

Meeting Minutes MRC Oversight Committee – Incident Investigation



Date: 6/29/2023



Start: 10:00 AM



End: 10:43 AM

Information about the Oversight Committee including agendas, meeting minutes, recordings, etc., can be found at <https://cchealth.org/hazmat/mrc/>

I. CALL TO ORDER

Attendance

Community Members: ~~Cheryll Grover~~, Benjamin Therriault, ~~Pedro Babiak~~, Tony Semenza, ~~Deirdre Castillo~~, Kent Hull, ~~Thomas Lang~~

City of Martinez: Lauren Sugayan

City of Benicia: Josh Chadwick

Contra Costa Hazmat: Nicole Heath, Matt Kaufmann, Adam Springer, Michael Dossey, Sam Calvert

MRC: Ken Axe

MRC USW Rep: Nick Plurkowski

II. APPROVAL OF MINUTES FROM LAST MEETING

Committee Member	Voting Result
Cheryll Grover (Community Member)	absent
Pedro Babiak (Community Member)	absent
Ben Therriault (Community Member)	approve
Kent Hull (Community Member)	approve
Deirdre Castillo (Community Member)	absent
Tony Semenza (Community Member)	approve
Thomas Lang (Community Member)	absent
Ken Axe (MRC)	approve
Nick Plurkowski (MRC. Emp. Rep.)	approve
Josh Chadwick (City of Benicia)	approve
Lauren Sugayan (City of Martinez)	approve
Nicole Heath (CC Health)	approve

Meeting minutes from the last meeting were approved.

III. NEW BUSINESS

a. Discuss process for approval of minutes

A motion was introduced by Nicole Heath to change the approval process for minutes. If the motion passes, meeting minutes will no longer be approved during the next meeting. Instead meeting minutes will be sent to the committee members for approval after the meeting takes place. Members will be given the chance to comment or approve the minutes. Once minutes are approved, they will be uploaded to cchealth.org/hazmat/mrc

Committee Member	Voting Result
Cheryll Grover (Community Member)	absent
Pedro Babiak (Community Member)	absent
Ben Therriault (Community Member)	approve
Kent Hull (Community Member)	approve
Deirdre Castillo (Community Member)	absent
Tony Semenza (Community Member)	approve
Thomas Lang (Community Member)	absent
Ken Axe (MRC)	approve
Nick Plurkowski (MRC. Emp. Rep.)	approve
Josh Chadwick (City of Benicia)	approve
Lauren Sugayan (City of Martinez)	approve
Nicole Heath (CC Health)	approve

The motion passed. The minutes will no longer be approved during the next meeting. Instead, minutes will be approved by the committee soon after the meeting and these minutes will be posted to the website.

b. Discuss future meeting format

Meetings now opened to the public and recorded. However, because of the nature of incident investigations we may need to have closed sessions in order to protect any confidential business information related to the investigation.

IV. OPEN ISSUES

a. Status update on Independent Incident Investigation – Scott Berger & Associates

Scott Berger gave update on the status of the incident investigation progress. During the previous meeting, Scott Berger & Associates were presented a draft nondisclosure agreement that did not allow disclosure of any information to the committee without approval from MRC. A new draft agreement was received which was determined to be more restrictive. This has led to a delay in the agreement to the nondisclosure agreement. Scott Berger stated that they need to be able to discuss with the Oversight Committee items that are relevant to the investigation.

Matt Kaufmann (Contra Costa Health, Deputy Director) stated that the county legal team is working with MRC to develop an agreement. Contra Costa Health will protect confidential business information, as required by law. The county currently does this for when handling confidential business information. Working as a contractor for the county, Scott Berger & Associates will also be required to protect confidential business information.

Ken Axe (MRC) stated that the access to information for Scott Berger and Associates is not an issue. The issue is regarding disclosure of confidential business information. The disclosure of such information to the committee needs to be explored because the committee includes members of the public. MRC feels that the consultant can conduct an investigation and present findings without disclosing confidential business information.

Scott Berger stated that they will have issues supporting findings without being able to have data to support those findings.

Lauren Sugayan stated that in her experience there can be a code of ethics that the committee agrees to keep confidential information confidential. Suggesting that this is something our committee should consider.

Tony Semenza stated that this is not a new situation. A similar situation occurred with the Chevron Oversight Committee and the situation was resolved.

Nick Plurkowski also stated he has concerns about the delays that this agreement is going to have.

Nicole Heath gave update on next steps. Wants to remind everyone that this investigation is not directly related to the Risk Assessment that has been performed. Once the investigation begins, we do not anticipate having monthly meetings, but rather on an as needed basis.

V. PUBLIC COMMENT

During the public comment period, 4 public comments were received stating disappointment that an agreement has not been reached between MRC and the consultant.

Note: In a response to one of the public comments it was incorrectly stated that the failure to notify will be addressed by the Attorney General. CCH corrects this statement by noting that it is the District Attorney who is pursuing the failure to notify by MRC.

VI. ADJOURNMENT

Meeting adjourned at 10:43 AM

For the full discussion, please see the recording of this meeting at <https://cchealth.org/hazmat/mrc/>