stated that some ambiguity on the time frame and associated pricing existed (excluding unique situations such as the Canyonlands Needles District container) regarding the roll-off containers and had been addressed in updated footnotes. He also explained that additional footnotes had been added to provide clarification on non-acceptable materials. Kevin Fitzgerald asked for clarification on whether specific-type containers were available for customers and Evan Tyrrell answered in the positive and that we would work with customers to identify their needs. Evan Tyrrell stated he would discuss the concrete specific roll-off container situations in a manner that worked best.

Finally, Evan Tyrrell presented the Fee Schedule for Residential and Commercial Trash and Recycling Services and stated that prices from Monument had been retained and explained the price differences based on location, frequency of pickup, size and number of cart(s), commodity type, and type of property. The full Fee Schedule can be found at <https://swssd1.org/board-meetings-and-minutes/>. Evan Tyrrell stated that Dan Kirkpatrick had a comprehensive spreadsheet that took in several factors to assist in determining costs for collection. Diane Ackerman put forth a hypothetical situation in which Monument staff would have to pick up overflow trash from a container and asked how this type of situation would be handled and documented, specifically if additional cost was charged to the customer. Evan Tyrrell replied that Monument staff is trained to take photographic documentation and take notes when these types of situations occur. He stated that the garbage trucks also have GPS tracking installed and a pre-determined route that assists in uncommon situations (i.e., cart was not available, car blocking cart, etc.).

MOTION: Diane Ackerman motioned/Kevin Fitzgerald seconded to close the public hearing. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

The public hearing ended at 6:20pm.

L. DISCUSSION AND ADOPTION OF A RESOLUTION TO APPROVE THE FEE SCHEDULE FOR THE MOAB TRANSFER STATION

MOTION: Kevin Fitzgerald motioned/Chad Harris seconded to adopt Resolution No. 2021-0401, a resolution adopting the 2021 Fee Schedule for the Moab Transfer Station. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

M. DISCUSSION AND ADOPTION OF A RESOLUTION TO APPROVE THE FEE SCHEDULE FOR ROLL-OFF CONTAINER SERVICES

MOTION: Chad Harris motioned/Diane Ackerman seconded to adopt Resolution No. 2021-0402, a resolution adopting the 2021 Fee Schedule for Roll-Off Container Services. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

N. DISCUSSION AND ADOPTION OF A RESOLUTION TO APPROVE THE FEE SCHEDULE FOR RESIDENTIAL AND COMMERCIAL TRASH AND RECYCLING SERVICES

MOTION: Diane Ackerman motioned/Kevin Fitzgerald seconded to adopt Resolution No. 2021-0403, a resolution adopting the 2021 Fee Schedule for Residential and Commercial Trash and Recycling Services. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

CLOSING ACTIONS / ADJOURNMENT

O. FUTURE CONSIDERATIONS

The next Regular ACB meeting will be held on May 20, 2021, beginning at 4:00 pm.

P. ADJOURNMENT

MOTION: Kevin Fitzgerald motioned/Diane Ackerman seconded to adjourn the meeting.

The meeting adjourned at 6:25 p.m.

Respectfully submitted to the Board,

Jessica Thacker
District Clerk, Solid Waste Special Service District #1