



Meeting of the Board of Directors

May 19, 2022
REGULAR MEETING

Closed Session begins at 8:30a.m.
Regular Session begins at 9:00 a.m. or immediately following
closed session

Estimated Ending Time 11:30 a.m.

Virtual Meeting via Zoom

<https://sonomacounty.zoom.us/j/92248855470?pwd=OFFVNUliWVh5Wk5SSzVyWWdWbndjdz09>

Or Telephone: +1 669 900 9128

Webinar ID: 922 4885 5470

Passcode: 157476

Meeting Agenda and Documents

ZERO WASTE SONOMA

Meeting of the Board of Directors

May 19, 2022

REGULAR MEETING

Regular Session begins at 9:00 a.m.

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Note: This packet is 43 pages total



Zero Waste Sonoma

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Closed Session begins at 8:30 a.m.

Regular Session begins at 9:00 a.m. or immediately following Closed Session

Estimated Ending Time 11:30 a.m.

In accordance with Executive Orders N-25-20 and N-29-20 the Board of Directors meeting will be held virtually.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

Virtual Meeting via Zoom

<https://sonomacounty.zoom.us/j/92248855470?pwd=OFFVNUliWVh5Wk5SSzVyWWdWbndjdz09>

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PUBLIC COMMENT:

Public Comment may be submitted via recorded voice message or email. Public comment may also be made by “raising your hand” using the Zoom platform.

Voice recorded public comment: To submit public comment via recorded message, please call 707-565-2722 by 5:00 pm Wednesday, May 18th. State your name and the item number(s) on which you wish to speak. The recordings will be limited to two minutes. These comments may be played or read at the appropriate time during the board meeting.

Email public comment: To submit an emailed public comment to the Board please email leslie.lukacs@sonoma-county.org and provide your name, the number(s) on which you wish to speak, and your comment. These comments will be emailed to all Board members and can be provided anytime leading up to and throughout the meeting.



Agenda

Item

1. Call to Order
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Sec. 54956.9(c) (one case)
3. Adjourn Closed Session / Call to Order Regular Meeting
4. Agenda Approval
5. Public Comments (items not on the agenda)

Consent (w/attachments)

- 6.1 Minutes of the April 21, 2022 Regular Meeting
- 6.2 April, May, and June 2022 Outreach Calendar
- 6.3 Resolution No. 2022-13, Making Findings and Determinations Under AB 361 for the Continuation of Virtual Meetings
- 6.4 Amendment to the Agreement for Short-Term Organics Materials Processing Services with WM Redwood Landfill, Inc.

Regular Calendar

7. AB 1276 Informational Presentation [Pagal]
8. Zero Waste Week Resolution and Template Proclamation [Pagal]
9. Boardmember Comments – NO ACTION
10. Executive Director Report – VERBAL REPORT
11. Staff Comments – NO ACTION
12. Next ZWS meeting: June 16, 2022
13. Adjourn

Consent Calendar: These matters include routine financial and administrative actions and are usually approved by a single majority vote. Any Boardmember may remove an item from the consent calendar.

Regular Calendar: These items include significant and administrative actions of special interest and are classified by program area. The regular calendar also includes "Set Matters," which are noticed hearings, work sessions and public hearings.



Public Comments: Pursuant to Rule 6, Rules of Governance of the Sonoma County Waste Management Agency/Zero Waste Sonoma, members of the public desiring to speak on items that are within the jurisdiction of the Agency shall have an opportunity at the beginning and during each regular meeting of the Agency. When recognized by the Chair, each person should give his/her name and address and limit comments to 3 minutes. Public comments will follow the staff report and subsequent Boardmember questions on that Agenda item and before Boardmembers propose a motion to vote on any item.

Disabled Accommodation: If you have a disability that requires the agenda materials to be in an alternative format or requires an interpreter or other person to assist you while attending this meeting, please contact the Zero Waste Sonoma Office at 2300 County Center Drive, Suite B100, Santa Rosa, (707) 565-3579, at least 72 hours prior to the meeting, to ensure arrangements for accommodation by the Agency.

Noticing: This notice is posted 72 hours prior to the meeting on the internet at www.zerowastesonoma.gov



To: Zero Waste Sonoma Board Members
From: Leslie Lukacs, Executive Director
Subject: May 19, 2022 Board Meeting Agenda Notes

Consent Calendar

These items include routine financial, informational and administrative items and **staff recommends that they be approved en masse by a single vote.** Any Board member may remove an item from the consent calendar for further discussion or a separate vote by bringing it to the attention of the Chair.

- 5.1 April 21, 2022 Meeting Minutes
- 5.2 April, May, June 2022 Outreach Calendar
- 5.3 Resolution No. 2022-13, Making Findings and Determinations Under AB 361 for the Continuation of Virtual Meetings
- 5.4 Amendment to the Agreement for Short-Term Organics Materials Processing Services with WM Redwood Landfill, Inc.

Regular Calendar

6. AB 1276 Informational Presentation

AB 1276 is a new state law that became effective January 1, 2022, however the state has not provided any guidance for implementation, or designated a department to oversee it. This law now serves as the baseline for food service ware accessory items on request across statewide food providers. **Staff recommends directors receive the presentation, and discuss the options for education and enforcement of AB 1276, Single-Use Food ware Accessories and Standard Condiments.**

7. Zero Waste Week Resolution and Template Proclamation.

Zero Waste Week is being organized for an entire week of community events in July aimed at educating and empowering various sectors of the public to act towards zero waste. **Staff recommends that Zero Waste Sonoma support the inaugural North Bay Zero Waste Week held July 24th to July 30th through approval of a Resolution and a Model Proclamation for consideration by the Councils of our member jurisdictions and Board or Supervisors.**



Minutes of the April 21, 2022 Meeting

Zero Waste Sonoma met on April 21, 2022, via Zoom to hold a virtual board meeting.

Board Members Present:

| | |
|--------------------------------------|------------------------------------|
| City of Cloverdale – absent | City of Santa Rosa - John Sawyer |
| City of Cotati - Susan Harvey | City of Sebastopol – Diana Rich |
| City of Healdsburg – Evelyn Mitchell | City of Sonoma - Madolyn Agrimonti |
| City of Petaluma – Rhianna Frank | County of Sonoma – Trish Pisenti |
| City of Rohnert Park - Pam Stafford | Town of Windsor - Deb Fudge |

Staff Present:

Executive Director: Leslie Lukacs
Counsel: Ethan Walsh
Staff: Xinci Tan, Sloane Pagal, Thora Collard, Courtney Scott, Kristen Sales
Agency Clerk: Thora Collard

1. Call to Order Regular Meeting

Regular session was called to order at 9:02 a.m.
Introductions

2. Agenda Approval

3. Public Comments (items not on the agenda)

None

4. Consent (w/attachments)

- 4.1 Minutes of the February 17, 2022 Regular Meeting
- 4.2 February, March, April, and May 2022 Outreach Calendar
- 4.3 Resolution No. 2022-10, Making Findings and Determinations Under AB 361 for the Continuation of Virtual Meetings
- 4.4 ZSW FY 2021/22 Third Quarter Financial Report
- 4.5 Approval of Second Amendment to Agreement for E-Waste Handling, Transportation, and Recycling Services

Action Items:

None

Public Comments:

None

Motion: For approval of all items of the consent calendar.

First: City of Cotati – Susan Harvey
Second: City of Rohnert Park – Pam Stafford

Vote Count for Items 4.1:

| | | | |
|----------------------|---------|--------------------|---------|
| City of Cloverdale | ABSENT | City of Santa Rosa | AYE |
| City of Cotati | AYE | City of Sebastopol | ABSTAIN |
| City of Healdsburg | AYE | City of Sonoma | ABSTAIN |
| City of Petaluma | ABSTAIN | County of Sonoma | AYE |
| City of Rohnert Park | AYE | Town of Windsor | AYE |

AYES -6- NOES -0- ABSENT -1- ABSTAIN -3-

Motion passed.

Vote Count for Item 4.2, 4.3, 4.4, 4.5:

| | | | |
|----------------------|--------|--------------------|-----|
| City of Cloverdale | ABSENT | City of Santa Rosa | AYE |
| City of Cotati | AYE | City of Sebastopol | AYE |
| City of Healdsburg | AYE | City of Sonoma | AYE |
| City of Petaluma | AYE | County of Sonoma | AYE |
| City of Rohnert Park | AYE | Town of Windsor | AYE |

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-

Motion passed.

Regular Calendar

5. Approval of the Third Amendment to the Agreement for Household Hazardous Waste Operations [Scott]

Board Comments/Action Items:

- Was there discussion of a long term contract?
- Are there other companies in the industry?

Public Comments:

Sam Salmon commented that he still does not see justification for a second HHW facility. The Agency should be focusing on a compost facility.

Motion: For approval of the FY 2021-22 Budget Adjustment

First: City of Cotati – Susan Harvey
Second: City of Rohnert Park – Pam Stafford

Vote Count:

| | | | |
|----------------------|--------|--------------------|-----|
| City of Cloverdale | ABSENT | City of Santa Rosa | AYE |
| City of Cotati | AYE | City of Sebastopol | AYE |
| City of Healdsburg | AYE | City of Sonoma | AYE |
| City of Petaluma | AYE | County of Sonoma | AYE |
| City of Rohnert Park | AYE | Town of Windsor | AYE |

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-
Motion passed.

- 6. Boardmember Comments – NO ACTION**
- 7. Executive Director Report and Presentation – NO ACTION**
Executive Director presented report.
- 8. Staff Comments – NO ACTION**
None
- 9. Next SCWMA meeting: May 19, 2022**
- 10. Adjourn: 9:52 am**

Submitted by: Thora Collard

DRAFT



Agenda Item #: 6.2
 Agenda Date: 5/19/2022

ITEM: April, May, June 2022 Outreach Calendar

April 2022 OUTREACH

| Start date | End date | Start time | End time | Event |
|------------|----------|------------|----------|--|
| 4/5/22 | 4/5/22 | 4:00 PM | 8:00 PM | Household Hazardous Waste Event (Sebastopol) |
| 4/8/22 | 4/10/22 | 9:00 AM | 5:00 PM | E-Waste Recycling Event (Sonoma) |
| 4/9/22 | 4/9/22 | 9:00 AM | 5:00 PM | Mattress Recycling Event (Sonoma) |
| 4/12/22 | 4/12/22 | 4:00 PM | 8:00 PM | Household Hazardous Waste Event (Larkfield) |
| 4/12/22 | 4/12/22 | 8:00 AM | 9:30 AM | Graton Labor Center (Graton) |
| 4/14/22 | 4/14/22 | 6:00 PM | 7:00 PM | Charlas via Zoom with Karina Garcia (Sonoma) |
| 4/19/22 | 4/19/22 | 4:00 PM | 8:00 PM | Household Hazardous Waste Event (Sonoma) |
| 4/21/22 | 4/24/22 | 10:00 AM | 9:00 PM | Cloverdale Citrus Fair (Cloverdale) |
| 4/23/22 | 4/23/22 | 11:00 AM | 2:00 PM | Earth Day (Santa Rosa) |
| 4/23/22 | 4/24/22 | 9:00 AM | 5:00 PM | E-Waste Recycling Event (Monte Rio) |
| 4/23/22 | 4/23/22 | 9:00 AM | 5:00 PM | Mattress Recycling Event (Monte Rio) |
| 4/26/22 | 4/26/22 | 4:00 PM | 8:00 PM | Household Hazardous Waste Event (Cloverdale) |
| 4/30/22 | 4/30/22 | 10:00 AM | 5:00 PM | Fisherman’s Festival (Bodega Bay) |

May 2022 OUTREACH

| Start date | End date | Start time | End time | Event |
|------------|----------|------------|----------|---|
| 5/1/22 | 5/1/22 | 10:00 AM | 5:00 PM | Fisherman’s Festival (Bodega Bay) |
| 5/1/22 | 5/1/22 | 10:00 AM | 4:00 PM | Fire and Earthquake Safety Expo 2022 (Cloverdale) |
| 5/10/22 | 5/10/22 | 8:00 AM | 9:30 AM | Graton Labor Center (Graton) |
| 5/13/22 | 5/15/22 | 9:00 AM | 5:00 PM | E-Waste Recycling Event (Healdsburg) |
| 5/14/22 | 5/14/22 | 9:00 AM | 5:00 PM | Mattress Recycling Event (Healdsburg) |
| 5/18/22 | 5/18/22 | 5:00 PM | 8:30 PM | Wednesday Downtown Market (Santa Rosa) |
| 5/25/22 | 5/25/22 | 5:00 PM | 8:30 PM | Wednesday Downtown Market (Santa Rosa) |

June 2022 OUTREACH

| Start date | End date | Start time | End time | Event |
|------------|----------|------------|----------|--|
| 6/1/22 | 6/1/22 | 5:00 PM | 8:30 PM | Wednesday Downtown Market (Santa Rosa) |
| 6/8/22 | 6/8/22 | 5:00 PM | 8:30 PM | Wednesday Downtown Market (Santa Rosa) |
| 6/14/22 | 6/14/22 | 8:00 AM | 9:30 AM | Graton Labor Center (Graton) |
| 6/15/22 | 6/15/22 | 5:00 PM | 8:30 PM | Wednesday Downtown Market (Santa Rosa) |
| 6/17/22 | 6/19/22 | 9:00 AM | 5:00 PM | E-Waste Recycling Event (Santa Rosa) |
| 6/18/22 | 6/18/22 | 9:00 AM | 5:00 PM | Mattress Recycling Event (Santa Rosa) |



Agenda Item #: 6.3
Staff Contact: Walsh
Agenda Date: 5/19/2022
Approved By: LL

ITEM: Resolution No. 2022-13, Making Findings and Determinations Under AB 361 for the Continuation of Virtual Meetings

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends that the Board adopt Resolution No. 2022-13, making findings and determinations under AB 361 for the continuation of virtual meetings.

II. BACKGROUND

On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained in Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public
- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended, allowing councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum in the jurisdiction. As the Board is aware, this allowed the Board meetings to be conducted by Zoom with Board members, staff, and the public all joining from remote locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21, which continued to allow for complete virtual meetings until September 30, 2021.

On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person

would present imminent risks to the health and safety of attendees. As a result, if Zero Waste Sonoma desires to have virtual meetings on or after October 1, 2021, it must do so consistent with the requirements of AB 361.

III. DISCUSSION

AB 361 preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation. Zero Waste Sonoma already complies with this requirement, so it presents no change to our current practice.
2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Board must, within thirty (30) days of its first meeting under AB 361, and every thirty (30) days thereafter, make findings that (a) state or local officials recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees. State officials at Cal-OSHA have, through the adoption of certain regulations, recommend measures to promote social distancing throughout the State. Additionally, on September 22, 2021, Sonoma County Health Officer Dr. Sundari Mase has issued a recommendation to continue online meetings (teleconference meetings) as those meetings promote social distancing, and "present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19." Dr. Mase recommended that if an agency holds in person meetings, a written safety protocol be developed and followed, requiring social distancing and that face masks be worn. Dr. Mase also recommended that for in person meetings, an agency consider holding meetings outdoors to reduce the risk of COVID-19 transmission.

The enclosed resolution makes the necessary findings for the Board, which is subject to the Brown Act, to continue with virtual meetings for the time being. As the Board meets on the

third Thursday of every month, it is possible that more than 30 days may elapse between consecutive meetings. AB 361 is silent as to whether special meetings are required on a more frequent basis to keep up with the 30-day renewal of findings requirement, although scheduling such meetings would ensure strict compliance. Alternatively, if the Board does not meet within thirty days after its prior meeting, the Board should make its renewed findings at the beginning of its next meeting prior to any other action or discussion. Board staff will return to the Board with a resolution every meeting to allow for the continuance of virtual meetings for so long as the Board and staff believes that virtual meetings are necessary.

It is important to that AB 361 does not require Zero Waste Sonoma to continue with virtual meetings, but simply gives the Board that option. If at any time the Board desires to return to in person meetings, the Board can agendaize that topic for discussion and direct staff to initiate the transition back to in-person or hybrid meetings. However, at this time, Board staff is recommending adoption of the resolution to allow the Board to continue to be held remotely in order to ensure social distancing consistent with the recommendations of state and local officials.

IV. FUNDING IMPACT

There is no fiscal impact for this item

V. CONCLUSION

Staff recommends that the Board adopt Resolution No. 2022-10, making findings and determinations under AB 361 for the continuation of virtual meetings.

VI. ATTACHMENTS

1. Resolution Making Findings and Determinations under AB 361
2. 9/22/2021 Recommendation of the Health Officer: Public Meetings

A RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY (ALSO KNOWN AS ZERO WASTE SONOMA) MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR CONTINUED VIRTUAL MEETINGS

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361, Chapter 165, Statutes of 2021 (“AB 361”), which amended Government Code section 54953 to allow local agencies to meet fully virtually during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, the Board of the Sonoma County Waste Management Agency (also known as Zero Waste Sonoma) has considered the circumstances of the state of emergency; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing; and

WHEREAS, according to the Sonoma County Health Officer, the grounds for the social distancing recommendation include that online meetings (teleconference meetings) “present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19”; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public until social distancing recommendations are lifted; and

WHEREAS, the Board of the Sonoma County Waste Management Agency desires to continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW THEREFORE, BE IT RESOLVED, the Board of Directors of the Sonoma County Waste Management Agency hereby finds, determines, and resolves as follows:

1. The above recitals and true and correct and shall be the findings of the Board of Directors of the Sonoma County Waste Management Agency.
2. The Board of Directors the Sonoma County Waste Management Agency shall continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3) based upon the findings and determinations hereby made by the Board.

PASSED, APPROVED, and ADOPTED, by the Board of Directors of the Sonoma County Waste Management Agency, on this 19th day of May, 2022, by the following vote:

MEMBERS:

| | | | | |
|---------------------|-------------------|-------------------|-------------------|-----------------|
| - - Cloverdale | - - Cotati | - - County | - - Healdsburg | - - Petaluma |
| - - Rohnert Park | - - Santa Rosa | - - Sebastopol | - - Sonoma | - - Windsor |

AYES: - - NOES: - - ABSENT: - - ABSTAIN: - -

SO ORDERED

The within instrument is a correct copy of the original on file with this office

ATTEST: DATE: May 19, 2022

Clerk of the Sonoma County Waste Management Agency
In and for the County of Sonoma



County of Sonoma Emergency Readiness, Response and Recovery



Emergency

September 24, 2021 10:38 AM

Recommendation of the Health Officer: Public Meetings

[En Español \[https://socoemergency.org/recomendacion-del-funcionario-de-salud-reuniones-publicas/\]](https://socoemergency.org/recomendacion-del-funcionario-de-salud-reuniones-publicas/)

Sonoma County Public Health Recommendations for Safely Holding Public Meetings

September 22, 2021

Each local government agency is authorized to determine whether to hold public meetings in person, online (teleconferencing only), or via a combination of methods. The following are recommendations from Sonoma County Public Health to minimize the risk of COVID-19 transmission during a public meeting of a legislative body held in compliance with Government Code section 54953(e):

1. Online meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. If a local agency holds in person meetings, a written safety protocol should be developed and followed. It is recommended that the

protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees in compliance with [Order of the Health Officer of the County of Sonoma C19-25](#).

4. If a local agency holds in person meetings, seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.

5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least six feet apart.

6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with symptoms but no fever and help reinforce the message to not go out in public if you are not feeling well.

7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Dr. Sundari R. Mase, MD MPH

Health Officer of the County of Sonoma



Agenda Item #: 6.4
Cost Center: Organics
Staff Contact: Tan
Agenda Date: 5/19/2022
Approved By: LL

ITEM: Amendment to the Agreement for Short-Term Organic Materials Processing Services with WM Redwood Landfill, Inc.

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board approve to extend the organic materials processing services agreement with WM Redwood Landfill, Inc for an additional three years.

II. BACKGROUND

After the closure of the Sonoma Compost facility in 2015, the Zero Waste Sonoma Board of Directors approved an agreement with WM Redwood Landfill, Inc. to process organic materials from November 16, 2015 through February 1, 2017. The term of the agreement was extended twice. Staff negotiated with WM to create a new agreement with updated terms, and on June 20, 2018, the Board approved a new agreement with WM through June 30, 2021, with up to five one-year extensions. At the May 20, 2021 meeting, the Board approved to extend the agreement for one year through June 30, 2022.

The original agreement created in 2015 was meant to be a short-term solution for organics processing, providing time for ZWS to develop a local organics processing facility in Sonoma County. However, given that Renewable Sonoma terminated negotiations in May 2021, ZWS does not currently have a project in the pipeline.

During negotiations, ZWS staff and the WM team agreed that a three-year extension would be in the best interest of both parties instead of continuing to extend the agreement for three more one-year terms.

III. DISCUSSION

The amendment to the agreement with WM Redwood Landfill, Inc. is summarized as follows:

- Section 2.01 was amended to state that the term of the agreement shall extend through December 31, 2025. The end of the term may be extended by mutual agreement for three additional one-year periods.
- Section 3.01.1 was amended to state that WM shall accept at least 150 tons per day of organic materials, but not more than 250 tons per day. The 2018 agreement previously stated that WM would accept “approximately 175 tons per day and 55,000 tons per year” but did not set a cap. This language was included to address

an increase in organics tonnages, averaging 185 tons per day in FY 2021-2022.

- Section 3.05 was amended to state that the WM facility would receive organic materials 7:00 a.m. – 3:00 p.m. on Monday – Friday and 8:00 a.m. – 3:00 p.m. on Saturday to better reflect the WM Redwood facility days and hours of operation. Previous language stated a closing time of 5:00 p.m.
- In Exhibit A, the rates have been increased to \$52.94 per ton of organic materials, up from \$51.15 as agreed in the last extension in 2021. This is to compensate for the increased price of fuel and labor. Commencing July 1, 2023 and thereafter on each July 1, the rates shall be increased by the annual average of the Consumer Price Index (CPI), not to exceed 4% or be lower than 2.5%.
- Additionally, in Exhibit A, a new clause has been added to account for adjustments due to change in law, such as SB 1383 Short-lived Climate Pollutants.

IV. FUNDING IMPACT

At the time the FY 22-23 budget was passed, staff estimated a rate increase to \$51.96/ton. The new rate increase of \$0.98/ton will result in a 1.89% increase to the budget of approximately \$67,440. Staff feels confident that the increase in tipping fee will still be feasible within the existing budget.

V. ATTACHMENTS

- Amendment to the Agreement for Short-Term Organic Materials Processing Services with WM Redwood Landfill, Inc.
- Resolution

SECOND AMENDMENT TO AGREEMENT FOR SHORT-TERM ORGANIC MATERIALS PROCESSING SERVICES BETWEEN SONOMA COUNTY WASTE MANAGEMENT AGENCY, ALSO KNOWN AS ZERO WASTE SONOMA (“SCWMA”) AND REDWOOD LANDFILL, INC.

This Second Amendment to Agreement for Short-Term Organic Materials Processing Services (“Second Amendment”) is made as of the 19 day of May, 2022, by the Sonoma County Waste Management Agency (“SCWMA”) and Redwood Landfill, Inc. (“Contractor”).

RECITALS

- A. SCWMA and Contractor entered into that certain Agreement for Short-Term Organic Material Processing (the “Agreement”), dated June 21, 2018, pursuant to which Contractor agreed to the processing of organic material; and
- B. The Agreement allows for five annual extensions upon mutual agreement and allows the SCWMA Executive Director to authorize the extension; and
- C. SCWMA and Contractor desire to utilize the extension permitted by the Agreement for the term of July 1, 2022 to December 31, 2025.

AMENDMENT

1. Amendment to Article 2. Section 2.01 of the Agreement is hereby amended in its entirety to read as follows:

“2.01 Term of Agreement. Said services shall commence on June 21, 2018 and shall continue through the close of business on December 31, 2025. The end of the term may be extended by mutual agreement for three (3) one (1) year periods upon written notice by the SCWMA and acceptance of such request by Contractor.”

2. Amendment to Article 3. Section 3.01.1 of the Agreement is hereby amended in its entirety to read as follows:

“3.01.1 Starting on July 1, 2022, SCWMA Member Agencies shall deliver to the Organic Materials Composting Facility, and Contractor shall accept, at least 150 Tons per day of Organic Materials. Further, Contractor is not obligated to accept more than 250 Tons per day of Organic Materials. SCWMA Member Agencies shall use good faith efforts to deliver a consistent amount of Organic Materials hereunder so that Contractor may properly plan for such deliveries, and shall communicate such plans to Contractor. The SCWMA Member Agencies are obligated to deliver (and Contractor shall receive) materials on days that the Organic Materials Processing Facility is operating (as described in Section 3.5, Days and Hours of Operations).”

3. Amendment to Article 3. Section 3.05 is hereby amended in its entirety to read as follows:

“3.05 Days and Hours of Operation. Contractor will operate the Organic Materials Processing Facility for the receipt of SCWMA’s Organic Materials between the hours of 7:00 am – 3:00 pm, Monday – Friday, and 8:00 am – 3:30 pm Saturday. Organic Materials Processing Facility will be closed on Holidays.”

4. Amendment to Exhibit A is hereby amended as follows:
 - a) **Rates**. Contractor will be compensated \$52.94 per Ton for Organic Materials delivered to the Organic Materials Processing Facility.
 - b) **Annual Rate Adjustments**.
 - i. The Rates outlined in above are for the period July 1, 2022 through June 30, 2023. Such rates will be adjusted annually as shown below, effective July 1 of each year of the term, including extensions.
 - ii. Commencing July 1, 2023 and thereafter on each July 1, this Agreement is in effect, including any extension years, the Rates stated above shall be increased by the percentage change in the annual average of the Consumer Price Index All Urban Consumers - San Francisco, Oakland, San Jose California Id: CUUSA422SAO (CPI) between the base year, which shall be the prior preceding twelve (12) months from July 1 through June 30, and the preceding year ending December 31, provided that an annual increase shall not exceed 4% or be lower than 2.5% of the then applicable rate. In the event that the calculated percentage change exceeds 4% of the then applicable rate, the increase for that year shall be set at 4%. In the event that the calculated percentage change is lower than 2.5% of the then applicable rate, the increase for that year shall be set at 2.5%.
 - iii. For the purposes of this calculation, CPI shall mean All Urban Consumers Index (CPI-U), All Items, for the San Francisco-Oakland-San Jose, CA, Base Period 1982 - 1984 = 100, not seasonally adjusted, compiled and published by the U.S. Department of Labor, Bureau of Labor Statistics (or its successor).
 - c) **Adjustment Due to Change in Law**. Should there be any change in new or increased governmental fees, taxes or other charges, which result in increased costs to Contractor, there will be an appropriate increase in the Rates paid by SCWMA hereunder, such that Contractor will fully recover such increased costs. SCWMA shall be notified in writing at least 30 days prior to any imposition of new or increased governmental fees.

DATED: May 19, 2022

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY, ALSO KNOWN AS ZERO WASTE SONOMA, ("ZWS") AUTHORIZING A THREE-YEAR AGREEMENT WITH REDWOOD LANDFILL, INC. ("CONTRACTOR") TO EXTEND THE AGREEMENT FOR SHORT-TERM ORGANICS MATERIAL PROCESSING SERVICES

WHEREAS, Contractor confirms the term of our June 20, 2018 Agreement for Short-Term Organic Materials Processing Services (the "Agreement") will be extended for an additional three-year term, to June 30, 2025; and

WHEREAS, the per ton rate shall be \$52.94 effective July 1, 2022; and

WHEREAS, the annual rate adjustment will be increased by the annual average of the Consumer Price Index (CPI), not to exceed 4% or be lower than 2.5%; and

WHEREAS, WM shall accept at least 150 tons per day of organic materials, but not more than 250 tons per day; and

WHEREAS, the Agreement may be adjusted due to change in law.

NOW, THEREFORE, BE IT RESOLVED that the ZWS Board hereby authorizes ZWS's Executive Director to execute the Agreement with Redwood Landfill, Inc.

MEMBERS:

| | | | | |
|--------------|------------|------------|------------|----------|
| -- | -- | -- | -- | -- |
| Cloverdale | Cotati | County | Healdsburg | Petaluma |
| -- | -- | -- | -- | -- |
| Rohnert Park | Santa Rosa | Sebastopol | Sonoma | Windsor |

AYES: -- NOES: -- ABSENT: -- ABSTAIN: --

SO ORDERED

The within instrument is a correct copy of the original on file with this office.

ATTEST: DATE: May 19, 2022

Clerk of Zero Waste Sonoma
Agency of the State of California in and for the
County of Sonoma



Agenda Item #: 7
Staff Contact: Pagal
Agenda Date: 5/19/2022
Approved By: LL

ITEM: AB 1276 Informational Presentation and Discussion

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board receive the presentation, and discuss the options for education and enforcement of AB 1276, Single-Use Food ware Accessories and Standard Condiments. Note that all member jurisdictions must officially appoint an enforcement agency as required by AB 1276.

II. BACKGROUND

The Board approved the Model Polystyrene and Disposable Food Ware Ordinance, in 2018, followed by the amendment to prohibit PFAS in January 2021. This local ordinance includes provisions requiring accessory items such as utensils, lids, and condiments to be provided only on customer request.

AB 1276 is a new state law that became effective January 1, 2022, however the state has not provided any guidance for implementation, or designated a department to oversee it. This law now serves as the baseline for food service ware accessory items on request across statewide food providers. This means that where AB 1276 is more restrictive, those provisions stand, and where local ordinance provisions are more restrictive, those requirements supersede the state law. All jurisdictions in California must designate an enforcement agency by June 1, 2022.

Some jurisdictions in California with existing ordinances on single-use food ware are amending those ordinances to align with changes necessitated by AB 1276, though that is not required.

III. DISCUSSION

Upon review, ZWS staff has determined that the provisions in AB 1276 are more restrictive than what is included in the ZWS model ordinance that has been adopted or is in progress throughout all jurisdictions in Sonoma County. AB 1276 requires all jurisdictions across the state to implement and enforce its provisions. They include:

- On request only OR single-dispensing self-serve utensils:
 - Utensils (*defined as forks, knives, spoons, and sporks*)
 - Chopsticks
 - Condiment cups and packets (*relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes*)
 - Straws

- Stirrers
- Splash sticks
- Cocktail sticks
- Food facilities/providers, for on-premises dining, or when using a third-party delivery platform shall not provide any single use food ware accessory or standard condiment packaged for single-use to a consumer unless it has been requested.
- Single-use food ware accessories and standard condiments packaged for single-use shall not be bundled or packaged in a manner that prohibits a consumer from taking only one utensil or condiment that they need.
- Third-party food delivery platforms shall provide consumers with the option to request single-use food ware accessories/standard condiments.
- Drive-through and airport food providers staff may ask a consumer if they want an accessory if it is necessary for the person to consume ready-to-eat food or to prevent spills of or safely transport ready-to-eat food.

The Zero Waste Sonoma’s Model Polystyrene and Disposable Food Ware Ordinance includes two additional provisions that apply to accessory items that will be educated on:

- Use ZWS definition of “food providers” – any vendor, business, organization, entity, group or individual, and including retail food establishments, located or providing food within the [jurisdiction] that offers food or beverage to the public.*
 - *Petaluma may not have this language, and would default to AB 1276 “Food Facility” definition (excludes correctional institutions, health care facilities, residential care facilities, and public/private school cafeterias).
- Single-use food ware accessories must be free of PFAS and polystyrene foam, and must also be locally compostable or recyclable when such products are commercially available.

AB 1276 requires all jurisdictions in California to designate an enforcement agency by June 1, 2022. Three options have been identified for jurisdictions to meet this requirement of AB 1276.

1. Jurisdictions may designate their own code enforcement body or similar;
2. Jurisdictions may designate Sonoma County Department of Health Services as the enforcement agency, however, additional fees may apply; or
3. Jurisdictions may look to modify the JPA agreement and designate Zero Waste Sonoma as the enforcement agency.

Understanding the options, staff encourages a discussion among board members, and advises two considerations, 1) that jurisdictions take a wait-and-see approach (which would likely mean enforcement would fall to the jurisdiction) and 2) that Zero Waste Sonoma is amenable to update the existing ordinance outreach materials to reflect the requirements of AB 1276 and educate food providers accordingly.

IV. ATTACHMENTS

AB 1276 Bill Text
Presentation

Assembly Bill No. 1276

CHAPTER 505

An act to amend Sections 42270 and 42271 of, to amend the heading of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of, and to add Sections 42272 and 42273 to, the Public Resources Code, relating to solid waste.

[Approved by Governor October 5, 2021. Filed with Secretary of State October 5, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1276, Carrillo. Single-use foodware accessories and standard condiments.

Existing law prohibits a full-service restaurant, as specified, from providing single-use plastic straws, as defined, to consumers unless requested by the consumer, and places the duty to enforce this prohibition on specified state and local health and environmental health officers and their agents. Existing law specifies that the first and 2nd violations of these provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day the full-service restaurant is in violation, but not to exceed an annual total of \$300.

This bill would instead prohibit a food facility from providing any single-use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer, as provided. The bill would prohibit those items from being bundled or packaged in a way that prohibits the consumer from taking only the item desired. The bill would authorize a food facility to ask a drive-through consumer, or a food facility located within a public airport to ask a walk-through consumer, if the consumer wants a single-use foodware accessory in specified circumstances. The bill would require a food facility using a third-party food delivery platform to list on its menu the availability of single-use foodware accessories and standard condiments and only provide those items when requested, as provided. The bill would exclude from these requirements correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias.

This bill would require a city, county, or city and county, on or before June 1, 2022, to authorize an enforcement agency to enforce these requirements. The bill would specify that the first and 2nd violations of these provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day in violation, but not to exceed an annual total of \$300. By creating a new crime and imposing additional duties on local governing bodies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code is amended to read:

CHAPTER 5.2. SINGLE-USE FOODWARE ACCESSORIES AND CONDIMENTS

SEC. 2. Section 42270 of the Public Resources Code is amended to read: 42270. For purposes of this chapter, the following definitions apply:

(a) “Consumer” has the same meaning as in Section 113757 of the Health and Safety Code.

(b) “Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

(c) “Ready-to-eat food” has the same meaning as in Section 113881 of the Health and Safety Code.

(d) “Single-use” means designed to be used once and then discarded, and not designed for repeated use and sanitizing.

(e) “Single-use foodware accessory” means all of the following single-use items provided alongside ready-to-eat food:

(1) Utensils, which is defined as forks, knives, spoons, and sporks.

(2) Chopsticks.

(3) Condiment cups and packets.

(4) Straws.

(5) Stirrers.

(6) Splash sticks.

(7) Cocktail sticks.

(f) “Standard condiment” means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

(g) “Third-party food delivery platform” has the same meaning as in Section 113930.5 of the Health and Safety Code.

SEC. 3. Section 42271 of the Public Resources Code is amended to read:

42271. (a) Except as provided in subdivisions (c) and (d), a food facility, for on-premises dining or when using a third-party food delivery platform,

shall not provide any single-use foodware accessory or standard condiment packaged for single use to a consumer unless the single-use foodware accessory or standard condiment is requested by the consumer.

(b) Single-use foodware accessories and standard condiments packaged for single use provided by food facilities for use by consumers shall not be bundled or packaged in a manner that prohibits a consumer from taking only the type of single-use foodware accessory or standard condiment desired without also having to take a different type of single-use foodware accessory or standard condiment.

(c) A food facility may ask a drive-through consumer if the consumer wants a single-use foodware accessory if the single-use foodware accessory is necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.

(d) A food facility that is located entirely within a public use airport, as defined in Section 77.3 of Title 14 of the Code of Federal Regulations, may ask a walk-through consumer if the consumer wants a single-use foodware accessory if the single-use foodware accessory is necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.

(e) (1) A third-party food delivery platform shall provide consumers with the option to request single-use foodware accessories or standard condiments from a food facility serving ready-to-eat food.

(2) If a food facility uses any third-party delivery platform for ready-to-eat food, the food facility shall customize its menu with a list of available single-use foodware accessories and standard condiments, and only those single-use foodware accessories or standard condiments selected by the consumer shall be provided by the food facility. If a consumer does not select any single-use foodware accessories or standard condiments, no single-use foodware accessory or standard condiment shall be provided by the food facility for delivery of ready-to-eat food.

(f) Nothing in this section shall prohibit a food facility from making unwrapped single-use foodware accessories available to a consumer using refillable self-service dispensers that dispense one item at a time to allow for single-use foodware accessories to be obtained.

(g) Nothing in this section shall prohibit a food facility from making standard condiments available to a consumer using refillable self-service dispensers to allow for standard condiments to be obtained. A food facility that offers standard condiments is encouraged to use bulk dispensers for the condiments rather than condiments packaged for single use.

(h) Nothing in this section shall prevent a city, county, city and county, or other local public agency from adopting and implementing an ordinance or rule that would further restrict a food facility or a third-party food delivery platform from providing single-use foodware accessories or standard condiments to a consumer.

(i) A food facility is encouraged, but not required, to take actions in addition to the requirements of this section that support a goal of reducing the use of and waste generated by all single-use food service products.

SEC. 4. Section 42272 is added to the Public Resources Code, to read: 42272. (a) On or before June 1, 2022, a city, county, or city and county shall authorize an enforcement agency to enforce this chapter.

(b) The first and second violations of this chapter shall result in a notice of violation, and any subsequent violation shall constitute an infraction punishable by a fine of twenty-five dollars (\$25) for each day in violation, but not to exceed three hundred dollars (\$300) annually.

SEC. 5. Section 42273 is added to the Public Resources Code, to read: 42273. This chapter does not apply to any of the following:

(a) Correctional institutions, which has the same meaning as in Section 7502 of the Penal Code.

(b) Health care facilities licensed pursuant to Article 1 (commencing with Section 1250) of Chapter 2 of Division 2 of the Health and Safety Code or facilities that are owned or operated by a health care service plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code.

(c) Residential care facilities licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

(d) Public and private school cafeterias, as referenced in paragraph (1) of subdivision (b) of Section 113789 of the Health and Safety Code.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

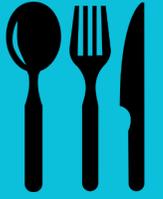


AB 1276 – ACCESSORIES ON REQUEST

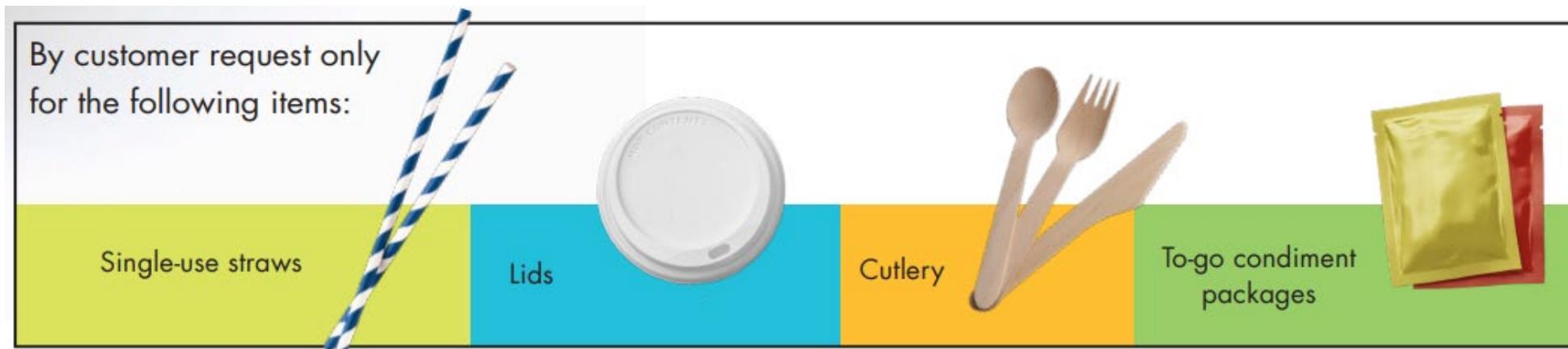
SLOANE PAGAL – ZERO WASTE PROGRAM MANAGER

MAY 19, 2022

NEW STATE LAW - AB 1276 (CARRILLO)



- Seeks to create a DEFAULT behavior where to accessories and condiments are provided unless specifically requested by customer
- GOAL: Eliminate unnecessary single-use accessories
- Acts as the baseline where local food ware ordinances are in effect



JURISDICTION REQUIREMENTS

- California jurisdictions implement law which became effective January 1st, 2022
- Jurisdictions must designate an enforcement agency by June 1st, 2022



AVISO AL PERSONAL Y EMPLEADOS:
Para reducir el desperdicio, proporcione utensilios desechables, popotes, tapas y paquetes de condimentos solamente cuando los clientes soliciten estos artículos.

To reduce waste, provide utensils, straws, lids, and condiment packets only to customers requesting these items.

ATTENTION STAFF:



ATTENTION CUSTOMERS:

In an effort to reduce waste, accessory items and condiment packets are provided only on request.

AVISO A LOS CLIENTES:

Para reducir el desperdicio, los utensilios desechables y los paquetes de condimentos se proporcionan solo cuando los pida el cliente.

WHAT FOOD WARE ACCESSORIES ARE COVERED?



AB 1276: Single-use food accessories provided to consumers only upon request; **no bundling**

- Utensils
- Chopsticks
- Condiment cups and packets
- Straws
- Stirrers
- Splash sticks
- Cocktail sticks

ZWS Polystyrene and Disposable Food ware Ordinance

- Straws
- Lids
- Utensils
- To-go condiment packages

AB 1276 is more inclusive, so enforcement should include ALL accessories

IS SELF-SERVICE OR OFFERING ALLOWED?



AB 1276: Minimal offering and self-service allowed

- Drive-thru consumer
- Walk-thru consumer
- Single-use food ware accessory if necessary to:
 - Consume ready-to-eat food
 - Prevent spills of or safely transport ready-to-eat food.

ZWS Polystyrene and Disposable Food ware Ordinance

- Self-service allowed; offering not addressed
- Cup lids, spill plugs, hot beverage sleeves allowed automatically for drive-thru and delivery for spillage and safety

- **AB 1276 is stronger because it is opt-in**
- **Each jurisdiction should determine their own safety standards**

WHAT CONDIMENTS ARE COVERED?



AB 1276: “standard condiments” include

- Relishes
- Spices
- Sauces
- Confections
- Seasonings that require no additional prep and that are usually used on food after prep:
 - Ketchup, mustard, mayonnaise, sauerkraut, soy sauce, salsa, syrup, jam, jelly, salt, sugar, sugar substitute, cream, coffee creamer, pepper, chili-pepper, or cheese topping

ZWS Polystyrene and Disposable Food ware Ordinance

- To-go condiments are not defined in the local ordinance

AB 1276 is more inclusive, so enforcement should include ALL condiments

WHAT FOOD ESTABLISHMENTS ARE COVERED?



AB 1276: “food facility” defined

Same as in Section 113789 of the Health and Safety Code:

- An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level
- Food is consumed on or off the premises
- Permanent and nonpermanent food facilities:
 - Restaurants, mobile/temporary food facilities, certified farmer’s markets, etc.
- Exemptions: Correctional institutions, Health care facilities, Residential care facilities, Public and private school cafeterias

ZWS Polystyrene and Disposable Food ware Ordinance: “food provider” defined

- Any vendor, business, organization, entity, group or individual, and including retail food establishments, located or providing food within the City that offers food or beverage to the public.

Local ordinance does not have exemptions for specific facilities except public schools

WHAT IS THE REQUIREMENT ON FOOD FACILITIES?



AB 1276: Opt-in Customer Request

- Food facilities shall not provide any single-use food ware accessory or standard condiment package for single use to a consumer unless the single-use food ware accessory or standard condiment is requested by the consumer
- Third-party delivery platform menu customization

ZWS Polystyrene and Disposable Food ware Ordinance

- No further clarification other than straws, lids, utensils, and to-go condiments to be provided on request
- No requirements for third-party delivery platforms

Under AB 1276, accessory items cannot be offered unless explicitly requested by consumer

ONLINE / THIRD-PARTY BUSINESS REQUIREMENTS



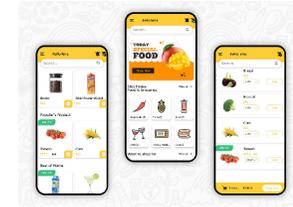
AB 1276: “third-party food delivery platform” defined

Same meaning as in Section 113930.5 of the Health and Safety Code:

- Business engaged in online food ordering and delivery from a food facility to consumer
- Includes platforms operated directly by food facilities and by third-parties
- Provide consumers with option to request single-use food ware accessories or standard condiments from a food facility serving ready-to-eat food

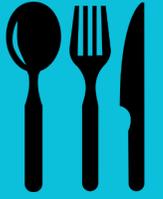
ZWS Polystyrene and Disposable Food ware Ordinance

- No requirements for third-party delivery platforms



Under AB 1276, third-party delivery platforms are required to provide opt-in options for accessories/condiments

ZWS CAN HELP WITH EDUCATION



- Staff can modify existing outreach materials to include requirements of AB 1276, and can stack this into ongoing ordinance education
- Zero Waste Sonoma is not authorized to enforce per current JPA agreement
- Jurisdictions can enforce internally or discuss possibility of partnership with County Environmental Health Department
 - Additional costs may be required



Agenda Item #: 8
Staff Contact: Pagal
Agenda Date: 5/19/2022
Approved By: LL

ITEM: Zero Waste Week Resolution and Template Proclamation

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends that the Zero Waste Sonoma Board of Directors support the inaugural North Bay Zero Waste Week through a symbolic resolution. If approved the ZWS Board of Directors will show their support by issuing a Resolution proclaiming July 24th – July 30th to be “Zero Waste Week”. Should the board support this action, ZWS will also distribute the template proclamation for approval by the Councils of our member jurisdictions and the Board of Supervisors.

II. BACKGROUND

From 2017 to 2019, Zero Waste Sonoma and community partners have hosted the Zero Waste Symposium as a local opportunity for industry and the public to gain insight on zero waste topics and trends, share ideas, and network. The last Symposium was in July 2019, before the Covid-19 pandemic, and staff in collaboration with community partners are planning to bring this event back for 2022.

It has been decided to expand the event to a whole week of community events for an entire week in July aimed at educating and empowering various sectors of the public to act towards zero waste. Some of these events will include a clothing swap at Community Market, produce exchange and donation at the Sebastopol Grange, food scrap cooking demonstration with the Master Food Preservers at the Sonoma Clean Power Advanced Energy Center, neighborhood cleanups in Santa Rosa and Windsor, Spanish and English composting workshops, and an upcycled art lecture at the Santa Rosa Arts Center.

III. DISCUSSION

Nine out of ten member agencies have adopted the Zero Waste Resolution, and supporting Zero Waste Week is one way to bring public attention to the concept of zero waste and engage the community. Directors are invited to connect with Zero Waste Sonoma staff and jurisdiction staff to explore opportunities for involvement.

IV. ATTACHMENTS

Zero Waste Week Resolution
Template Zero Waste Week Proclamation

Dated: May 19, 2022

RESOLUTION OF ZERO WASTE SONOMA (ZWS)
PROCLAIMING JULY 24TH – JULY 30TH 2022 TO BE ZERO WASTE WEEK

WHEREAS, Zero Waste Sonoma and community partners have hosted the Zero Waste Symposium as a local opportunity for industry and the public to gain insight on zero waste topics and trends, share ideas, and network; and

WHEREAS, It has been decided to expand the event to a whole week of community events for an entire week in July aimed at educating and empowering various sectors of the public to act towards zero waste; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zero Waste Sonoma does hereby approve the establishment of Zero Waste Week; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Directors of Zero Waste Sonoma proclaim July 24th – July 30th, 2022 to be Zero Waste Week.

MEMBERS:

| | | | | |
|---------------------|-------------------|-------------------|-------------------|-----------------|
| - - Cloverdale | - - Cotati | - - County | - - Healdsburg | - - Petaluma |
| - - Rohnert Park | - - Santa Rosa | - - Sebastopol | - - Sonoma | - - Windsor |

AYES: - - NOES: - - ABSENT: - - ABSTAIN: - -

SO ORDERED

The within instrument is a correct copy
of the original on file with this office.

ATTEST: DATE: May 19, 2022

Clerk of Zero Waste Sonoma
Agency of the State of California in and for the
County of Sonoma

PROCLAMATION NO.:

DATED:

**PROCLAMATION OF THE CITY/TOWN/COUNTY OF _____
IN SUPPORT OF NORTH BAY ZERO WASTE WEEK JULY 24th through 30th 2022**

WHEREAS, the CITY/TOWN/COUNTY OF _____ is a member of Zero Waste Sonoma (ZWS) which is a joint powers authority. The mission of ZWS is waste diversion required by State law AB939. ZWS's programs include household hazardous waste, composting, zero waste planning, policy, and education.

WHEREAS, the US EPA has estimated 50% of all Green House Gas (GHG) emissions are caused by the extraction, production, transportation, and use of goods, including food, products and packaging, and that Zero Waste minimizes GHG production and therefore supports Sonoma County's Climate Initiative; and

WHEREAS, in 2020, Sonoma County residents and businesses sent 423,648.58 tons to the landfill, generating approximately 105,000 tons of carbon dioxide equivalent from decomposing organic matter; and

WHEREAS, the Short-Lived Climate Pollutants Reduction Act of 2016 (SB 1383) requires a 20% reduction of edible food waste by 2025 and a 40% reduction in methane levels by 2030; and

WHEREAS, The jurisdictions in Sonoma County have collectively adopted regional goals for waste reduction, reuse, and recycling. These goals are stated in the Countywide Integrated Waste Management Plan as well as the Sonoma County Regional Climate Action Plan (CAP).

WHEREAS, the Sonoma County Central Landfill, a very valuable resource worth preserving, has a remaining capacity of 23 years; and

WHEREAS, Zero Waste principles, in accordance with CalRecycle's (California Department of Resources, Recycling, and Recovery) Zero Waste Hierarchy, promote the highest and best use of materials, emphasize a closed loop system of production and consumption, and move in logical increments toward the goal of reducing waste generation and landfill disposal by more than 90% through:

- Improving "downstream" reuse and recycling of end-of-life products and materials to ensure their highest and best use.
- Pursuing "upstream" re-design strategies to reduce the volume and toxicity of discarded products and materials and promote less wasteful lifestyles
- Fostering and supporting the use of discarded products and materials to stimulate and drive local economic workforce development
- Preserving land for sustainable development and green industry infrastructure; and

