



## Minutes of January 21, 2015 Special Meeting

The Sonoma County Waste Management Agency met on January 21, 2015, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California.

### Present:

City of Cloverdale	Bob Cox
City of Cotati	Damien O'Bid
City of Healdsburg	Brent Salmi
City of Petaluma	Dan St. John
City of Rohnert Park	Don Schwartz
City of Santa Rosa	John Sawyer
City of Sebastopol	Sue Kelly
City of Sonoma	Madolyn Agrimonti
County of Sonoma	Susan Gorin
Town of Windsor	Deb Fudge

### Staff Present:

Counsel	Janet Coleson
Staff	Henry Mikus
	Patrick Carter
	Karina Chilcott
	Rebecca Hoehn
Agency Clerk	Sally Evans

### 1. Call to Order Regular Meeting

The meeting was called to order at 9:15 a.m.

### 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9(d)(1)

Renewed Efforts of Neighbors Against Landfill Expansion vs. County of Sonoma, Sonoma Compost Company, Sonoma County Waste Management Agency  
Case 3:14-cv-03804-THE

Pursuant to Government Code Section 54957  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Agency Counsel

### 3. Adjourn Closed Session

### 4. Agenda Approval

**5. Public Comments (items not on the agenda)**

None.

**6. Election of 2015 Officers**

Henry Mikus, Executive Director, stated that in 2010 the Board set policy to rotate officers alphabetically by jurisdiction name, and noted that this year it would be as follows: Chair: Petaluma, Vice Chair: Rohnert Park, and Pro-Tem: Santa Rosa.

Janet Coleson, Agency Counsel, added that the Board can choose to hold nominations or nominate a slate.

Chair St. John confirmed the slate, as noted by Mr. Mikus and added that the board member or alternate will serve in those roles.

**Public Comments**

None.

**Sue Kelly, City of Sebastopol, motioned for a slate and Bob Cox of Cloverdale seconded the motion.**

**Vote Count:**

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

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

**The motion passed unanimously.**

**7. Consent (w/attachments)**

- 7.1 Minutes of December 17, 2014 Regular Meeting
- 7.2 Legal Services Budget Appropriation
- 7.3 Compost Zero Discharge Plan Update
- 7.4 GIRE Contract Extension

**7.1 Minutes of December 17, 2014 Regular Meeting**

Brent Salmi, City of Healdsburg, Susan Gorin, County of Sonoma, and Madolyn Agrimonti, City of Sonoma, abstained from the vote of Item 7.1 Minutes of December 17, 2014 due to their absence.

**Vote Count:**

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

AYES -7- NOES -0- ABSENT -0- ABSTAIN -3-

**Board Discussion**

**Mr. Cox, City of Cloverdale, motioned to approve the consent calendar. Ms. Fudge, Town of Windsor, seconded the motion.**

**Vote Count:**

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

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

**Items 7.2-7.4 passed unanimously.**

**Regular Calendar**

**8. Compost Site Selection Update**

Mr. Mikus stated that the Master Operating Agreement between the County and Republic includes provisions for Republic to provide a proposal. Mr. Mikus added that County staff felt there is not enough information for Republic to provide a proposal, and asked the Agency to provide more information regarding the preliminary site plan and to clarify composting cost details.

Mr. Mikus reported that the review being conducted by CH2M Hill, regarding amending or recirculating the EIR originally scheduled to be completed by April, may be completed as early as February or March.

Mr. Mikus stated that he will work with Republic to find out what additional information Republic needs and added that the Agency will work with engineering and return to the Board for additional funding if the cost for more work exceeds the Executive Director’s signing authority.

Mr. Mikus recommended to formally request the County to have Republic provide a proposal.

**Board Discussion**

Chair St. John acknowledged the work done by Tetra Tech and stated his belief that the Central is still listed in EIR as environmentally preferred site.

Chair St. John stated that he sees the need to revise the preliminary engineering to consider opportunities for cost savings, but before moving forward with finance and delivery plan conversations, the engineering firm could go a step further in the direction of preparing bridging documents. Bridging documents could be used to describe the project scope, amenities, goals, and the phasing of the project not yet addressed.

Chair St. John commended Mr. Mikus for his recommendation to take advantage of the MOA provision that requires Republic to provide the County with an estimate of the cost of constructing

a compost facility at the Central Disposal Site and recommended getting the preliminary engineering to a stage that would provide sufficient detail to allow Republic or anyone else to respond as to what it would take to build the site.

Chair St. John stated that the \$55 million estimated cost to complete the entire project was not needed on day one, and added that projections of the necessary compost capacity needed to be considered. The capacity requirements should drive the phasing plan and the phasing plan and the cost of those phases will be necessary help determine who will be responsible for delivering the project. Chair St. John wished to evaluate models for financing and constructing the future facility, including an analysis of rate impacts.

Susan Gorin, County of Sonoma, stated she appreciates Chair St. John's suggestions as to how they might consider moving forward quickly, and perhaps consider a design-build model. Ms. Gorin suggested broadening the request further and suggested that there may be other mechanisms to consider to create a new compost facility as soon as possible, within the next twenty-four months.

Ms. Gorin stated that she appreciates Mr. Mikus' analysis and discussion about recirculation of the EIR, and recognizes that needs to go through planning processes and receive public input, but asked if there were other ways to speed up the process Ms. Gorin added that she's a satisfied customer of the input and output of compost and wants to make sure there is compost in the county.

Don Schwartz, City of Rohnert Park, asked for Mr. Mikus' thoughts on the Board's discussion.

Mr. Mikus explained that some of the analysis that was discussed at this meeting is necessary for completing the project and would have to happen at some point in the future so doing this work ahead of time is beneficial.

Mr. Mikus said there has been conversation over the last few years about and the financing of the site and he understood that the Agency cannot take out bonds.

Ms. Coleson explained that the biggest limitation of the Agency was its expiration in two years. She added that contracting for construction of the compost facility is not going to be possible because the Agency cannot contract past the two year time frame until the two year limitation is removed. Ms. Coleson says analysis have been conducted regarding financing options and confirmed that the Agency cannot take out bonds at this time.

Mr. Mikus stated that due to the financing limitation, Agency staff considered a design-permit-build-operate model and had preliminary discussions when the Agency re-bid the compost operation two and a half years ago. Mr. Mikus said that the Agency received a positive response and several respondents provided information as to what that might add to composting costs.

Mr. Schwartz shared his concern regarding the presumption of the Central Disposal Site being the ultimate site and spending more money when a decision has not been made. Mr. Schwartz added that given the analysis as far as timelines, he is interested in addressing the issues as soon as possible. Mr. Schwartz shared that he is supportive of anything that helps create options to further that direction and supports the recommended request. Mr. Schwartz added that there's a meaningful policy signal being sent by taking this action, which is that the Agency Board is open to

another way of operating compost and that sends a signal to the County and the Cities to consider the best interest of the residents of Sonoma County.

### **Public Comments**

Roger Larsen, Happy Acres resident, stated that the Board has not decided on a site but only wants cost estimates for the Central Disposal Site. Mr. Larsen suggested that the Board should know what it will cost to build at Site 40 and commented that it could be \$30 or \$40 million less than the Central Disposal Site. Mr. Larsen stated that the cost estimates for the Central Disposal Site are not compatible with Site 40. Mr. Larsen asserted that there is no need for covered buildings and that a 30 million gallon pond already exists there. Mr. Larsen commented on the amount of effort to make the site work at the Central Disposal Site, but that he believed that the Central Disposal Site inadequate for compost and Zero Discharge can't be achieved there. Mr. Larsen stated that Site 40 is available but the Agency continues to ignore it. Mr. Larsen asked that the Board look at the numbers and do what is right for the rate payers. Mr. Larsen stated that if Site 40 or the vacant lot behind Ratto's place on Standish turns out to be a better site, it should be an option, and not limit the process to the Central Disposal Site.

Margaret Kullberg, Stage Gulch Road, stated she has lived across from Site 40 on Stage Gulch Road for sixty-five years. Ms. Kullberg stated it is not the place to have a compost site and added that there are approximately 400 acres of vineyards and organic dairies around it. Ms. Kullberg said that Adobe Road and Lakeville are not roads that could handle the traffic and added there would be more greenhouse gas emissions brought to the area if it is not left at Central Site. Ms. Kullberg stated that it makes sense to leave it where it is with the covered facility and where the water situation has pretty much been taken care of.

Rick Downey, Republic Services, stated that he would like clarification about what will be requested from Republic. Mr. Downey added that his understanding is that the MOA provides for an 18 month period for the JPA to look at Republic Services as a possible option to the current system with composting. Mr. Downey pointed out that provision only applies when the MOA becomes effective and added that Republic is still uncertain when that will be. If Republic is going to be asked to do something prior to the effective date of the MOA, what it is the Board is asking.

Mr. Downey stated that the process is usually to put out to an RFP once everything is figured out, and questioned if the Board is going to ask Republic Services to figure everything out so it can go out to an RFP at another time.

### **Board Discussion (continued)**

Chair St. John directed the Board's attention to the staff recommendation and suggested that all options to create a new facility should be looked at as soon as possible. Chair St. John stated that the staff recommendations are consistent with some of the comments made previously. Chair St. John reiterated his suggestion to examine the project in phases and project capacity requirements as part of the additional analysis, and that the Board should reexamine past models, discuss, and critically analyze the different possibilities. Financing options could involve partnerships, working with the County, and banks. Mr. St. John stated there may need to be conversation about successor agencies and who is going to take the project the Agency is carrying forward should the Agency cease, someone will have to take over the project. Chair St. John added that he believes that as the Board shows leadership in doing that, doors will open.

Mr. Schwartz wished for clarification as to whether Republic is being asked to do anything before the MOA takes effect.

Mr. Mikus stated he would like to engage in conversation with Rick Downey from Republic ahead of time as to what information might be needed from Republic as well as to provide some clarity.

**Mr. Schwartz, City of Rohnert Park, motioned to approve the staff recommendation. Sue Kelly, City of Sebastopol, seconded the motion.**

**Vote Count:**

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

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

**Motion passed unanimously.**

*Ms. Gorin left at 9:56 am.*

**9. Annual Review of the Rules of Governance**

Ms. Coleson stated there was a request from the Board to incorporate a provision in the Brown Act into the Agency Bylaws so that information that is discussed in Agency closed session can be discussed by members in those members' closed sessions. Ms. Coleson said that Section 54956.96 of the Brown Act allows for sharing of confidential closed session information in limited circumstances. Ms. Coleson stated that the provision has been added to the Agency's Rules of Governance for the Board's consideration.

Ms. Coleson pointed out that Rule 16 of the proposed Rules of Governance allows a disclosure of information obtained in an Agency closed session that has direct financial or liability implications for the member agency to be discussed with legal counsel of that member's local agency. The member agency may hold a closed session of its own to discuss those issues.

Ms. Coleson stated that proposed Rule of Governance were amended with language directly from the Brown Act to avoid any misunderstanding. Ms. Coleson added that this is the vehicle in which confidential information can be shared.

**Board Discussion**

Madolyn Agrimonti, City of Sonoma, asked about timing of votes and the relaying of information from the Agency Board to individual Councils.

Ms. Coleson asked for clarification on the question but stated the intent of this amendment was to reduce the frustration of some members that could not share information with the member agencies.

Ms. Agrimonti, stated she is asking about timeliness and if it's something the Board will respect.

Ms. Coleson replied that it does apply in the case where a Board member is not comfortable making an individual decision prior to receiving guidance from the Board member's legislative body. Ms. Coleson stated that timeliness would depend on the individual question or issue and added that hopefully there would be enough time to allow consultation.

Chair St. John pointed out that there have been Board members who have not felt comfortable or were not able to vote on an item. Mr. St. John stated that he believes the new rule will help that process.

Mr. Schwartz asked if there is a section of Rule 17 which gives the Board the broadest possible discretion.

Ms. Coleson replied that Rule 16 and 17 are verbatim from the Brown Act and are as broad as the Brown Act allows.

### **Public Comments**

None.

**Mr. Schwartz, City of Rohnert Park motioned to approve the recommended action. Ms. Madolyn Agrimonti, City of Sonoma, seconded the motion.**

### **Vote Count:**

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

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

### **10. Attachments/Correspondence:**

#### 10.1 Reports by Staff and Others:

- 10.1.a January and February 2015 Outreach Events
- 10.1.b Eco Desk (English and Spanish) 2014 Annual Reports
- 10.1.c Website [www.recyclenow.org](http://www.recyclenow.org) 2014 Annual Report
- 10.1.d Education 2014 Outreach Summary
- 10.1.e NCRWQCB Notice regarding adding Republic to the WDR

Mr. Mikus pointed out Items 10.1.b, 10.1.c, and 10.1.d. and added that these are the annual reports provided in January regarding the Agency's education and outreach program. Mr. Mikus highlighted there is a lot of useful information about how the Agency's outreach program functions. Mr. Mikus complimented Karina Chilcott, Agency Staff, for her dedication and hard work and added that Ms. Chilcott also manages and updates the English and Spanish Recycling Guide yearly.

### **11. Boardmember Comments**

Chair St. John stated there are no reportable actions from closed session.

Chair St. John thanked the Board for their confidence in the City of Petaluma in chairing the Board and stated that he takes that responsibility very seriously and will do his best to serve the Agency mission over the next year.

Mr. Schwartz stated that he is planning on touring the current compost facility a week from Friday and invited additional Board members or Staff interested to touring at the same time.

**12. Staff Comments**

Mr. Mikus stated that tours were conducted about a year ago for Board members and added that there have been Board changes. Mr. Mikus invited those Board members interested in a tour of the Agency's hazardous facility and compost site at Central to contact him and added that he will coordinate as much as possible for those who wish to attend.

Mr. Mikus spoke regarding new Board member orientation and added that he sent a two page document to those new members he was aware of. Mr. Mikus added that he is willing to meet with anyone regarding the Agency. Mr. Mikus added that there are plans to get the JPA and pertinent contract documents on the Agency's website in such a way that the Board could conveniently access them.

Mr. Schwartz asked that public documents be available to the public.

Chair St. John announced he will not be at the February meeting and added that they will determine if John Brown or the Vice Chair will Chair that meeting.

**13.** Next SCWMA meeting: February 18, 2015

**14. Adjourn**

The meeting was adjourned at 10:08 am.

Submitted by  
Sally Evans