

*Approved*  
*November 8, 2006*

**SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY  
BOARD MEETING**

**MINUTES OF SEPTEMBER 13, 2006**

**1. Call to Order/Roll Call**

**Board Members Present:**

Katcho Achadjian, County Supervisor  
Chuck Ashton, City of Grover Beach  
Shirley Bianchi, County Supervisor  
Dave Brooks, Authorized Districts  
Melody DeMeritt, City of Morro Bay  
Christine Mulholland, City of San Luis Obispo  
Rudy Natoli, City of Pismo Beach  
Jim Patterson, County Supervisor (*arrived shortly after beginning of meeting*)  
Fred Strong, City of Paso Robles

**Board Members Absent:**

Ed Arnold, City of Arroyo Grande  
Jerry Lenthall, County Supervisor  
Harry Ovitt, County Supervisor  
Becky Pacas, City of Atascadero

**Staff Members Present:**

William A. Worrell, Manager  
Carolyn Goodrich, Board Secretary  
Ray Biering, IWMA Counsel

**2. Public Comments. None.**

**3. Manager's Report.** Bill Worrell provided an update on municipal programs, presented the IWMA award from Cal EPA "Most Innovative Oil Program" and the CRRA Award recognizing Bill serving on the CRRA Board of Directors. Recent news included solid waste related indictments in the member's agenda packets. Bill played two used oil recycling video ads that were part of a

program for area high schools.

### **CONSENT CALENDAR**

**Motion was made, seconded and unanimously passed to approve the Consent Calendar.**

Those items approved are as follows:

- 4. Draft Minutes of the March 8, 2006 IWMA Board Meetings (approved).**
- 5. Draft Minutes of the April 26, 2006 Executive Committee Meeting (receive and file).**

### **REGULAR CALENDAR**

**6. Landfill Expansion Update.** The IWMA Board received a presentation by Mike Hoover of Chicago Grade Landfill's planned expansion. Site Manager Rick King of Cold Canyon Landfill provided an overview of Cold Canyon Landfill's expansion. IWMA Board consensus was for Bill Worrell to attend San Luis Obispo County Planning Commission meetings when the items are on the agenda to comment on behalf of the IWMA Board.

Board Member Achadjian left the meeting.

**7. Revision to the IWMA Conflict of Interest Code.** Bill Worrell reported the IWMA conflict of interest code needs to be updated to add IWMA Legal Counsel and delete Senior Engineer and Associate Engineer positions from the designated position list.

**Motion was made by Board Member Mulholland to approve changing the IWMA Conflict of Interest Code to add IWMA Legal Counsel and remove Senior Engineer and Associate Engineer positions from Exhibit A Designated Position List of the SLO County IWMA Conflict of Interest Code. Seconded by Board Member Bianchi and passed 8-0-5 absent (Achadjian, Arnold, Lenthall, Ovitt and Pacas).**

**8. New Grants.** Bill Worrell reported staff had been authorized to submit grant applications for five (5) recycling, household hazardous waste and used oil programs. In total, staff submitted seven (7) applications and it appears all 7 applications were approved for funding. Additionally, staff prepared and submitted a reuse grant, which was also approved September 12, 2006.

**Board Member Strong moved to approve Resolution 06-02 Adopting the Amended 2006/2007 Fiscal Year IWMA Budget to reflect grant awards, approve the submittal of a reuse grant to fund a Habitat for Humanity reuse store in south county, and authorize the Manager to take the necessary action to implement the grants. Seconded by Board Member Mulholland and passed on the following roll call vote:**

**AYES:** Ashton, Bianchi, Brooks, DeMeritt, Mulholland, Patterson, Strong and Natoli  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Achadjian, Arnold, Lenthall, Ovitt and Pacas

9. **The 2003 and 2004 Annual Reports and 5 Year Review.** Bill Worrell discussed the 2003 and 2004 annual reports and five year review.

**Motion was made by Board Member Brooks to receive and file the 2003 and 2004 Annual Report and authorize the President to sign and send a letter to Ms. Melissa Vargas, CIWMB. Seconded by Board Member Mulholland and passed 8-0-5 absent (Achadjian, Arnold, Lenthall, Ovitt and Pacas).**

10. **Eco-Pop Litigation Update.** Bill Worrell provided an overview of the 2 year long litigation in United States Federal court where Eco-Pop claimed the IWMA infringed on an alleged copyright, trademark and/or trade dress, and engaged in unfair competition when it designed and installed container tops.

On April 22, 2004, IWMA's attorney Mary Harris wrote:

“In the demand letter, Eco-Pop is claiming proprietary trademark, trade dress and copyright rights in its recycling collection containers...” “Eco-Pop Designs does not appear to own any patents, trade dress or copyright registrations for the designs.”

After two years the facts had not changed. May 12, 2006 Eco-Pop's case against the IWMA was dismissed with prejudice.

Outside counsel was paid for by IWMA insurance.

11. **Legislative Update.** Motion was made by Board Member Bianchi, seconded by Board Member Patterson and passed 8-0-5 absent (Achadjian, Arnold, Lenthall, Ovitt and Pacas) authorizing the President to send a letter to the Governor requesting him to veto AB 2449.

12. **Adopt as IWMA Policy the Resource Management Act developed by the California Resource Recovery Association.** Bill Worrell reported the California Resource Recovery Association (CRRA) adopted a Resource Management Act (RMA). The RMA serves as a general guidance policy for the future of waste management in California. Staff recommended the IWMA Board adopt the RMA.

**Motion was made by Board Member Bianchi, seconded by Board Member Strong and passed 8-0-5 absent (Achadjian, Arnold, Lenthall, Ovitt and Pacas) to adopt the Resource**

**Management Act as the policy guideline for the IWMA and authorize the Manager to comment on legislation based on the Resource Management Act.**

**13. IWMA Correspondence. Motion was made, seconded and passed to receive and file the IWMA correspondence.**

**14. Member Comments and Future Agenda Items. None.**

**15. Adjournment. The meeting was adjourned to the next regular meeting of the IWMA scheduled for November 8, 2006, at 1:30 p.m. in the San Luis Obispo County Board of Supervisor's Chambers, County Government Center, San Luis Obispo, CA.**

**THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE IWMA AT THE NEXT REGULAR MEETING.**