



Minutes of July 20, 2016 Special Meeting

The Sonoma County Waste Management Agency met on July 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 Santa Rosa	John Sawyer
City of Cotati (via teleconference)	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	Lisa Steinman
Executive Director	Patrick Carter		Felicia Smith
Agency Clerk	Bonnie Steele		

1. Call to Order Special Meeting

The special meeting was called to order in closed session at 8:00 a.m.

2. Closed Session

Chair Don Schwartz, City of Rohnert Park, announced that the Board approved a one year extension to the agreement with Patrick Carter for the Executive Director position.

3. Adjourn Closed Session

The regular meeting was called to order at 9:07 a.m.

4. Agenda Approval

The motion for agenda approval was made by Susan Klassen, County of Sonoma, and seconded by John Sawyer, City of Santa Rosa.

Vote Count:

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

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

Motion passed.

5. Public Comments (items not on the agenda)

None

6. Consent (w/attachments)

6.1 Minutes of June 15, 2016 Regular Meeting

The motion for consent calendar approval was made by Henry Mikus, City of Sebastopol, and seconded by Bob Cox, City of Cloverdale.

Vote Count:

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

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

Motion passed.

Regular Calendar

7. Facilitated Discussion and Possible Action on the SCWMA

Patrick Carter, SCWMA Executive Director, introduced the discussion and the consultants from R3 Consulting Group, Richard Tagore-Erwin and Garth Schultz.

Mr. Tagore-Erwin discussed the changes from the previous analysis in 2014 done by R3, the most drastic change being the closure of the SCWMA’s compost facility and resulting overhaul of organic materials.

Ethan Walsh, Agency Counsel, discussed a legal memo he produced in which he suggested that if members could agree on the SCWMA’s areas of responsibility at a high level, the program level details could be worked out at a later time without impeding the efforts to figure out who would have the authority for the programs currently performed by the SCWMA. Mr. Walsh proposed meeting with City, Town, and County attorneys to discuss on the conceptual level, create a draft JPA agreement based on the attorney feedback, and present the draft to the Board at the October SCWMA meeting. On the subject of regional ordinances, Mr. Walsh recommended the model ordinance approach.

Mr. Carter’s agreed that the model ordinance is it would be functionally equivalent to what we are currently doing today. It will offer the ability for individual cities or the County to opt out or enforce it themselves.

Board Comments:

Dan St. John, City of Petaluma, expressed his appreciation for the independent review, concern for changing important aspects of the JPA, concern for sovereignty issues, and optimism that the attorneys could come to agreement on the JPA. John Sawyer, City of Santa Rosa, and Deb Fudge, Town of Windsor, also spoke on the issue.

Public Comments:

Leslie Lukacs, Co-Chair of the Compost Coalition of Sonoma County, indicated that she spoke for the agricultural industry, which didn't feel it had a voice. Ms. Lukacs was in favor of keeping organics local and supported the Sonoma County Waste Management Agency control of those materials. Ms. Lukacs was concerned by the increase of greenhouse gas emissions, traffic, and road impacts from the outhaul of organics, the 30% increase cost for finished compost since Sonoma Compost's closure, and loose oversight of future compost sites that may not have the economies of scale.

Ken Wells encouraged the Board to omit the 25-year term in the future agreement.

Allan Tose, Teixeira Ranch, stated that he was working on their permit for approval for Site 40. Mr. Tose indicated that their consultant believes the cost of composting is going to go up across the board by 20% over the next five years due to both water and air pollution requirements to which all facilities will have to upgrade. Mr. Tose believed his facility will be consistent with the \$44/ton costs for other facilities.

Connie Cloak, C2 Alternative Services, stated that her company has contracted with the Agency for over 20 years. Ms. Cloak's indicated that her experience in other counties throughout the Bay Area was that their educational efforts were more effective when they can talk to citizens about what is happening countywide.

Liz Bortolotto, AB939 Local Task Force, expressed that creative solutions were being discussed. She believed the Agency has done a lot of good work and will continue to do so in the future.

Board Comments:

Susan Harvey, City of Cotati, believes the SCWMA has come a long way and has pushed a lot of obstacles aside.

Susan Klassen, County of Sonoma, asked R3 about terms for other JPAs. Mr. Schultz replied that generally, these solid waste JPAs do not have expiration dates. Ms. Klassen suggested this could be discussed further by the City and County attorneys.

Mr. Walsh stated that he would discuss the term with the other attorneys. Mr. Walsh expressed that most of the JPAs he has worked with do not have a specific term but may have terms on which the member agencies can withdraw.

Chair Schwartz referenced the matrix in the packet and noted that there wasn't agreement on this subject.

Ms. Fudge stated the matrix was discussed when the SCWMA was in the middle of the compost litigation, and that things were running much smoother now. Ms. Fudge believed that the preferences may be different now.

Chair Schwartz suggested the JPA agreement draft omit the JPA termination date and include a 10-year check-in to ensure the programs were necessary and appropriate.

Mr. St. John suggested including language that if a SCWMA function went away, there would be a trigger for review as well.

Chair Schwartz expressed his believe that this was a terrific step forward and asked Mr. Walsh about timing.

Mr. Walsh answered that he would try to get this accomplished in two months, but he thought that getting all the attorneys schedules to align may be a challenge.

Chair Schwartz recommended proceeding with the staff recommendation with the amendment from Mr. Walsh to reflect term be omitted and requiring a check-in every 10 years.

The motion was made by Chair Schwartz and seconded by Mr. Cox.

Vote Count:

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

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

Motion passed.

Chair Schwartz requested that R3 continue the discussion related to the future of composting.

Mr. Tagore-Erwin discussed the existing composting situation and recommended a procurement process for future composting capacity. Mr. Tagore-Erwin suggested a Request For Information or statement of qualifications from interested parties.

Chair Schwartz asked about direct hauling to out-of-county compost facilities.

Mr. Tagore-Erwin stated that direct hauling may affect the collection system. If the hauler adds a new collection route because of the additional travel time to the facilities, a new route could cost an additional \$200,000 to the ratepayer.

Chair Schwartz asked if in-county organics disposal would always be cheaper than out-of-county and Mr. Tagore-Erwin said no.

Mr. St. John asked about the term needed for compost agreements. Mr. Tagore-Erwin answered that it would be a minimum of 10 years just to capitalize the facility costs and the land costs.

Mr. Mikus stated there is no guarantee that if we build anything in-county, there would be a single facility. He mentioned that there are several groups of seeking to increasing in-county compost capacity and not looking to create regional facilities.

Public Comments:

Ernie Carpenter asked the Board to consider how long use permits, environmental documents, and solid waste permits in their jurisdictions. Mr. Carpenter estimated it would take at least three years.

Board Comments:

Mr. St. John voiced support for three-to-five-year terms for short term organics capacity.

Mr. Carter stated that he had authority to negotiate short term contracts.

8. Attachments/Correspondence:

The Outreach Calendar for July-August 2016 was attached.

9. Board Member Comments:

None.

10. Staff Comments:

Mr. Carter stated that an August SCWMA Board Meeting was not necessary and recommended cancelling that meeting. The Board concurred.

Susan Harvey left at 10:30 a.m.

Chair Schwartz requested that staff report on all expiring contracts at the next Board meeting.

11. Next SCWMA meeting:

The next SCWMA meeting will be held on September 21, 2016.

12. Adjournment:

The meeting adjourned at 10:35 a.m.

Submitted by
Bonnie Steele