



Agenda Item #: 6.1

Minutes of January 20, 2016 Special Meeting

The Sonoma County Waste Management Agency met on January 20, 2016, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California.

Present:

City of Cloverdale	Bob Cox
City of Cotati	Susan Harvey
City of Healdsburg	Brent Salmi
City of Petaluma	Dan St. John
City of Rohnert Park	Don Schwartz
City of Sebastopol	Henry Mikus
City of Sonoma	Madolyn Agrimonti
County of Sonoma	Susan Klassen
Town of Windsor	Deb Fudge

Staff Present:

Counsel	Ethan Walsh
Staff	Patrick Carter
	Karina Chilcott
	Felicia Smith
Agency Clerk	Sally Evans

1. Call to Order Special Meeting

The meeting was called to order at 8:57 a.m.

2. Closed Session

Ethan Walsh, Agency Counsel, stated there was no reportable action from closed session.

3. Adjourn Closed Session

4. Agenda Approval

Patrick Carter, Agency Interim Executive Director, noted staff wished to make the presentation for Item 8 and bring back one of the actions under consent at the February Board meeting for a vote, as it required a unanimous vote.

Deb Fudge, Town of Windsor, motioned to approve the agenda and Susan Harvey, City of Cotati, seconded the motion.

Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	Aye	Rohnert Park	Aye
Santa Rosa	Absent	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

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

Motion passed.

5. Public Comments (items not on the agenda)

None.

6. Election of Officers

Mr. Carter explained the election of officers had historically been a one year term rotation, alphabetically by jurisdiction name, and noted this year would be as followed: Chair: Rohnert Park, Vice Chair: Santa Rosa, and Pro-Tem: Sebastopol.

Public Comments

None.

Ms. Fudge motioned to approve the slate of officers as presented (Chair: Rohnert Park, Vice Chair: Santa Rosa, and Pro-Tem: Sebastopol) and Bob Cox, City of Cloverdale seconded the motion.

Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	Aye	Rohnert Park	Aye
Santa Rosa	Absent	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

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

Motion passed.

Consent (w/attachments)

- 7.1 Minutes of November 18, 2015 Special Meeting
- 7.2 EPR and Pharmaceutical Ordinance Update
- 7.3 Recycling Guide 2016 Printing Contract

Mr. Carter noted the last page of item 7.1, Minutes of November 18, 2015, had a minor typographical error, and should be corrected as follows: Numbering for Item 14 and 15 should read Item 13 and 14.

Public Comments

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None.

Madolyn Agrimonti, City of Sonoma, motioned to approve the consent agenda and Mr. Cox seconded the motion.

Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	Aye	Rohnert Park	Aye
Santa Rosa	Absent	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

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

Motion passed.

Regular Calendar

8. City/County Payment Program

Felicia Smith, Agency staff, provided an update regarding the City/County Payment Program grant funding to promote recycling beverage containers, and the new requirements from CalRecycle for the Agency to continue to do so. Ms. Smith reported the Agency currently had approximately \$360,000 in grant funding which needed to be used by June 30, 2017, otherwise it may need to be returned to CalRecycle.

Ms. Smith stated that in order to spend funds as efficiently as possible, staff recommended 1) approval of the Budget Adjustment provided with this month's staff report, 2) Agency members work with their cities to pass an authorizing resolution delegating the Agency authority to act on behalf of Agency members, 3) Agency members reach out to their public works department to let them know regarding available grant funds for the purchase of recycling bins in areas such as downtown and public parks. Ms. Smith noted staff could provide a model staff report for member agencies.

Board Discussion

Ms. Harvey asked for confirmation staff wanted to move forward with seeking a resolution and reaching out to public works.

Mr. Carter replied affirmatively.

Mr. St. John inquired if staff would be doing outreach to Agency members' parks and public works departments as well as business associations regarding the recycling bin opportunities. Mr. St. John also asked if the funds could be used to provide recycling bins through business associations.

Mr. Carter replied Ms. Smith had made presentations and was working to get recycling containers for parks in Cloverdale and parks and bus stops in Santa Rosa. Mr. Carter stated there had been outreach to business groups through the mandatory commercial recycling program, and added the funds could be used through business associations and for city offices.

Susan Klassen, County of Sonoma, inquired why a resolution was needed, as it was not necessary in the past.

Mr. Carter replied it was a new CalRecycle requirement for oversight purposes.

Public Comments

None.

Chair Schwartz motioned to request staff provide within a couple weeks, a draft staff report and resolution regarding the resolution delegating the Agency authority to act on their behalf in implementing and administering the grant funding to promote recycling beverage containers. Staff was also directed to draft a memo or email Agency members could forward to public works directors and city managers with the request, addressing the questions asked at this meeting. Mr. St. John seconded the motion.

Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	Aye	Rohnert Park	Aye
Santa Rosa	Absent	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

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

Motion passed.

9. Compost Program Update

Mr. Carter provided an update on the composting program, including the discussions with the County to return the closed compost to the County in a completely clean condition, discussions with the North Coast Regional Water Quality Control Board staff to terminate permits and monitoring requirements of the compost site, and the permitting documents for the new compost site.

Mr. Carter stated the permit application could possibly be submitted to the Local Enforcement Agency in March. Mr. Carter estimated the facility could be operational in 2018 or 2019.

Board Discussion

Ms. Harvey inquired if there was a date scheduled with the County Board of Supervisors regarding the old compost site, and expressed her concern regarding continuing to make monthly escrow payments.

Ms. Klassen replied the County was still looking at it and she was not sure it was necessary to go to the Board of Supervisors.

Mr. Carter explained that the monthly escrow payments had stopped.

Ms. Harvey inquired if the permit would be transferable. Mr. Carter replied affirmatively.

Mr. St. John stated he believed Tetra Tech had done a great job so far, but he had not yet seen phasing plans he believed Republic would want to look at carefully in preparing the proposal requested by the Agency. Mr. St. John noted some of the Agency member cities expressed they wanted to know the cost and alternatives.

Mr. St. John explained it was not uncommon in the waste industry to have contracts with landfill compost operation haulers for 15-25 years, as it allowed whoever was providing service time to amortize their incurred cost. Mr. St. John noted he believed a long-term out hauling contract would provide backup to the Agency as an alternative if something were to happen with compost as it did last year. Mr. St. John stated he believed the Agency had a commitment to keep compost in County, but in order to maintain a robust and reliable process in the future, there needed to be alternatives. Mr. St. John added that at this point it appeared out hauling to satellite operations would provide what appeared to be a cost effective alternative to building compost. Mr. St. John stated he believed Agency Board members would be willing to work with staff to develop concepts and projections for developing phasing plans and the development of alternative methods of dealing with compost long-term.

Mr. St. John recommended not including comments in staff reports that would send a message to Republic the Agency was considering a competitive bid process. Mr. St. John explained the process with Republic was a negotiation process.

Ms. Fudge stated bidding for waste services was important for Windsor, and explained that there was a referendum on the council that required waste services to be competitively bid.

Mr. St. John stated public waste services were bid through a competitive process, and the successful contractor was Republic. Mr. St. John noted the Agency was engaged in negotiating a change order to that waste management services contract that was competitively selected.

Ms. Harvey viewed the statement in the staff report as a balancing act that had to take place; trying to work with Republic first, with the possibility it would go out to bid.

Ms. Klassen commended staff for doing a great job in the cleanup of the compost site and noted the County was looking to wrap the process up rapidly.

Ms. Klassen explained Republic would be putting a lot of time and effort in studying the final permits, design, and putting together a cost proposal, and she felt Republic needed to have some assurance the County was not asking for a price for a new compost site for the sake of trying to decide whether to build the site or not and then turn around and do a competitive bid.

Mr. Mikus, City of Sebastopol, did not recall the Agency Board having a formal discussion where Republic was selected as the group with which the Agency would negotiate. Mr. Mikus noted the County, included provisions in the MOA for Republic to assume the composting operation and provide pricing, and the Agency Board asked Republic to honor that.

Mr. St. John stated the Agency Board directed the Agency Executive Director to send a letter to the County, enacting that provision in the MOA, and basically saying they wanted to negotiate with Republic for the services. Mr. St. John stressed the importance of having the operator involved in looking at the details to make sure the plans were efficient from an operator stand point.

Ms. Agrimonti inquired where the conversation took place that Republic was going to exclusively be used as the contractor, and added she believed a corporation as big as Republic would be used to being competitive all the time. Ms. Agrimonti expressed she was concerned the Agency had been hit hard by a lot of circumstances and would not want anyone questioning why they only dealt with one corporation.

Ms. Harvey asked for staff's input and noted she did not recall agreeing as a Board compost would be given to Republic and she believed that to be preliminary information to look at.

Mr. Carter replied he did not feel he was given direction to exclusively negotiate with Republic but he was trying to work with Republic to obtain information that would be helpful to make decisions and at the same time not put them at a disadvantage by doing so.

Ms. Klassen stated she was unaware if the Agency Board had collectively discussed in detail what the concept of asking for a price from Republic really meant and recommended greater discussion on the topic. Ms. Klassen noted the Agency Board would be involved, but the negotiations would be with the County, as it was a County/Republic contract that would be amended.

Ms. Klassen stated the question was whether the Agency was at a place where they were asking the County to take compost over, and noted she did not believe that to be a decision the Agency Board had made yet. Ms. Klassen stated she believed the County's position was that if the County was being asked to take over the operation, they would negotiate with Republic as their contractor, as the County would only want to have one contract.

Ms. Fudge stated she believed it was awkward for Republic to provide all the information at this stage and she was in agreement that needed to be discussed further. Ms. Fudge noted the Board had talked at length a few years prior regarding design-build being a more cost effective option and she believed design-build and operation were separate questions.

Ms. Klassen said she thought they were talking about long-term operations design-build and a long-term operations contract, because that would be the only way it could be amortized and built.

Mr. St. John stated his comment was not to say a final decision had been made Republic was going to be the operator. Mr. St. John noted a contractor would not be asked to do a change order unless there was intent to exercise the change order if the price was acceptable. Mr. St. John added Mr. Carter and Ms. Klassen would not be successful in negotiating a good price for the Agency if they were not committed, if the price was affordable to the Agency members.

Ms. Agrimonti inquired how the Agency would obtain the results since Republic is the County's contractor. Ms. Agrimonti stated she concurred with Mr. St. John regarding the practicality but she was not comfortable with the current process.

Chair Schwartz noted this was an informational item and no action could be taken, but provided direction for staff to develop an analysis or report in February or March that considered the following issues: 1) clarify direction regarding the intent on bidding or selection process for a compost contractor and how the Agency fits with the County and how the County fits with

Republic and 2) consideration of outhaul cost options. Chair Schwartz noted if some members chose to outhaul, it would affect the compost site cost for the rest of the members.

Public Comments

Allan Tose, Site 40 representative, provided documents regarding a study conducted by CalRecycle about tipping fees in California, including green waste and trash. Mr. Tose noted California was compared to other states and the rest of the world. Mr. Tose also noted the average rate for green waste in California was \$39 per ton and Sonoma County was at \$78.

Mr. Tose stated all the facilities the Agency shipped out to were in agricultural zoning but Sonoma County would not allow composting in agricultural zoning on a major scale because they would not be able to collect the \$19 gate fee. Mr. Tose explained that since the Central Disposal Site was the only place in Sonoma County zoned to do commercial composting, there was no way private enterprise could compete, therefore rate payers were having to pay higher costs. Mr. Tose stated if Site 40 could operate, they would be able to compost at the standard rate in California.

10. Attachments/Correspondence:

- 10.1 Outreach Calendar December 2015-February 2016
- 10.2 Eco Desk (English and Spanish) 2015 Annual Report
- 10.3 Website www.recyclenow.org 2015 Annual Report
- 10.4 Education 2015 Outreach Summary
- 10.5 SCWMA Future Update
- 10.6 Call2Recycle Case Study

Mr. St. John commended the Agency for the quality of the Annual Reports.

Ms. Harvey inquired why the report regarding the Eco Desk stated calls were returned the following day.

Mr. Carter replied the calls were generally returned within 24 hours, but those calls that were received after hours or on weekends were returned the following day or on Monday.

Chair Schwartz reported the City of Rohnert Park's staff recommendation for the Agency future would be as followed: 1) RCPA option, 2) Agency-light, which was an independent agency without compost and household hazardous waste operations, 3) stand alone as is Agency. Chair Schwartz noted Rohnert Park would recommend not approving the resolution extending the Agency unless it needed to be at some point for legal reasons.

Public Comments

None.

11. Boardmember Comments

Mr. St. John thanked the Agency members for their confidence in him as Chair and noted 2015 was a difficult year. Mr. St. John added he would continue to advocate for the Agency's core mission.

Mr. St. John shared he and John Brown, Petaluma Agency Board member, were not aware of a time the Agency was unable to conduct their business due to the way the Agency was structured

and the way the JPA was written. Mr. St. John noted compost was lost in part due to the lack of attention and diversion to other things, and recommended focusing the Agency resources on the Agency's core mission and returning compost to Sonoma County.

Ms. Fudge stated that she expected the discussion in Windsor to discuss elected and staff on the Board and noted the staff report in Windsor would likely lay out the options and discussion would take place, but she did not believe their staff would be recommending one option over another.

Ms. Fudge noted there was a website in Sonoma County regarding Styrofoam and added this was something the Agency could take on countywide, in addition to bringing back compost as soon as possible.

12. Staff Comments

None.

13. Next SCWMA meeting: February 17, 2016

14. Adjourn

The meeting was adjourned at 10:05 a.m.

Submitted by

Sally Evans