

TAHOE-TRUCKEE SANITATION AGENCY



A Public Agency
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Directors
O.R. Butterfield
Dale Cox
S. Lane Lewis
Jon Northrop
Dan Wilkins
General Manager
LaRue Griffin

BOARD OF DIRECTORS

REGULAR MEETING MINUTES

November 8, 2017

I. CALL TO ORDER:

President Butterfield called the regular meeting of the Tahoe-Truckee Sanitation Agency Board of Directors to order at 9:00 AM. Roll call and Pledge of Allegiance followed.

Directors Present: O. R. Butterfield, TSD
Dale Cox, SVPSD
Dan Wilkins, TCPUD
S. Lane Lewis, NTPUD via telephone
Jon Northrop, ASCWD

Staff Present: LaRue Griffin, General Manager
Roshelle Chavez, Administrative Services Manager
Michael Peak, Operations Manager
Jason Parker, Engineering Manager
Jim Redmond, Maintenance Manager
Richard P. Shanahan, Agency Counsel
Michelle Mackey, Administration Department
Dawn Davis, Administration Department
Claire Parker, Administration Department
Susan Guzman, Administration Department
Tom Rinne, Engineering Department
Mike Smith, Engineering Department
Aaron Carlsson, Engineering Department
Kevin Woods, IT Department
Laura Mader, Laboratory Department
Bill Pindar, Laboratory Department
Kristen Davis, Laboratory Department
Kristen Schrandt, Laboratory Department
Richard Italiano, Maintenance Department
Dean Haines, Maintenance Department
Russell Ozolins, Maintenance Department
Tobin Fuchs, Maintenance Department
Robert Holmes, Maintenance Department
Mark Heidelberg, Maintenance Department
Mark Messerschmidt, Maintenance Department
Philip Fay, Maintenance Department

Jesus Zarate, Maintenance Department
Anthony Salinas, Maintenance Department

Public Present: Rick Thompson, IBEW 1245
Blake Tresan, TSD
Sage Sauerbrey, Moonshine Ink
M. Osgood, Independent Contractor

II. BUSINESS:

1. Public Comment.

Agency staff, Mr. Philip Fay, addressed the Board and provided information regarding his discontent of the General Manager and retracted his previous support. He asked the Board to consider postponing their rejection of the petition until investigating his concerns.

Agency staff, Mr. Mike Smith, addressed the Board and informed them he has not had the same experiences and concerns as Mr. Fay regarding management and the General Manager. He feels that the open-door policy of the General Manager makes him easy to approach.

Agency staff, Mr. Aaron Carlsson, addressed the Board and stated he agrees with Mr. Smith's sentiments. He likes the direction T-TSA is charted on and that it will help current and future employees manage the plant. He has not seen or felt any intimidation from any management staff.

Agency staff, Mr. Russell Ozolins, addressed the Board and stated he has also not experienced any intimidation. He feels staff are often not informed and he was even instructed to not talk to certain staff members. He stated employees are not informed of what the union has to offer other than hearsay amongst staff. He feels his direct managers are stonewalling project management amongst knowledgeable staff in the maintenance department and information is not flowing from management down and vice versa.

Agency staff, Mr. Bill Pindar, addressed the Board and stated that several staff members, new and seasoned, have addressed him and stated they are ready to leave because they are unhappy.

Mr. Rick Thompson with IBEW 1245 addressed the Board and informed them the IBEW has filed an appeal to the Board of Directors regarding the General Manager's decision to reject the IBEW Local 1245 petition for recognition.

No action was taken by the Board.

2. Closed Session.

The Board went into closed session with legal counsel and Mr. Griffin at 9:21 AM pursuant to Government Code section 54956.9(d)(1) regarding existing adjudicatory administrative proceeding, IBEW Local 1245 v. Agency (Public Employee Relations Board Case No. AS-RR-1172-M) (IBEW petition for recognition and unfair labor practice charge).

The meeting was reopened at 9:54 AM. Nothing to report from closed session.

3. Consideration of IBEW Local 1245 appeal of General Manager's September 27, 2017 decision rejecting petition for recognition.

The Board considered the IBEW Local 1245 appeal of General Manager's September 27, 2017 decision rejecting the IBEW petition for recognition. Mr. Griffin began the appeal hearing by providing a summary of the petition submitted by the IBEW Local 1245. He stated he reviewed the petition and determined that it was not in accordance with Resolution 4-93. The resolution established two bargaining units, but the petition asked for recognition of a single wall-to-wall bargaining unit, which is inconsistent with the resolution. In addition, the resolution stated there will be separation between managers/supervisors and non-supervisory employees and the units shall have a community of interest; however, the petition did not meet the criteria. Based on those points, he believed the rejection of the petition for recognition was justified.

Agency counsel, Mr. Shanahan, stated that the resolution referred to by the General Manager allowed for an agreed party to appeal to the Board. This would be the time to consider the IBEW appeal to the Board.

Mr. Rick Thompson with the IBEW Local 1245 addressed the Board regarding reasons supporting the IBEW appeal. He stated that they were not aware of Resolution 4-93 when they submitted their petition. He compared the T-TSA bargaining unit rules to other agencies and districts and stated a wall to wall bargaining unit may be deemed appropriate.

Agency staff, Mr. Aaron Carlsson, addressed the Board and stated the he did not like the fact that he was going to be forced into a wall to wall bargaining unit just because other agencies do so.

Agency staff, Mr. Kevin Woods, addressed the Board to state he understands the IBEW's points but the argument does not follow the most current employee employer relation guideline.

Mr. Rick Thompson added that the IBEW appeal added significantly more points as to why their petition should not be denied.

Agency Counsel, Mr. Shanahan, stated that the record should reflect that the IBEW appeal letter is included in the Board packet and has been distributed to each director and the Board should now deliberate and decide the appeal. President Butterfield closed public comment.

Mr. Griffin recommended that the Board support his decision to reject the IBEW petition for recognition and approve Resolution 10-2017.

Director Wilkins stated that the timing of the finding of Resolution 4-93 was unfortunate but does not believe there was malice intent and is not a reason to ignore them. He stated the General Manager's decision was clear and the petition is not consistent with Agency local rules. He encouraged the IBEW to submit another petition that was consistent with Agency rules and stated he was not comfortable deviating from current rules as they could create other issues.

In addition, Director Wilkins stated the IBEW has noted in its appeal that the local rules and bargaining units are not consistent with state law. Agency counsel confirms that they are in fact consistent with the law as it relates to the bargaining units. He believes the General Manager's decision to reject the petition is consistent with the Agency local rules and the law, and he was prepared to deny the appeal. He added that it is unfortunate that the union should wish to challenge these local rules and go forward to PERB and not comply with local rules because it will be a longer process.

MOTION by Director Lewis, **SECOND** by Director Wilkins to approve Resolution 10-2017 which upholds the General Manager's determination and concludes the General Manager acted appropriately in denying the IBEW petition, and affirms his decision on the grounds that the unit requested by the union is not an appropriate unit in accordance with Resolution 4-93; unanimously approved.

The Board approved the motion by the following roll call vote:

AYES: Directors Cox, Wilkins, Lewis, Northrop and President Butterfield
NOES: None
ABSENT: None
ABSTAIN: None

Motion approved.

4. Approval of the minutes of the regularly scheduled Board meeting on October 11, 2017.

MOTION by Director Cox, **SECOND** by Director Northrop to approve the minutes of the regularly scheduled Board meeting on October 11, 2017; unanimously approved.

The Board approved the motion by the following roll call vote:

AYES: Directors Cox, Wilkins, Lewis, Northrop and President Butterfield
NOES: None
ABSENT: None
ABSTAIN: None

Motion passed.

5. Approval of General Fund Warrants.

MOTION by Director Cox, **SECOND** by Director Northrop to approve the General Fund Warrants; unanimously approved.

The Board approved the motion by the following roll call vote:

AYES: Directors Cox, Wilkins, Lewis, Northrop and President Butterfield
NOES: None
ABSENT: None
ABSTAIN: None

Motion passed.

6. Receive and file financial statements, status of investments and Teichert mining report.

Received and filed.

7. Approval of CH2M Hill Task Order 29 to provide engineering design and construction assistance for the Building 27 Main Service Upgrade project.

MOTION by Director Lewis, **SECOND** by Director Northrop to approve CH2M Hill Task Order 29 to provide engineering design and construction assistance for the Building 27 Main Service Upgrade project; unanimously approved.

The Board approved the motion by the following roll call vote:

AYES: Directors Cox, Wilkins, Lewis, Northrop and President Butterfield
NOES: None
ABSENT: None
ABSTAIN: None

Motion passed.

8. Approval of the Annual Employee Appreciation dinner.

MOTION by Director Cox, **SECOND** by Director Lewis to approve the Annual Employee Appreciation dinner; unanimously approved.

The Board approved the motion by the following roll call vote:

AYES: Directors Cox, Wilkins, Lewis, Northrop and President Butterfield
NOES: None
ABSENT: None
ABSTAIN: None

Motion passed.

9. Discussion of State Route 89/Fanny Bridge Community Revitalization Project Related TRI Relocation Agreement.

Mr. Griffin provided the Board with an update to the project and stated that the Central Federal Lands Highway Division prefers that the TRI be abandoned in place instead of removed and that T-TSA retain ownership of the abandoned pipeline. He added the change in scope would require an amendment to current relocation agreement and Caltrans agreed to provide an indemnification should T-TSA abandon the TRI in place.

The Board directed to staff to proceed to abandon the TRI in place provided there is a relocation agreement amendment and Caltrans agrees to an indemnification agreement.

10. Operations, Maintenance, Engineering and IT Reports

Mr. Peak provided an update on current and past projects for the operations department and reported that the all waste discharge requirements were met for the month except for a minor pH violation at Well 31.

Mr. Redmond provided an update on current and past projects for the maintenance department.

Mr. Parker provided an update on current and past projects for the engineering department.

No action was taken by the Board.

11. General Manager Report

Mr. Griffin provided a brief update on the status of various ongoing projects, none of which required action by the Board. No action was taken by the Board.

12. Comments from the Board of Directors – Reports, Announcements and Questions for clarification only

President Butterfield announced his retirement from the T-TSA Board of Directors. Director Cox presented President Butterfield with a plaque honoring him for his years of service with the Agency and commended him for his work in all the Tahoe-Truckee area over the years. President Butterfield gave a brief history of how he came to Truckee and how T-TSA was formed. Several Agency staff members as well as the Board Directors thanked Mr. Butterfield for his service.

13. Closed Session

The Board went into closed session with legal counsel and Mr. Griffin at 11:19 AM pursuant to Government Code Section 54956.8 for a conference with General Manager, as Agency real property negotiator, concerning price and terms of payment relating to potential to real property exchange with Truckee Tahoe Airport District concerning Nevada County APN 019-440-81, APN 049-040-24 and APN 049-040-25.

The meeting was reopened at 11:30 AM. Nothing to report from closed session.

III. ADJOURNMENT:

There being no further business, the meeting adjourned at 11:31 AM.



LaRue Griffin
Secretary to the Board

Approved: 12/13/17