



Minutes of October 21, 2015 Special Meeting

The Sonoma County Waste Management Agency met on October 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	Susan Harvey
City of Healdsburg	Brent Salmi
City of Petaluma	Dan St. John
City of Rohnert Park	Pam Stafford
City of Santa Rosa	John Sawyer
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
	Lisa Steinman
	Felicia Smith
Agency Clerk	Sally Evans

1. Call to Order Special Meeting

The meeting was called to order at 9:12 a.m.

2. Closed Session: Conference with Legal Counsel-Existing Litigation

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

3. Adjourn Closed Session

4. Agenda Approval

Item 10, Do-it-Yourself Composting Education Outreach Projects, was moved up on the agenda after Consent, as it required a unanimous vote and some members would need to leave early.

Madolyn Agrimonti, City of Sonoma, 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	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)

None.

6. Consent (w/attachments)

- 6.1 Minutes of September 16, 2015 Special Meeting
- 6.2 Budget Adjustments for FY 15-16
- 6.3 EPR Update
- 6.4 FY 13-14 Financial Audit

Susan Harvey, City of Cotati, motioned to approve the consent agenda and Deb 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-

Motion passed unanimously.

Regular Calendar

10. Do-it-Yourself Composting Education Outreach Projects

Karina Chilcott, Agency staff, stated that at the August 19th SCWMA Board meeting Agency staff presented four Do-it-Yourself Onsite Composting Proposals targeting various groups, including small farmers, landscapers, school children, and the general public. Ms. Chilcott noted staff was directed to further refine the proposals.

Ms. Chilcott explained the original cost for the first project, a small scale farm and landscape composting workshop, was originally \$10,766, and the new cost would be \$8,560, approximately a \$2,200 cost savings. Ms. Chilcott noted the major change to this project would be that the University of California Cooperative Extension (UCCE) would organize the professional composting workshop at Shone Farm at SRJC at no cost to the Agency. Ms. Chilcott stated approximately

\$4,000 of the cost to the Agency would go to SRJC, a sub-contractor to UCCE to create an active composting demonstration site showing active piles and mixing techniques. Ms. Chilcott noted another \$4,000 would go to UCCE farm advisor Paul Vossen, who would provide follow-up help for up to twenty farmers and landscapers. Ms. Chilcott noted the green waste database matching farmers with sources of organic materials would no longer be included in this proposal.

Ms. Chilcott explained the second project for consideration would be conducting worm composting in schools. Ms. Chilcott stated the original cost for this project was \$3,996, and the new cost would be \$4,992, which would be a \$996 cost increase. Ms. Chilcott noted the tasks in this project were the same as originally considered, and added the discrepancy in cost resulted in some of the matching grant budget not going forward.

Ms. Chilcott stated the third project for consideration would be a video series for composting and worm composting. Ms. Chilcott noted the original cost for this project was \$44,554 and the new cost would be \$44,306, which would be a \$248 cost savings. Ms. Chilcott stated the tasks in this project were the same as originally considered and noted cost savings were a result from recalculated Spanish language outreach contract services.

Ms. Chilcott explained the fourth project for consideration would be conducting a composting and worm composting workshop. Ms. Chilcott noted the original cost for this project was \$27,421 and the new cost would be \$28,343, which would be approximately a \$920 cost increase. Ms. Chilcott explained the primary change to this project would be due to the UCCE intern salary being deleted and the cost for reporting, Spanish workshop, and related advertising increase. Ms. Chilcott noted budget was added for Triformis, one of the subcontractors, for the purchase of sample composting demonstration bins intended to be used at all the workshops.

Ms. Chilcott noted the reason for all the projects was due to the closure of the municipal composting facility, which would result in less finished compost and mulch products available for purchase in Sonoma County. Ms. Chilcott stated it was determined educating individuals and businesses regarding creating composting mulches would help alleviate some of the finished product shortages. Ms. Chilcott noted Agency staff felt the four complimentary programs for the Board's consideration were worthwhile, as they would reach multiple target audiences. Ms. Chilcott stated that considering the Agency's \$58 per ton cost for organics outhaul, options 1-3 projected cost per ton of diversion demonstrate the Agency's return on investment would be less than one year. Ms. Chilcott noted the investment for option 4 would be higher than the cost for one year outhaul, but could be recovered in about two years.

Ms. Chilcott stated the budget for fiscal year 15/16 did not allocate staff time or contractor funding to implement these projects. Ms. Chilcott noted the total cost for these projects would be \$86,201 and budget adjustment would be necessary to accommodate this additional costs, therefore approval of this item would require a unanimous vote.

Ms. Chilcott stated that as requested, Agency staff would present a progress report evaluation of these projects six months from the implementation date and one year at the conclusion of the projects.

Ms. Chilcott noted Paul Vossen and Mimi Enright, UC Cooperative Extension, were in the audience to answer questions.

Board Discussion

John Sawyer, City of Santa Rosa, noted given the current circumstances and need for composting, he believed doing everything possible to encourage alternatives to what was a mutual operation would be in Sonoma County's best interest.

Ms. Harvey asked for confirmation the amount that would be diverted would be 6,465 tons.

Ms. Chilcott confirmed that was the estimate.

Ms. Harvey noted she was in agreement with Mr. Sawyer regarding the need for composting and added 6,465 tons not going into the landfill or out hauled would at least be a start.

Pam Stafford, City of Rohnert Park, stated the City of Rohnert Park was okay with options 1, 2, and 4, but not okay with option 3. Ms. Stafford noted Mr. Schwartz, the regular Rohnert Park Board member, thought there was no need to reinvent the wheel, as there were existing videos. Ms. Stafford noted Mr. Schwartz also felt there would be no need to make videos specific for Sonoma County and spend that amount of money, as he believed it could be done for less. Ms. Stafford noted one of her sons worked in the film industry and this was a lot of money for a couple two minute videos. Ms. Stafford asked if all the options needed to be approved at once or if they could be approved individually.

Chair St. John replied he did not believe there was a recommendation and thought it could be a mix and match.

Patrick Carter, Agency Interim Executive Director, stated staff had recommended approving them all, but the Board could approve them as they saw fit. Mr. Carter noted this required a unanimous vote because it required a budget adjustment regardless of the number of items approved at these meeting.

Public Comments

Martin Mileck, Cold Creek Compost, stated he heard repeated talk amongst the Agency the closure of the Sonoma County compost facility would cause a compost shortage in the county. Mr. Mileck added the vast majority of compost used in Sonoma County had been produced by facilities other than the Agency's facility, and compost was available anywhere by contacting local soil dealers and agriculture suppliers.

Mr. Mileck commented regarding the proposed compost projects and noted the Agency would not be collecting the fees on that material. Mr. Mileck stated that while the Agency would not be paying for compost of that material, somebody else would, and it would make for expensive compost. Mr. Mileck added small facilities would not have the economy scale of a large facility and would provide inferior compost, as the small facilities would not have the proper machinery and materials. Mr. Mileck recommended considering the environmental impacts of those facilities, as they would not be collecting all the water and would impact the neighbors.

Mr. Mileck stated Cold Creek Compost had been taking the green waste from Healdsburg, and it was horribly contaminated beyond what the regulations allow a compost facility to accept. Mr. Mileck recommended the Agency spend the money and energy on cleaning up the green waste instead, as it would benefit all the facilities as well as the finished product.

Mimi Enright, UC Cooperative Extension Sonoma County Master Gardner Program Coordinator, acknowledged the City of Rohnert Park comments, and stated it was believed a Sonoma County branded video series would be of particular value in the wake of the closure of Sonoma Compost. Ms. Enright noted it was also believed having the videos in English and Spanish would be very important, given the demographics in Sonoma County. Ms. Enright explained most of the existing videos were very lengthy, attention spans were shorter than ever, and videos longer than one to two minutes were typically losing the audience. Ms. Enright added the shorter duration ten video series would contain individual topics broken up, and would hopefully educate Sonoma County residents on composting in their own home backyards.

Paul Vossen, UC Cooperative Extension Sonoma County Farm Advisor, highlighted the project would be ten videos that could conveniently be viewed on a smartphone. Mr. Vossen commented most videos currently available were not very interesting or educational, with someone just standing talking about compost. Mr. Vossen explained the plan for the project was to have the videographer actually show the materials going into the compost, the worms, how to set up the package, provide discussion and education, and actually show what was going on in the video.

Mr. Vossen stated it was unknown how many people would be involved in the compost demo and educational seminar at the SRJC Shone Farm, but he was aware of a number of people who would like to produce compost on their farms or facilities. Mr. Vossen noted part of the proposal included in the educational seminar was to bring people together. Mr. Vossen explained this would take place at the SRJC, and the following would be demonstrated: chipping, different types of materials, everything that could possibly be done to make compost, how long it would take, how to turn it, and examples of different compost turners for people to be able to have a small scale facility within the legal limits on their property and make compost. Mr. Vossen noted a farmer shared he would like to use his facility to bring in material and create enough compost for three or four vegetable farmers.

Roger Larsen, Happy Acres, shared he had a few hours of video of what went in and out of compost and he would also be available as a source.

Board Discussion (continued)

Ms. Stafford motioned to approve options 1, 2 and 4 and Brent Salmi, City of Healdsburg, seconded the motion.

Chair St. John noted a motion and a second had been made, and asked what the Board wished to do.

Ms. Fudge replied some Board members had not commented yet and noted she would not be supporting the motion. Ms. Fudge explained she believed there was a need for a branded video even prior to hearing public comment, and highlighted the cost would only be \$11 per ton, and the payback would be a year. Ms. Fudge stated she was in agreement regarding the short attention span and the value of making 10 videos available which could be watched using an iPhone. Ms. Fudge noted since all compost was being out hauled, anything that could be done to compost any green waste in this county should be done. Ms. Fudge stated she would like all four options to be approved and asked the maker of the motion to modify the motion to include options 1-4.

Ms. Stafford declined to amend the motion.

Henry Mikus, City of Sebastopol, stated Sebastopol supported doing all four options, as they believed this was a comprehensive program targeting all means of communicating with people. Mr. Mikus noted it was recognized option 3 dealt with the modern times media, which Sebastopol believed to be a key means of communication. Mr. Mikus added he was in agreement \$11.00 per ton was extremely cost effective and would reach a lot of people, compared to what was being spent on outhaul. Mr. Mikus noted the tons per year number could be cut into a third, making the cost at \$32 per ton and it is still not quite half of what was being paid for outhaul.

Ms. Agrimonti stated she also supported all four options and noted that being very financially responsible, she found that sometimes the issue of "is it worth the money" needed to be put aside for the benefit of the public.

Chair St. John suggested voting on the motion and as a result of that outcome, a second motion could be made and voted on. Chair St. John noted staff had pointed out this needed a unanimous vote and it did not appear that would happen with the proposed amendment to the motion to include all four options.

Ms. Harvey asked for confirmation unanimous vote is for items over \$50,000.

Mr. Walsh replied the reason this needed a unanimous vote was because it required budget adjustment, and budgetary items required a unanimous vote. Mr. Walsh noted it was not the \$50,000 issue, it was the budget issue.

Ms. Harvey asked for confirmation that even if item 3 was separated, unless a unanimous vote was reached on item 3, it couldn't move forward because it affected the budget.

Mr. Walsh replied affirmatively and noted there was not enough money in the budget to cover all the options, therefore the budget would have to be adjusted.

Mr. Sawyer noted it was clear by the comments the City of Rohnert Park would not be in favor of option 3, and it appeared option 3 would not receive a unanimous vote at this meeting. Mr. Sawyer added he was not pleased with not getting anything and would rather have something than nothing.

Ms. Fudge stated there was merit in what Mr. Sawyer just said and explained she voted no at the last meeting, when the County blocked this for a different reason, because she felt strongly all four options needed to be included. Ms. Fudge noted she was trying to put some peer pressure amongst themselves to have a unanimous vote on such a small budget item that was trying to get a handle on actions the Board had to take to outhaul everything against their wishes. Ms. Fudge noted she thought it was important all four be included, because different segments of the community would be reached and more composting could be accomplished. Ms. Fudge petitioned the City of Rohnert Park to please reconsider for the good of the whole, since it appeared it may be the only vote blocking it this time.

Ms. Harvey noted part of the problem with pulling option 3 was it happened to be the one that would provide the most for the money, because the diversion on that was 3,877 tons, and the total diversion was 6,500 tons.

Chair St. John asked if Ms. Stafford wished to comment.

Ms. Stafford replied Rohnert Park was not opposed to the videos and understood the value of videos. Ms. Stafford noted the issue was why it had to be branded Sonoma County and the cost involved with making it a branded video.

Vote Count:

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

AYES -6- NOES -4- ABSENT -0- ABSTAIN -0-

Motion did not pass.

Ms. Harvey motioned to approve options 1, 2 and 4 and have option 3 return at the following month's Board meeting with cost for branded and unbranded videos, to determine if there was a cost difference. Mr. Sawyer seconded the motion.

Chair St. John clarified there was a motion and a second for options 1, 2 and 4 with a proviso for a new proposal for option 3 with removed branding and possible reduced cost.

Ms. Stafford stated that's what she was thinking when she made the motion.

Ms. Fudge noted that if ten new videos were made in Sonoma County they would be branded, and it appeared to her the City of Rohnert Park's position was for no videos. Ms. Fudge explained if the videos were to be made for the Agency, the Agency would have control of them, they would be on the website, would be distributed out to more people, possibly doubling the savings. Ms. Fudge commented people would not be looking on their own to find a thirty minute video. Ms. Fudge added if it were just the branding issue, she would not want to vote no again, but she really felt strongly about this.

Mr. Carter noted in looking at the Agency's contractors who are present at the meeting, it did not appear the branding aspect would change the price of it much at all. Mr. Carter explained his understanding regarding the branding was it was something that would be done in Sonoma County and possibly have the Agency logo on it, but he did not believe that really changed the cost of the production.

Ms. Fudge asked for clarification the motion was for option 3 to return the following month for discussion, when she would be able to speak with Mr. Schwartz. Ms. Fudge added if that were the case, she would vote yes.

Chair St. John asked staff if it would be possible option 3 could return the following month.

Mr. Carter replied he believed staff could bring option 3 back the following month.

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.

7. SCWMA Future Update

Mr. Carter stated this item had been a long standing item. Mr. Carter noted the direction at the prior month's meeting was for staff to return at this meeting with a further discussion of what had previously been called the hybrid model of the Agency and RCPA functions combined. Mr. Carter shared extensive conversations between SCWMA and RCPA took place, which included the CalRecycle's legal team as well. Mr. Carter noted one of the questions in the past was whether the RCPA could be a regional agency as defined by the Public Resources Code, to perform reporting functions the Agency currently does. Mr. Carter stated that since the RCPA is created through state legislation, it was unclear. Mr. Carter added that after discussions with CalRecycle, they came up with four viable options to make the functions the Agency currently did move forward in the future. Mr. Carter noted it was recognized the Agency brought forward a lot of value in terms of its education, planning and policy functions.

Mr. Carter provided an overview of the four different options as follows: 1) continuation of the Agency in its current structure with an independent board of directors, 2) a JPA which could assign functions to other organizations in the future; RCPA for some functions and the County for others, 3) The idea of what would happen if the Agency expired, 4) The idea of going to the state legislature and asking them to modify the state statute that would allow the RCPA to become a Regional Agency.

Mr. Carter went over the options previously outlined, and stated option 1 was what currently existed, but could be in a slightly different form, if the Board wished. Mr. Carter noted one of the important things regarding option 1 was it provided the most flexibility. Mr. Carter noted that during discussions with CalRecycle and the RCPA, it was pretty apparent it would be more difficult to change the structure of the RCPA if there were issues around board membership or voting requirements. Mr. Carter added that would be a more difficult thing to change for the RCPA, and while it would not be impossible, it would require modifying the state statute.

Mr. Carter noted there was a provision in Section 20 of the existing JPA agreement that allowed a year to year extension of the Agency as it existed. Mr. Carter stated regardless of the option selected by the Board and Agency members, the option to extend the SCWMA Agreement year-

to-year existed. Mr. Carter pointed out there would be some issues with that, but in the interest of trying to make sure there would be coverage of Agency programs, that could be done.

Mr. Carter stated that with option 1, there would be a clear funding source through tipping fees and surcharges on solid waste and there could also be agreements with members to provide funding as with the City of Petaluma. Mr. Carter noted all the current programs could be included or some of the programs could be assigned to other parties, if that were the direction of the Board. Mr. Carter noted this would also include a unanimous consent of interested member agencies, and added the timeline would be as determined by the Agency and not dependent on another body to make a decision for the Agency like it would be with the RCPA's state legislature. Mr. Carter added that in going to the state legislature, it would be on their timeline and schedules.

Mr. Carter stated option 2 was also a JPA and there would be functions assigned to the RCPA and the County under this option. Mr. Carter noted there would still be the JPA structure, which would provide some benefits of the economies of scale and some protection under the indemnity issues, and it would still be about solid waste issues. Mr. Carter noted that under this scenario, the JPA would assign the Agency's functions, the board of directors would be the RCPA Board of Directors, and the RCPA would provide staffing services.

Mr. Carter noted the new JPA meetings would be concurrent with the RCPA Board of Directors, and added it would be similar to how the Redevelopment Agencies were, where you would have concurrent meetings and actions would take place at the same meeting, but would technically be two different entities taking action at that time.

Mr. Carter explained this option would require the use of the existing RCPA board membership and voting structure, so there would not be that flexibility as in option 1. Mr. Carter noted that in this scenario, funding would also be from tipping fees, surcharge or agreements with members. Mr. Carter stated the operational programs, where you have a defined site and operator such as composting and HHW, would be assigned to the County and individual contractors doing things on the Agency's behalf like C2 does for education and oil education outreach, could still continue as a professional service agreement under the RCPA. Mr. Carter added the education, policy, planning and reporting would be assigned to the RCPA. Mr. Carter noted some cost savings could be expected under this consolidation, mostly through the elimination of the Executive Director position and those functions would be taken up part-time by the RCPA's Executive Director. Mr. Carter added it's believed this option could be implemented by February 2017, when this Agency expired.

Mr. Carter stated that in an effort to look at all the possibilities, option 3, the JPA termination, was an option. Mr. Carter noted that if the SCWMA Board made a conscious decision to allow the Agency to terminate, the responsibility would go back to the individual cities and county to either contract with the RCPA, the County, Republic, or other private contractors to provide the programs the Agency currently does. Mr. Carter stated that a smooth transition in this case would be to have the RCPA absorb the solid waste education, outreach, and policy functions of the Agency, and that could be done without an amendment to their existing authority. Mr. Carter added RCPA felt confident they could take on those things.

Mr. Carter noted the annual CalRecycle reports could be delegated by the members, and added CalRecycle said that was allowable. Mr. Carter added the funding would likely have to be provided through service agreements between the RCPA and individual cities such as ten-one

party agreements between the Cities, the County, and RCPA, or one--ten party agreement that could provide the definition of the scope of work, what services they would provide, and the funding for that. Mr. Carter stated that if the cities wanted to have an agreement with individual contractors, if they felt the waste haulers could do some of these things, then an amendment to that agreement could take place.

Mr. Carter noted the downside of this would be that it provided a little less protection to individual members than through a JPA system. Mr. Carter explained the waste generated would be reported to CalRecycle on an individual basis. Mr. Carter noted that currently everything is aggregated together and as a countywide agency doing a great job, as the numbers looked great. Mr. Carter noted that if there were a city that were a higher waste generator and bringing the average up for others, that city would be at risk for potentially being in violation of AB 939 requirements. Mr. Carter noted that would not likely be the case, as he had looked at the numbers and believed everyone to be in good standing. Mr. Carter noted there were reasons jurisdictions had JPAs and one of the reasons was being able to aggregate the numbers for reporting. Mr. Carter added this could be implemented by 2017, if the members were in agreement.

Mr. Carter explained option 4 would entail going to the state legislature and asking them to amend the statute that would allow the RCPA to be in existence to take on the functions, and not an assignment through a local agreement or a JPA. Mr. Carter noted if this was to be successful, the RCPA would take on the functions of a JPA and a JPA wouldn't be necessary. Mr. Carter noted there had not been a discussion regarding the possibility of including the operational aspects of composting and the household hazardous waste with the RCPA Board. Mr. Carter added that when this concept had been presented to the RCPA Board, it focused on the education, planning, policy and aspects of what the Agency did. Mr. Carter noted it was unknown if the RCPA Board would be on board with including the operational aspects, and there would be the risk it could make it too complicated for the state and may be rejected or on their timeline. Mr. Carter noted it could be funded as now through surcharges, tipping, fees or agreements with members. Mr. Carter added that if this route were chosen, legislation would have to be introduced next year, and it would have to go through the whole process by next fall, otherwise it would not happen before 2017 and amendments to the JPA would need to be looked at to obtain the needed time.

Chair St. John asked if Section 20 of the JPA, year to year extension, required a unanimous vote.

Mr. Carter and Mr. Walsh replied affirmatively.

Mr. Carter noted there were less than sixteen months left now, so the clock was ticking. Mr. Carter stated staff was looking to the Board to help get this information before the member agencies and making some decisions to make sure there were no gaps in coverage.

Mr. Carter pointed out that if the Board was looking to change the membership of the Board or the voting structure, option 1 would be the one that would allow that to be done the easiest, as the other options required going to the state. Mr. Carter noted he included a matrix that outlined the differences between the four options.

Mr. Carter stated staff was seeking direction from the Agency Board if they felt enough information was available to start making presentations to individual member agencies and

obtaining their feedback on which option were preferred or if there were options the Board would like removed.

Chair St. John asked for any clarifying questions the Board may have to help clarify the options.

Mr. Mikus inquired regarding the HHW program and the fact there was more to it than the toxics facility at Central and asked Mr. Carter to elaborate a little on how Mr. Carter would see the other HHW activities being handled. Mr. Mikus noted he was particularly talking about the oil grant and electronic waste, which were not part of the toxic facility. Mr. Mikus stated that in reading the information it sounded like it would all go to Republic, but remarks say differently. Mr. Mikus asked that be clarified.

Mr. Carter replied there were functions in the HHW cost center that were not directly related to that building. Mr. Carter noted the Agency performed Household Hazardous Waste education regarding collection and proper disposal. Mr. Carter added he believed those functions could continue in the education cost center in the potential merger situation, and noted there were operations related to having e-waste collections, which the Agency does through Goodwill. Mr. Carter added electronic waste was collected at the transfer stations and had that delivered to other providers. Mr. Carter added ECS is the Agency's current e-waste contractor where it is recycled. Mr. Carter stated he believed those operations could continue under the RCPA umbrella, as the operations were performed through a service provider without a defined permanent site. Mr. Carter stated the liability concerns involved with a permanent location would not apply.

Mr. Mikus inquired if there were limits as to how the oil grant money currently obtained would be obtained. Mr. Mikus noted his understanding was private contractors like Republic or even a non-regional agency would have difficulty with that.

Mr. Carter replied the grants were provided to the cities, so he did not believe a private contractor could apply for those grants directly.

Mr. Mikus inquired if the County or RCPA would be able to apply.

Mr. Carter replied he believed that would be allowed.

Mr. Mikus noted that would be about \$150,000 per year.

Mr. Carter concurred.

Ms. Agrimonti inquired if the RCPA was a committee within the SCTA.

Mr. Carter replied the RCPA had its own definition in statute and was a separate legal body, but the Board of Directors for the SCTA was the same as the RCPA. Mr. Carter added the RCPA was created through different pieces of the legislature, and added the RCPA was not a committee, but a full board of directors with the ability to make decisions by that Board.

Ms. Agrimonti asked if it was similar to the City Council on the Redevelopment Agency.

Mr. Carter concurred.

Ms. Agrimonti expressed that while she had only attended one SCTA meeting, her concern was that there were three County supervisors on that Board. Mr. Agrimonti shared she was really nervous about anything that had to do with that, because she believed one of the reasons the Agency was in this situation was due to being driven down the road by the Board of Supervisors. Ms. Agrimonti added she wanted to express her dislike for SCTA's bound board packets and the expense involved in it.

Mr. Carter stated that if there were an interest in the Agency's membership changing the RCPA's structure, it would require state legislation. Mr. Carter noted that was one of the main distinctions he hoped to make clear.

Ms. Fudge inquired if the SCWMA JPA were to be included, if it would be possible not to change the structure of the RCPA, but to have two supervisors leave and have the JPA associated with Waste Management have the ten member Board currently existing, without having to change the RCPA's legal structure with the state.

Mr. Walsh replied option 2 would be for a JPA to remain and operate under the RCPA umbrella. Mr. Walsh noted it would be possible to continue with a different board makeup and RCPA/SCTA could operate their board, and the board could ask on behalf of the JPA for two members from the County to step down. Mr. Walsh noted that was an option that would be subject to discussion with the RCPA/SCTA.

Susan Klassen, County of Sonoma, stated based on the detailed description Mr. Carter provided of each option, it appeared the only option that required legislative changes was option 4. Ms. Klassen noted that during Mr. Carter's wrap up, he commented they all do except for option 1, and asked for clarification.

Mr. Carter replied it was his understanding if it were the will of the Agency and the RCPA's membership, the Board makeup or the voting structure of the RCPA to be changed, it would require state legislation. Mr. Carter noted the options were complex and there was an attempt to seek options to bring before the Board that could work.

Mr. Carter noted that as he understood option 2, which would be the JPA still in existence but the RCPA Board as the board of directors. Mr. Carter stated it would have to be that the board of directors would not be the RCPA board for that option to go forward. Mr. Carter noted that if the Agency just wanted to delegate the board of directors to be the board of directors of this new JPA, then it would take an amendment of stated legislature to make that change of whatever the board wanted, such as 10 members, a unanimous vote, or whatever the option would be. Mr. Carter stated he would look to legal counsel for any correction.

Mr. Walsh stated there was a desire to make things simpler and narrow things down a little bit so the conversation could get more focused, but he was not so sure this was the case. Mr. Walsh explained that if the SCWMA continued on a separate JPA with similar board members as the RCPA or similar members minus two Board of Supervisors, that would be legal.

Mr. Walsh added that what would come into question would be if the RCPA were to take on responsibilities beyond what their existing legislation allowed them to do and if a further legislative amendment would be needed to allow them to do that. Mr. Walsh noted it would also

raise the question as to whether the RCPA would be interested in pursuing that legislation and whether the state would be okay with it, as part of the issue with the state could be their concern about the RCPA expanding beyond what it was originally conceived as.

Mr. Walsh stated some of the Agency's responsibilities related to waste diversion could be connected with climate change more easily than some of the more operational functions. Mr. Walsh noted that if the RCPA just continued on and did the educational activities and not the operations, and there was a separate JPA, it's possible no additional legislative changes would be needed, but there were variations that could require having to go to the legislation.

Ms. Harvey commented that what began as a simple idea was not so simple, and according to her understanding, in order for the cities to be protected and have the say the Agency has today, a JPA would still need to be created. Ms. Harvey stated that when this idea was floated about the RCPA, there was no mention there would need to be a separate JPA formed to do that. Ms. Harvey added that the way she read options 1 and 2 was there was a JPA needed for both, which was the problem they were struggling with a year and a half ago.

Chair St. John stated that from a practical standpoint he agreed with Ms. Harvey, and noted Mr. Walsh was a lawyer looking at all the possibilities and trying to obtain information from the Board to narrow down the options. Chair St. John noted he would agree the realistic option would be what he would refer to as the status quo option. Mr. St. John stated the second option would be a merger, and it appeared the JPA needed to remain in existence for the merger to occur, because of what the Board would want the super agency to do.

Ms. Harvey stated that was the issue to begin with.

Chair St. John reminded the Board to be mindful of the work that was done last spring in developing the matrix and noted he personally did not believe the termination of the JPA would be a good way to go, but acknowledged others felt differently about that. Chair St. John noted the fourth option was the one referred to as the County option, which never really existed but rather resulted in the County recommendation of the merger option. Chair St. John noted he believed the choice to be made would be between the status quo and the merger.

Chair St. John stated he believed there were three critical issues. Chair St. John explained the Agency Board had been told by the management and some of the representation from SCTA/RCPA, that if they were to consider a merger, they would not be interested in doing any operations and would not want to run compost or HHW. Chair St. John noted he did not know how that would affect the community HHW collection activities and added that would have to be explored. Chair St. John stated the board structure would be the current SCTA/RCPA board members and members would not be switching in the middle of the meeting and such. Chair St. John noted the RCPA had communicated that clearly. Chair St. John noted the third issue to keep in mind was that the RCPA's currently practice was majority rules.

Chair St. John stated that if the SCWMA Board had an issue with those three deal points mentioned, then they would not want the SCWMA Board to direct staff to pursue the merger option in all possible options; whether a state statute were to be amended, the JPA rewritten to assign staff authority to the RCPA executive, and the RCPA Board as the SCWMA Board. Chair St. John noted staff would need direction from the SCWMA Board if that were the case.

Chair St. John stated the status quo option was up in the air on compost and to some point HHW. He added the future was unknown and noted the Agency was attempting to obtain the permit for a compost site.

Chair St. John noted there may be some merit to extending the JPA for a year or for a shorter duration to determine what's going on with compost, HHW and other issues that would need to be resolved. Chair St. John noted that when Mr. Carter reminded the Board they could vote to extend the JPA, it provided him some breathing room in realizing February 2017 is right around the corner and there was the option to renew yearly. Chair St. John acknowledged it would not be the best way to do business, but it would allow continuity and provide time to get through lawsuits and decisions on compost and HHW.

Ms. Fudge stated it was her understanding from their attorney the JPA that would be created with option 2 would not be a JPA as it exists now, it would just be paperwork. Ms. Fudge noted Mr. Walsh had said that before as well.

Mr. Walsh replied a separate JPA could be set up on paper and it could be operated as the RCPA. Mr. Walsh noted it should be simple if RCPA continued functioning the way they were and without operations.

Ms. Fudge was in agreement that it may take an additional year extension to talk about the RCPA path, working together, keep things simple, and feel comfortable with it. Ms. Fudge noted she would be willing to talk about extending the SCWMA JPA a year just to get to the point where a super agency is done. Ms. Fudge noted that in her mind she had hoped for a simple JPA. Ms. Fudge stated if the RCPA path were taken, she would be interested in what was the SCWMA currently does, which is creating policy for new programs that would be implemented through all ten jurisdictions and not what the RCPA does now, which is model ordinances that not everyone picks up. Ms. Fudge noted she would like to see countywide policy similar to the plastic bag ban. Ms. Fudge added that as leaders they would need to work together to take as much out of the waste stream through policy programs implemented together, and if that could be done through the RCPA, she would be okay with the RCPA. Ms. Fudge noted she believed they would have to be a JPA in order to do that, and it's the reason she made that point.

Mr. Mikus stated he was told originally the RCPA as it existed could not enact ordinances but could suggest model ordinances. Mr. Mikus inquired if they were to choose option 2, where there would still be a JPA, could that entity still do ordinances that encompass the whole region.

Mr. Walsh replied he would agree, as it was done with the bag ordinance under the logic the JPA could adopt all ordinances. Mr. Walsh noted he knew of at least two city attorneys who disagreed with that and did not accept it, therefore there were exceptions to that made. Mr. Walsh noted that going forward with this JPA, as far as the ability, the current JPA had the ability to enact ordinances. Mr. Walsh noted he could not say how the RCPA would deal with that if it were to come forward, because Mr. Walsh would not be representing them, and he would not be involved at that point. Mr. Walsh added he could not say how the SCWMA Board would deal with that going forward if the JPA were to renew, because that was the topic of conversation he had with the city attorneys, and it was an open issue they would be discussing.

Chair St. John noted the issue would be the same for the status quo or a merger.

Mr. Walsh concurred and noted it would not change, as that issue would have to be addressed if there were a renewal or not, because it was one of the key issues the city attorneys wanted to discuss. Mr. Walsh stated the attorney buy off would be needed in order to get a JPA approved.

Ms. Harvey referred to option 2 and asked if the SCWMA were to be assigned to the RCPA/SCTA today, would they have the capability to institute countywide ordinances.

Chair St. John replied this had been asked in the past and he believed the answer to be no.

Suzanne Smith, RCPA Executive Director, noted there was some conversation about this at the last SCWMA meeting, and added the SCTA had an ability to enact an ordinance for sales tax measure, which they did. Ms. Smith noted there were requirements around that and they had to go to each jurisdiction and have the jurisdictions representing the majority of the population approve getting something on the ballot.

Ms. Smith noted the RCPA did not have the authority to institute a countywide ordinance, and noted under option 2, a new JPA would be created and it could be determined that JPA would have the power to do an ordinance, unless it was decided not to give the JPA that power. Ms. Smith noted option 2 would be a new JPA that would be a blank slate. Ms. Smith added there would be history about what people would or wouldn't accept and politically could be a nonstarter, but legally it would not be a problem.

Mr. Walsh noted that if the JPA were to move straight across as is, then the JPA that would be under that umbrella would have the authority to enact ordinances, because it would be in the JPA right now. Mr. Walsh noted the issue was that the existing SCWMA JPA would not be going straight across, and this would be a new document. Mr. Walsh noted that was an issue that had been discussed with the city attorneys, and it would not matter what SCTA/RCPA could do, as it would be a separate legal entity.

Ms. Harvey noted that discussion would have to take place either way.

Mr. Walsh concurred and noted that when he first started as the Agency Counsel, he had a three hour meeting with the city attorneys and there were a lot of issues that would need to be worked through with the JPA.

Ms. Fudge commented about the role of city attorneys and noted they did not create the policy, the Board did. Ms. Fudge noted the attorneys could work with their councils and Agency Counsel, but they were not in charge, the Board was. Ms. Fudge stated she was aware some attorneys take charge of more things with their councils than others, but they were really there to advise not to say there was only one option. Ms. Fudge added she would not like them to be given so much power in this discussion.

Mr. Walsh stated he was in agreement and noted ultimately if a JPA were approved it would have to be approved by all the cities, and their councils are recommended by their counsel, so they would take advice from their legal counsel and not from Mr. Walsh and it is the reason those discussions would take place.

Ms. Fudge was in agreement and added they listened to everybody when creating policy but they didn't automatically approve everything their counsel said.

Mr. Salmi left at 10:30 a.m.

Chair St. John inquired if the Board was comfortable enough to continue with the merger investigation and to work out the details for what he believed would be option 2, as option 4 involved state legislation. Chair St. John also asked if the Board wished to continue directing staff to pursue that and work on some of the details or if they had heard enough information and could live with the same board the RCPA had and the majority rule. Chair St. John suggested they could put some proposals on the table to address some concerns such as the three County members on the Board. Chair St. John asked if the Board felt they had heard enough and wished to pull the plug and noted the plug could be pulled at any time and they would still have option 1. Chair St. John noted he was not pushing one or the other right now but was trying to help the decision process.

Ms. Agrimonti shared she had served in government for many years in California and that was the first time she had seen three County representatives on a board. Ms. Agrimonti noted a lot of things that happened at city levels did not really shock her, because of the way some things were working in the County. Ms. Agrimonti added that was a big deal for her, but if it was not for anyone else on the Board, she would be willing to go along, as it was just a personal feeling.

Ms. Stafford stated the City of Rohnert Park would be interested in seeing the pursuit of option 2 to find out more information.

Mr. Sawyer stated he would also be interested in hearing more regarding option 2 and noted councils would ultimately be hearing from their attorneys. Mr. Sawyer expressed his appreciation for the description of what the options would look like, and noted he would like to see what could be gained and lost and the unfortunate consequences of moving forward with one option or the other. Mr. Sawyer noted it could be that what some cities would consider fortunate, others may consider unfortunate.

Chair St. John acknowledged Mr. Carter's first attempt in developing the matrix and suggested the Board might be willing to direct staff to refine the matrix with respect to options one and two, which would be what he referred to as the status quo and the merger. Chair St. John inquired if anyone would be interested in pursuing the option that would see a termination of the JPA in any form, which would lead to no longer having the countywide program.

Mr. Mikus stated the City of Sebastopol was a small city and saw no merit to option 3 at all. Mr. Mikus noted option 3 would require everybody take on planning and reporting on their own, and according to R3 figures in the past, it could not be disputed there were significant financial consequences to small, large cities, and the County for individual reporting. Mr. Mikus added Sebastopol could not support that and there was no need for it to go forward.

Chair St. John inquired if the Board members understood regarding having to re-file AB939 docs.

Mr. Mikus noted it was estimated it would cost \$25,000 each for the smaller jurisdictions and as much as \$100,000 for a larger jurisdiction to individually file. Mr. Mikus stated he believed option 4 would not be feasible either, and noted Sebastopol was in favor of the regional model for the Agency functions and preferred the JPA. Mr. Mikus noted their preference had not changed.

Ms. Harvey referred to the purpose for the Agency as being participants to divert recyclables and recoverable materials from the waste stream and to cooperate to achieve these diversion goals. Ms. Harvey stated she sat along with other members on SWAG for a couple years to focus on the diversion goals, and noted that with option 2, the SCWMA would become the third step child and lose the focus on diversion goals. Ms. Harvey added that while she had only been to a couple RCPA meetings, it was her understanding they already had a lot on their plate and the meetings at times would go for five hours with huge packets to review. Ms. Harvey stated her council was very concerned about the makeup of the RCPA board and would not want to support three County supervisors with everyone else getting one vote. Ms. Harvey stated she could do without option 2 but would be willing to get more information if the Board would like. Ms. Harvey noted she believed the SCWMA Board had done an excellent job and she would like to see the focus stay on diversion.

Bob Cox, City of Cloverdale, stated he was in agreement with removing options 3 and 4 and having the focus on options 1 and 2. Mr. Cox noted he sat on the library JPA advisory commission board for eighteen months to determine the makeup of the JPA and it was largely due to the fact that the makeup of the old library JPA was skewed towards the County and he was concerned that would happen with option 2. Mr. Cox noted he agreed with Ms. Harvey the JPA as it existed now worked very well and the focus was on AB939 and the requirements. Mr. Cox noted he would like to hear more regarding option 2 but was leaning towards option 1.

Ms. Stafford stated that according to Mr. Schwartz notes, option 4 was not viable, and he did not like the liability part in option 3 but was not adverse to option 3. Ms. Stafford noted she did not like the reporting part in option 3, and would like to see option 2 looked at further.

Mr. Sawyer referenced option 3 and noted it stated the RCPA could provide annual reporting service. Mr. Sawyer inquired what reporting the RCPA would not be able to do.

Mr. Carter replies the RCPA could handle the reporting in option 3, but it would have to be delegated by each individual city and the County to them to do it, and it would be ten individual annual reports, therefore the cost savings from one report would not apply.

Ms. Fudge acknowledged the comments made by the City of Cloverdale and the City of Cotati and noted she would support options 1 and 2 going forward and concurred with Ms. Harvey regarding that there would be more attention if the SCWMA would continue. Ms. Fudge added she would be willing to look at option 2, because she would be concerned option 1 would never get a unanimous vote. Ms. Fudge noted that would be the only reason she would consider option 2, and she would be willing to look at the work being done in option 2 to figure out if some of the differences could be solved.

Chair St. John noted that whatever would be done would require a unanimous vote at some point.

Mr. Walsh stated that if there were an extension or new JPA, it would have to be approved by all the parties, so it would be all the cities and the County. Mr. Walsh noted it would be a unanimous vote of all the member entities.

Ms. Harvey inquired if a JPA could be created where those cities that would want to join could and if some cities chose not to join they would just not join. Ms. Harvey asked for confirmation that in this case, the unanimous requirement would not apply.

Mr. Walsh replied there could be a JPA that did not include all the members.

Ms. Harvey inquired if, for example, Petaluma did not want to be part of the new JPA, could the remaining cities and County have a JPA and Petaluma's vote would not be needed to constitute a new JPA.

Mr. Walsh confirmed.

Chair St. John noted there was an interest in refining options 1 and 2, and while he thought they needed to be diligent and keep working on it, he was feeling less of a time imperative and believed they could be thoughtful about it. Chair St. John added that as they moved forward, some of the other issues would also come into clearer vision regarding future compost and HHW operations, and the lawsuits. Chair St. John noted it sounded to him like the Board would like to direct staff to further refine the two options, and he thought the matrix was an excellent start. Chair St. John recommended expanding the matrix and talking about how they would envision getting compost back. Chair St. John noted he was trying to stay in the realm of what was being heard from the RCPA staff, board members and everyone, and keep it in the range of what's possible.

Ms. Agrimonti noted that a statement was made at an SCTA meeting she attended that they would look into it to see if they would be capable of taking this on. Ms. Agrimonti stated she thought they would still have to come back to report that out but she was uncertain about that.

Ms. Harvey noted there was no sense in the Board looking at options that were not realistic.

Mr. Mikus inquired as to what exactly staff would be asked to do as far as refining and what specifics the Board would like staff to look into.

Chair St. John noted that at some point in the near future, the Board would be going back to speak with their respective councils and also asking them if there was a deal killer in the merger option. To seek if there was something in the direction taken that council members would not support. Chair St. John noted the next refinement to the matrix would be helpful in going back to report to the councils and obtain guidance.

Ms. Klassen stated she believed she heard the board unanimously moving away from the idea of going to the state legislature to modify the RCPA. Ms. Klassen noted that if everyone agreed on that, the direction to staff could be to determine what option 2 would look like if the base assumption was there would not be a legislative fix for the RCPA. Ms. Klassen noted that when speaking of eliminating options, one of her concerns about eliminating option 3 was the discussion that would need to take place with all the councils. Ms. Klassen noted that if option 1 or option 2 did not work out, option 3 would be the default. Ms. Klassen noted that every time Agency members go to their council or board, they need to talk about option 3 and what the pros and cons are. Ms. Klassen acknowledged that while no one may have that as a preferred option, they may not want to eliminate that from any presentation, as it's a reminder of the downside of cost increases of reporting individually.

Chair St. John concurred that while option 3 may not be a preferred option, it should remain on the matrix for educational purposes alone as a reminder that if nothing were done, that's where the Agency would be.

Mr. Sawyer stated he was in agreement. Mr. Sawyer referenced option 2 on the matrix regarding majority vote on nearly all issues. Mr. Sawyer asked that the matrix clarify where the majority vote would not be acceptable. Mr. Sawyer noted the City of Santa Rosa was often looked at as the city that could seem critical of the need for a JPA. Mr. Sawyer explained Santa Rosa was not against having a JPA, but the reason unanimous voting was important to Santa Rosa was because any decision made by the SCWMA Board would affect Santa Rosa more than any other city, because Santa Rosa is larger. Mr. Sawyer noted he believed there would be a lack of fairness if the smaller cities were to dictate what the large cities would do.

Mr. Sawyer noted Santa Rosa was concerned that if a decision were made to have a program or charge a fee, the City of Santa Rosa would be affected more than any other city at the table. Mr. Sawyer added that being at the mercy of all the other cities when Santa Rosa gets affected more would be a concern to them, and it's why the ability to look at the various options and determine the pros and cons in moving forward with the JPA was important. Mr. Sawyer noted Santa Rosa would like to be able to control their destiny and be able to say no to something that could adversely affect the largest city in the county.

Chair St. John asked if staff felt they had sufficient direction at this time.

Mr. Carter replied he felt there was enough direction and summarized what he felt his direction was: expand the matrix, keep it in the realm of possibility and being realistic about what could happen. Examine options 1, 2, and 3 with the understanding that 3 was included not as a preferred option, but rather as the worst case scenario if an agreement in other areas were not reached. Matrix details filled in where there was a mostly or sometimes, so the Board had the information needed as to what exact situations would require certain issues.

Chair St. John asked that staff be specific on the majority vote issue, Board representation issue, and the countywide ordinance policy making issue. Chair St. John suggested Agency staff explore these things with the RCPA staff and try to get in the realm of what's possible. Chair St. John asked the things they can't do be flushed out. Chair St. John noted he did not hear a big issue on this day regarding the operations part nor anyone stating they wanted to operate compost.

Ms. Harvey recommended that be highlighted.

Chair St. John noted the operations moving towards County such as how the cities would get compost and HHW services needed to be addressed.

Mr. Carter noted that in speaking regarding the realm of possibility and being realistic, there was likely to be a strong objection from the RCPA board about including the operations. Mr. Carter noted that while it would be possible, it would be unrealistic that would happen, especially with the possibility of the RCPA having to go to the state legislature.

Chair St. John noted a concern mentioned prior regarding the possibility of wanting an HHW facility in North County. Chair St. John noted these thoughts were expressed by board members as being important to them, and recommended looking at this under each option. Chair St. John

said that would make it five or six issues that had been heard between this and last month's SCWMA meeting.

Public Comments

None.

The Board took a recess at 10:00 a.m.

Mr. Sawyer left at 11:00 a.m.

The meeting resumed at 11:05 a.m.

8. Compost Site Closure

Mr. Carter mentioned the lawsuit related settlement which caused the existing compost facility at the Central Disposal Site to be shut down, and noted there were a lot of interim steps being taken. Mr. Carter added October 15th was the date the site had to be shut down and all the equipment and material had to be removed. Mr. Carter noted the site had been left in clean condition as of October 15th, and added the outhaul was continuing and there had been a lot of cooperation with The Ratto Group. Mr. Carter noted this was an update in consent last month, so it didn't get discussed, but there were some concerns about interim steps of where material would be stored. Mr. Carter noted it was believed all the issues were worked out and there were a few things staff would continue to work with Republic on to make sure the short-medium term solutions were figured out and progressing well.

Mr. Carter noted the settlement agreement stated the Agency would take action to terminate the License Agreement with the County of Sonoma. Mr. Carter recommended that agreement with the County of Sonoma be terminated. Mr. Carter noted there were some provisions in that agreement that stated there may be some post closure cleanup activities that would need to be done by the agency, and the county had identified those. Mr. Carter explained that would involve collecting and disposing of water that impacts that site. Mr. Carter noted that even though it was swept, there were some areas where material was able to settle in. Mr. Carter stated staff spoke with Republic regarding disposing of the collected water in the leachate pipeline and it was not expected it would be an overwhelming volume. Mr. Carter added arrangements had been made with a hauler that could provide that service, and the necessary steps had been taken to return the site into a completely clean condition as requested by the County.

Mr. Mikus referenced the last paragraph of the compost site closure staff report regarding funding impact. Mr. Mikus stated he believed the liability was likely to be minimal because Republic intended to use that space for trash and that site overlays existing trash. Mr. Mikus noted he would suspect that if there were any long term lingering environmental impacts, it would be from the trash rather than anything compost could've done.

Mr. Mikus stated he visited the site on the next to the last day of operations and was impressed with what was done to clean up the site. Mr. Mikus noted he took some pictures and it looked pristine.

Chair St. John inquired if the Agency wished to continue operating compost on the county property in the future, if the termination of these licensing agreement at this time affected the ability for the Agency to do that in any way in the future at a different location on that property.

Mr. Walsh replied a new license agreement would need to be entered into anyways and it was currently accounted for in the JPA that they would have to provide the Agency a site.

Mr. Carter added the County had already provided a list of expectations of what they thought would go into that license agreement.

Mr. Mikus motioned to accept staff's recommendation to write a letter terminating the license agreement and Ms. Harvey seconded the motion.

Public Comments

None.

Vote Count:

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

AYES -8- NOES -0- ABSENT -2- ABSTAIN -0-

The motion passed.

9. Mandatory Organics Recycling Program

Felicia Smith, Agency staff, provided information on the mandatory organics recycling program. Ms. Smith stated a state bill was passed in September 2014 that required commercial and public entities to recycle their organic waste. Ms. Smith noted the law defined organic waste as food waste, yard waste, non-hazardous wood waste and food soiled paper, and the intent of the law was to reduce greenhouse gas emission as it related to the Global Warming Solutions Act. Ms. Smith stated the law established a well defined implementation timeline starting January 2016, in which jurisdictions had to have an organics recycling program in place and provide education and outreach, which the Agency does.

Ms. Smith noted the implementation dates for commercial and public entities were staggered on the amount they could generate, and added all the details of the thresholds and associated implementation dates were in her staff report. Ms. Smith stated that starting April 1, 2016 large generators of organic waste would need to have an organics recycling program in place. Ms. Smith stated that in January 2017 the medium generators would have to have a program in place, and two years following January 2019, smaller generators would have to have an organics recycling program in place.

Ms. Smith noted CalRecycle's overall goal was at 50% reduction in organic material that was currently going to the landfill, based on 2014 levels. Ms. Smith added that in the event that by 2020 it was determined this goal was not reached; they would expand to even smaller generators.

Ms. Smith stated that so far all the major food related businesses had been identified thanks to Sonoma County's Environmental Health and Safety Department. Ms. Smith noted they provided a comprehensive list of about two thousand businesses and entities that had food handling permits, which would be the majority captured in this law.

Ms. Smith noted a webpage was created on the Agency's website that included the intent of the law, the implementation date, and resources. Ms. Smith noted the next step would be informing the impacted businesses of the mandate and assisting them in getting an organics program set up. Ms. Smith noted that in an effort to convey a consistent message, staff would like to partner with the jurisdictions to utilize their websites and electronic newsletters to help publicize the law.

Ms. Smith noted the law was similar to the mandatory commercial recycling and therefore resources and grant funding as appropriate could be maximized to provide comprehensive waste diversion, education, and outreach to the community.

Chair St. John asked for confirmation the Agency currently had a grant for this outreach.

Mr. Carter replied the City County Payment Program was being used as much as possible and dovetailed into a lot of the mandatory commercial recycling outreach being conducted. Mr. Carter noted grant money would be used as much as feasible and allowable.

Chair St. John noted it was his understanding there was already some commercial organic recycling and there were some programs in place increasing the organic recycling from restaurants and markets.

Ms. Smith replied that was happening and she believed it was on a voluntary basis.

Chair St. John inquired if Republic had something they were doing.

Mr. Carter replied it was a program Republic had but this program would require the really large generators to have an organics recycling program in place soon and it would not be on a voluntary basis.

Martin Mileck, Cold Creek Compost, stated they would like to help Sonoma County recycle more and noted they had been recycling food waste since 1995. Mr. Mileck shared a flyer distributed in Mendocino County and noted he would like to see it go out to all the cities whose waste goes into the Healdsburg Transfer Station. Mr. Mileck noted food waste could be recycled now, but noted there was a contamination problem. Mr. Mileck explained he was not aware the waste stream in Sonoma County was so contaminated, and added the contamination needed to be cleaned up before food waste was added. Mr. Mileck stated he was really looking forward to doing food waste in North County and noted it would simply be mixed in with the green waste and the price would be the same.

Michael Siminitus, Waste Busters in Sebastopol, stated he was happy to hear the organics recycling programs were going to be mandatory now. Mr. Siminitus noted it was something he had been working on for many years but was up with a number of roadblocks. Mr. Siminitus noted the contamination was huge and the amount of outreach the Agency would need to do would be more than expected to get people to produce clean organic loads suitable for

composting and if it were to be suitable for digestion it would be even more difficult. Mr. Siminitus noted ideally all organic resources would be recycled in the county, but for now the service gaps would need to be addressed.

Mr. Siminitus stated he did some work recently in Sonoma and was directed by the city to implement these types of programs, as the hauler did not produce the programs. Mr. Siminitus noted he had to work with a hauler to get the material taken to Napa, and shared this was not the first time this happened. Mr. Siminitus stated same thing occurred in Santa Rosa in the recent past. Mr. Siminitus noted that while programs were starting, there were still some service gaps that needed to be addressed. Mr. Siminitus stated that according to the University of New South Wales, compost could be hauled 200 miles and the climate benefit of recycling organics would still be seen.

Mr. Siminitus noted that having the facility such as Cold Creek or Napa nearby was great because they could accept the wide variety of materials, including the food soiled paper products. Mr. Siminitus noted that was a big area that was not being diverted and there was a lot of food waste in soiled paper that might be a target area. Mr. Siminitus recommended a policy to get special events in line was needed, because large events would often generate more than eight yards of material in a week.

Chair St. John asked for confirmation the composting facilities currently being used could take commercial food waste.

Mr. Carter confirmed.

Chair St. John asked for confirmation the former Agency compost facility could not take food waste.

Mr. Carter replied the former facility could not take all food waste but could take vegetative food waste.

Chair St. John noted that it was interesting the flyer Mr. Mileck handed out was for Waste Management and it was his understanding Redwood was not taking commercial food waste.

Mr. Carter noted he believed they were permitted to take food waste.

Mr. Mileck stated that regarding Waste Management operations in Mendocino County, they take the food waste to Cold Creek Compost and they don't have anything to do with the Redwood facility.

Mr. Mikus complimented Ms. Smith on her first staff report presentation.

11. Attachments and Correspondence:

11.1 Outreach Calendar October-November 2015

12. Boardmember Comments

Chair St. John acknowledged Mr. Mikus as a new boardmember.

Mr. Mikus recommended shuffling seats as it was difficult to see where he was seated.

13. Staff Comments

Mr. Carter stated there were some changes in the e-waste collection system going on and staff would likely bring an item before the Board to deal with some of the changes.

Mr. Carter provided an update regarding the permitting of the new compost site and stated staff was expecting documents from Tetra Tech which were not received, but Mr. Carter was following up with them. Mr. Carter noted it looked like they were two weeks behind schedule but there were no dire problems at this point.

Chair St. John asked when Mr. Carter estimated the Agency would be submitting the permit application.

Mr. Carter replied he believed it would be fairly early next year.

Ms. Klassen asked staff to provide some feedback at the next meeting regarding the article in the newspaper about The Ratto Group and certain materials they were potentially saying they could no longer take.

Ms. Klassen stated the County was receiving calls from people saying they were confused about what they could and couldn't recycle and she felt there needed to be a consistent message that came out of the Agency about this; working with The Ratto Group. Ms. Klassen noted there needed to be a consistent response to those calls.

Mr. Carter stated he was in agreement and staff had been trying to work with The Ratto Group on providing a consistent message and hoped that would continue. Mr. Carter noted it had been changing for The Ratto Group and they had provided staff with updates, and found out a week later that changed. Mr. Carter was in agreement that a consistent message should be put out.

14. Next SCWMA meeting: November 18, 2015

15. Adjourn

The meeting was adjourned at 11:25 a.m.

Submitted by
Sally Evans