



Minutes of February 17, 2016 Special Meeting

The Sonoma County Waste Management Agency met on February 17, 2016, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California.

Present:

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

Staff Present:

Counsel	Ethan Walsh	Staff	Karina Chilcott
Executive Director	Patrick Carter		Lisa Steinman
Agency Clerk	Sally Evans		Felicia Smith

1. Call to Order Special Meeting

The meeting was called to order at 10:37 a.m.

2. Closed Session

Chair Don Schwartz, City of Rohnert Park, stated there was no reportable action out of closed session.

3. Adjourn Closed Session

4. Agenda Approval

After reviewing the agenda, it was decided Items 9 and 10 would be moved to be the first items on the regular calendar.

Madolyn Agrimonti, City of Sonoma, motioned to approve the agenda as amended and John Sawyer, City of Santa Rosa, 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.

5. Public Comments (items not on the agenda)

Allan Tose, Site 40 representative, brought two items to the Board’s attention regarding recycling in California and provided two handouts. Mr. Tose stated Assembly Bill 876 requires a plan to recycle locally, and that long-term out-hauling was not an option. Mr. Tose also referenced page 9 of the technical report and where he believed the density of incoming feedstock was incorrect and would reduce the available capacity of the Central Compost Site.

Consent (w/attachments)

- 6.1 Minutes of January 20, 2016 Special Meeting
- 6.2 Second Quarter Financial Report
- 6.3 Rules of Governance Annual Review
- 6.4 City/County Payment Program Budget Amendment
- 6.5 City/County Payment Program Container Purchase

Chair Schwartz asked whether there were enough funding for all Agency members that wished to use this grant.

Patrick Carter, Interim Agency Executive Director, replied affirmatively.

Henry Mikus, City of Sebastopol, motioned to approve the consent 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	Aye	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

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

Motion passed unanimously.

Regular Calendar

9. SCWMA Meeting Schedule

There was brief discussion regarding starting the SCWMA Board of Directors regular meetings at 8:30 a.m. instead of 9:00 a.m. following closed session.

Public Comments

None.

Susan Klassen, County of Sonoma, motioned to approve the resolution for the SCWMA Board of Directors regular meetings to start at 8:30 a.m. instead of 9:00 a.m. 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	Aye	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

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

Motion passed unanimously.

10. SCWMA Update

Mr. Carter provided a brief update on the feedback from Agency member councils regarding the future of Agency programs as follows: Healdsburg took action to discuss the responses in a committee, and Sebastopol voted to extend the Agency for one year and were consistent with previous feedback they had provided. Cotati stated they preferred a regional program with the current Agency programs and a one year extension of the Agency. Rohnert Park did not take action to extend the Agency for one year and preferred an “Agency-light” model with a SCWMA Board of Directors meeting quarterly and overseeing Agency programs for education, planning and reporting. Sonoma and Petaluma both voted to extend the Agency for one year but did not provide further feedback.

Mr. Carter stated meetings with Cloverdale, the County, Windsor, and Santa Rosa were scheduled to take place.

Board Discussion

Ms. Harvey inquired if another meeting would take place with Sonoma and Petaluma, since they did not provide further feedback.

Mr. Carter replied his recommendation would be to look at the majority of the member agency responses and bring that before those city councils to see if it would be acceptable to them.

Ms. Harvey asked Rohnert Park to clarify their position on policy and education.

Chair Schwartz replied Rohnert Park's preference was an “Agency-light” which was as is, minus household hazardous waste and compost. Chair Schwartz noted Rohnert Park felt strongly the Agency should not have a policy making authority, Board members should be staff, and they did not support the one year extension.

Ms. Harvey expressed concern that small cities would not have the capability of implementing ordinances even if a model ordinance were established.

Deb Fudge, Town of Windsor, stated she believed policy decisions would be best made countywide. Ms. Fudge was concerned the presentations to member councils were all being presented differently, as not every city was weighing in on the same things.

Ms. Agrimonti commented the “Agency-light” option was a suggestion from the City of Rohnert Park but not something that necessarily needed to be considered by the Board. Ms. Agrimonti

expressed she wanted to make sure it was known Sonoma also felt policy decisions would be best done countywide.

Public Comments

Ernie Carpenter, AB 939 Local Task Force Representative, stated the LTF was forwarding their concerns and recommendations via resolution to the County of Sonoma, Sonoma County cities, and SCWMA. Mr. Carpenter stated the LTF believed oversight of the programs to could meet the statewide goals of 75% diversion were best served by a public planning body through the SCWMA. Mr. Carpenter stated the LTF recommended the Board of Supervisors and city councils support the SCWMA as the permanent local public planning body with cities and County representation to continue the successful coordination of solid waste recycling, compost, reuse, and education services.

Ken Wells, Sierra Club Representative on the AB 939 Local Task Force, was concerned regarding the shift of the responsibilities for household hazardous management from a public agency to a private entity. Mr. Wells questioned the financial incentive for a private company to manage a household waste program that would lose money every day. Mr. Wells believed the incentive for a private sector was to minimize that loss, which is a different model from a public agency.

Mr. Sawyer left at 11:07 a.m.

Ms. Fudge expressed her concern some of the Agency member cities may be moving away from the goals SWAG worked on, specifically to reduce greenhouse gases in the county and reach a higher diversion level.

Pam Davis, Sonoma County Resident, suggested a study session between the LTF and the Board could take place, as there was a lot of institutional knowledge and history around solid waste, recycling, and composting issues that may be of interest and value.

Chair Schwartz recommended Board members review the LTF resolution and those interested in having an item on the agenda or having a separate discussion let Mr. Carter know so it could be put on the agenda.

Roger Larsen, Happy Acres, stated he would also like Happy Acres and RENALE representatives to be invited to the discussion.

Board Discussion

Ms. Harvey also felt the county as a whole needed to refocus on the SWAG goals. Ms. Harvey noted if the Agency were to go away, the cities would not be able to meet all the objectives.

Chair Schwartz asked Mr. Carter if any of the jurisdictions had indicated a preference for the RCPA option and Mr. Carter replied that out of the five jurisdictions who weighed in, no jurisdiction had expressed a preference for the RCPA to date.

Ms. Fudge left at 11:14 a.m.

7. Draft FY 16-17 Work Plan

Mr. Carter discussed the role of the Work Plan and explained that this work plan did not include new programs and was very similar to past Work Plans. Mr. Carter noted the Work Plan reflected the current circumstances of the outhaul with the compost, and all the programs, with the addition of the mandatory organics recycling.

Ms. Harvey noted there were several contracts set to expire in February 2017 and inquired if they were contracts each city would have to put into place and if so, how transferable would they be.

Mr. Carter replied he believed they would not necessarily be transferable for each city, as some of the programs such as the HHW collection program would be required of all the cities if the Agency were to expire, and some programs such as e-waste transport contracts would not actually be necessary. Mr. Carter noted education programs would need to be negotiated directly with the service provider.

Mr. St. John stated that the Agency and the City of Petaluma had a study conducted and were convinced a regional approach was the way to go. Mr. St. John inquired how much staff time was being diverted from the task of resolving compost and outhaul due to trying to rewrite conditions of the JPA. Mr. St. John expressed his concern the Board meeting was once again being used to talk about the JPA and voting instead of talking about reestablishing compost and coming to a long-term solution on organics in the county.

Mr. Carter replied it was a significant amount of his time as the Interim Executive Director that was being spent on governance issues.

Ms. Klassen noted most items in the work plan looked consistent with the prior year except for the composting program, due to outhaul. Ms. Klassen referenced Item 4.10, Mandatory Commercial Recycling Measure, and inquired why there was a drop in contractor cost.

Mr. Carter replied that the Agency has stockpiled some containers and may not need to purchase as many in the following year.

Public Comments

None.

Ms. Agrimonti motioned to approve the Draft Fiscal Year 16-17 Work Plan and Ms. Harvey 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	Absent

AYES -8- NOES -0- ABSENT -2- ABSTAIN -0-
Motion passed.

8. Pharmaceutical Ordinance Discussion

Lisa Steinman, Agency Staff, provided an update on the activity involving pharmaceutical ordinances, including the Russian River Watershed's Association (RRWA), Safe Medicine Disposal Ordinance Working Group activities and the status of pharmaceutical ordinances in other counties.

Ms. Steinman stated the Sonoma County Department of Health Services had been attending the Safe Medicine Disposal Working Group meetings and was exploring whether they could act as the lead agency for a countywide program.

Ms. Steinman stated that if the Safe Medicine Disposal Group expressed a preference for the Agency to lead the program, Agency staff believed the Agency could produce a model ordinance to be adopted by individual Agency members fairly quickly and efficiently.

Ms. Steinman stated Agency staff had created a budget for staff and counsel to assist in the development of a pharmaceutical producer responsibility program to be implemented countywide and that budget fit under existing budget appropriations.

Ms. Steinman recommended the Board direct staff to assist the groups working to create local product stewardship programs for pharmaceuticals. Ms. Steinman stated staff would update the Board at a future Agency board meeting if the Safe Medicine Disposal Ordinance Working Group determined it would be preferable for the Agency to lead the development of the Pharmaceutical Product Stewardship Program.

Ms. Harvey stated her understanding was the County could not implement an ordinance for the cities, as the cities would each have to implement an ordinance.

Ms. Steinman replied it was possible for the County to implement this countywide ordinance through existing regulations and has been done in other counties, but County Counsel was exploring how exactly that would work locally.

Ethan Walsh, County Counsel, stated the counties he was aware had adopted an ordinance had done it at the county level. Mr. Walsh noted other counties who did not have a JPA like the Agency would adopt an ordinance and cities individually incorporated the ordinance into their code.

Ms. Harvey inquired if the city could be sued for that.

Mr. Walsh replied affirmatively and provided an example of Alameda being sued and noted they prevailed.

Ms. Klassen inquired if environmental review was required to do the model or countywide ordinances and if that was where a lot of the litigation was coming from as it was with the plastic bags.

Mr. Walsh stated all discretionary actions were subject to CEQA, and noted that while CEQA was required, that was not where he had seen the litigation coming from so far, yet it was early in the process.

Mr. Mikus stated there was a direct cost impact, as the Agency collected pharmaceuticals at the hazardous waste facility and community toxic collection events.

Public Comments

Liz Bortolotto, AB 939 Local Task Force, stated there has been conversation about this at the LTF and the LTF recommended a countywide effort proceeding forward with the Sonoma County Safe Medicine Disposal Ordinance.

Board Discussion

Mr. Schwartz asked for clarification on staff's recommendation.

Mr. Carter stated staff was seeking Board direction for staff to continue participating in the process, to include some of Mr. Walsh's time. Mr. Carter noted if the Agency were to have a greater role, staff would bring it back to the Board's attention.

Mr. Schwartz asked Mr. Walsh if he were to work on the ordinance would this be a model or one for the Agency to adopt.

Mr. Walsh replied that at this point he would suggest something similar to what Los Angeles was doing. Mr. Walsh stated given the uncertainty of the Agency's situation, he believed it would be more lasting to do it at the county level with the ability of the cities to incorporate the ordinance into their codes instead of doing something that could possibly need to be redone in ten months.

11. Attachments/Correspondence:

- 11.1 Outreach Calendar February-March 2016
- 11.2 Mandatory Organics Recycling Outreach Letter
- 11.3 Drop-off Recycling Chart

Mr. Carter reported the Agency had been getting a number of calls regarding many RePlanet CRV buyback locations closing in Sonoma County. Mr. Carter noted the agenda packet contained an updated recycling guide page, which included just a few buyback (CRV) and drop off (free).

Public Comments

None.

12. Boardmember Comments

13. Staff Comments

None.

14. Next SCWMA meeting: March 16, 2016

14. Adjourn

The meeting was adjourned at 11:53 a.m.

Submitted by
Sally Evans