



Minutes of October 19, 2011

The Sonoma County Waste Management Agency (SCWMA) met on October 19, 2011, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California

Present:

City of Healdsburg	Mike Kirn, Chair
City of Cloverdale	Nina Regor
City of Cotati	Marsha Sue Lustig
City of Rohnert Park	Linda Babonis
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Jack Griffin
City of Sonoma	Steve Barbose
County of Sonoma	Susan Klassen
Town of Windsor	Matt Mullan

Absent:

City of Petaluma

Staff Present:

Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Charlotte Fisher
	Henry Mikus
	Lisa Steinman
Agency Clerk	Debra Dowdell

- 1. Call to Order Special Meeting**
The meeting was called to order at 9:02 a.m.
- 2. Agenda Approval**
Chair Kirn moved to approve the agenda as is, if there were no objections.
Hearing no objections, agenda was approved.
- 3. Attachments/Correspondence**
Chair Kirn called attention to the Director's Agenda Notes and Reports by Staff and Others; October and November 2011 Outreach Events, EPR Update and List of Current Agency Contractual Agreements.
- 4. On File with Clerk**
Chair Kirn noted resolution approved in September 2011 Adopting Budgetary Adjustments to the Annual Budget for Fiscal Year 2011-12.
- 5. Public Comments (items not on the agenda)**
None.

Consent (w/attachments)

6.1 Minutes of September 21, 2011

Marsha Sue Lustig, Cotati, moved to approve. Susan Klassen, County of Sonoma, seconded. Motion carried. Town of Windsor abstained. Petaluma absent.

Regular Calendar

7. Sonoma County/City Solid Waste Advisory Group

Steve Barbose, City of Sonoma, reported there were no updates since there has not been a meeting since the last report. The next SWAG meeting will be held in November.

8. Carryout Bag Update

Henry Mikus and Patrick Carter met with the Rohnert Park Waste and Recycling Subcommittee on September 30, 2011. This was a requested second presentation and addressed some of their concerns. SCWMA Boardmember from Rohnert Park, Linda Babonis will be asked by her Council to write a letter outlining the Council's questions, which will be answered as soon as the letter is received at the SCWMA office.

Discussion with Santa Rosa City Council is scheduled for November 1, 2011.

SCWMA is waiting for final resolution from those two cities.

Janet Coleson, Agency Counsel, stated the complaint filed against the County of Los Angeles alleges the plastic bag ban is a violation of Proposition 26, imposing fees. The ordinance being included in the carryout bag discussion by SCWMA does not include specific money collection directions, therefore will not be in violation of Proposition 26.

Board Discussion

To address a question about the response level from the jurisdictions, Henry Mikus, Executive Director, replied that eight of the ten cities seem to be in favor of an ordinance.

Susan Klassen, County of Sonoma, asked if SCWMA would be in a situation similar to Los Angeles if a portion of fees on paper bags were used to enforce the ordinance. Agency Counsel replied the complaint filed in Los Angeles and the ordinance being proposed by the SCWMA is different and unrelated.

Nina Regor, City of Cloverdale, inquired about external deadlines facing SCWMA and the status of a draft ordinance. Agency Counsel replied there is not a draft ordinance at this time and there are no deadlines associated with this proposed ban.

Public Comment

None.

Board Comment

None.

9. 7th Amendment to Agreement with ESA for Compost Relocation

Patrick Carter presented a an appropriation transfer of \$45,000 from the Organics Reserve to fund the Seventh Amendment to the Agreement with Environmental Science Associates for Compost Relocation (Amendment). The Amendment includes a term extension as well as the funding increase due to the complexity of the compost site relocation project. At SCWMA direction, the consultant has performed beyond the current scope of the agreement. Staff recommends approval of the Amendment to the agreement.

Board Discussion

Nina Regor, City of Cloverdale, asked if the agreement contained a "not to exceed" clause and if staff preapproved the \$45,000 being requested. Mr. Carter acknowledged there was a "not

to exceed” clause and staff was aware there would be additional costs incurred with the requested changes.

Matt Mullan, Town of Windsor, asked if the additional money was for work included in the scope of work and if the requested extension would finish the project. Mr. Carter affirmed the money was for work out of scope and the intent was to bring the project to completion.

Nina Regor, City of Cloverdale, mentioned the many changes to the environment since the Environmental Impact Report (EIR) began and was concerned the completed document would be acceptable. Mr. Carter replied that the EIR would be a viable document.

Additionally, Nina Regor questioned the shelf life of the final approved EIR document. Agency Counsel cited there is no set shelf life. Similar documents have been used years after the fact as long as there are no drastic changes.

Public Comment

None.

Linda Babonis, City of Rohnert Park, moved to approve. Steve Barbose, City of Sonoma, seconded. Motion carried. Petaluma absent. Chair Kirn noted due to dollar amount a unanimous vote was not required.

10. Compost Agreement Discussion

In response to Board direction, Henry Mikus, Executive Director, is returning to request Board direction concerning the current Sonoma Compost contract. The discussion will consider making a decision on whether to renew the contract or to initiate the Request for Proposal (RFP) process. Time is of great concern on this issue.

Mr. Carter noted time is limited at the existing site which makes it challenging for an RFP to go forth. The existing agreement with Sonoma Compost does have the option to extend.

Board Discussion

Jack Griffith, City of Sebastopol, recommends proceeding with an RFP, assess the proposals presented and move to the extension of the contract with Sonoma Compost if the proposals submitted are unacceptable.

Linda Babonis, City of Rohnert Park, questioned the timeline as it relates to extending the life of the landfill. Mr. Mikus summarized the compost space will be needed in approximately thirty months for extension of the landfill and a completed compost facility will take about two and a half years.

Susan Klassen, County of Sonoma, revealed a plan was submitted to the North Coast Regional Water Quality Control Board that should extend the life of the landfill in the east canyon and avoiding impinging on the current compost site

Matt Mullan, Town of Windsor, believes this should go out for competitive process to determine available options.

Public Comment

Brant Arthur, Climate Protection Campaign, restated policy goals outlined by the SWAG include composting; increase diversion by increasing composting.

Ernie Carpenter urged SCWMA extend the current contract until a new site is found. He also stated the life of the SCWMA should be of utmost importance.

Pam Davis, Sonoma Compost, would like to see the process being defined by SWAG be given an opportunity to play out before making any changes to the status quo.

Board Comment

Jack Griffin, City of Sebastopol, suggested that the SCWMA go forward with a RFP or Request For Qualifications (RFQ) to ascertain the possibilities of continued composting operations.

Linda Babonis, City of Rohnert Park, agreed either a RFP or RFQ would provide information for decision-making.

Nina Regor, City of Cloverdale, thinks an RFQ would be preferable to an RFP because it is more informal.

Marsha Sue Lustig, City of Cotati, stated the RFQ process had been done before and it was hugely unsuccessful.

Matt Mullan, Town of Windsor, supports an RFQ process with potential contractors being asked if they have a permitted site available for use.

Steve Barbose, City of Sonoma, also supports an RFQ.

Susan Klassen, County of Sonoma, supports an RFQ as an opportunity to get information to use for a future RFP.

Dell Tredinnick, City of Santa Rosa, is in favor of an RFQ, which should contain all the known constraints and parameters as a fair way to discover potential contractors.

Linda Babonis, City of Rohnert Park, thinks an RFQ will encourage innovation and job growth.

Chair Kirn, cited it's the consensus of the Board to do an RFQ. He stated the importance of Sonoma County providing as much detailed information as possible on the anticipated life of the facility at Central. He also recognizes, although there is a local preference, it is necessary to cast a big net because if the SCWMA "sunset" in 2017. Should that happen each jurisdiction will be faced with processing their individual green waste independently.

Board Direction: Present a Draft RFQ in November for Board review.

11. Financial Grants Available to Non-profit Organizations

Henry Mikus, Executive Director, submitted a revised outline for Financial Grants Available to Non-profit Organizations.

Board Discussion

Nina Regor, City of Cloverdale, inquired about Proposition 26 ramifications. Counsel replied there were none associated with the award of non-profit grants.

Public Comment

None.

Board Comment

Susan Klassen, County of Sonoma, thought the process would benefit from some notification on SCWMA's website. She requested the document be formalized into an official policy.

Chair Kirn asked that each Boardmember be provided a copy of the notification so they can post it on their individual websites and concurred that the document needs to be approached in a more formalized policy to give it credibility.

Dell Tredinnick, City of Santa Rosa, concurred. He added that past SCWMA grants have been valid and this policy development in no way impinges on the former recipients.

12. Agency Office Space Relocation

Henry Mikus, Executive Director, was made aware that efforts were underway to consolidate offices and that SCWMA office space would likely be affected. Currently there is a plan underway to swap the Clerk/Recorder/Assessors offices with TPW and SCWMA. Unfortunately, the plan requires the SCWMA staff move twice. Staff requests Board support to back just one move. This would entail fewer disruptions and less money.

Board Discussion

Jack Griffin, City of Sebastopol, questioned if adjacency to TPW was a necessity. Henry Mikus, Executive Director, replied it is a convenience not a necessity.

Steve Barbose, City of Sonoma, asked if there was an advantage to being housed with TPW. Henry Mikus, Executive Director, doesn't believe it is an advantage.

Susan Klassen, County of Sonoma, feels that since SCWMA is under TPW they should continue to be housed together. She asserted the move plan is just in its preliminary stages and will most likely not even happen, and any discussion at this point was premature.

Matt Mullan, Town of Windsor, recommends SCWMA work with County staff to maintain status quo with TPW and SCWMA under one roof.

Dell Tredinnick, City of Santa Rosa, is uncertain that this is a Board matter.

Nina Regor, City of Cloverdale, felt it was appropriate to bring this issue forward to keep the Board informed, but doesn't want to weigh in on the location of the move.

Henry Mikus, Executive Director, brought this item to the Board because during his last talk with the Architect's Office he was told a decision was going to be made within 30 – 60 days and SCWMA would be moving within 30 days of that decision.

Public Comment

None.

Board Comment

Chair Kirn, said he felt the potential relocation should be shared with the Board after Henry Mikus had mentioned the relocation possibility to the Executive Committee. He felt one relocation would be best option for Agency staff.

13. AB 939 Local task Force: Mandatory Commercial Recycling (MCR) Draft Ordinance

Ken Wells, Guiding Sustainability, gave an update on a draft MCR Ordinance that a sub-committee working with the AB 939 Local Task Force (LTF) has been developing for the past year.

Board Discussion

Susan Klassen, County of Sonoma, asked if AB 341 had a deadline. Ken Wells responded the deadline is July 1, 2012. She then requested Janet Coleson, Agency Counsel, look into AB 341 and determine the parameters of the deadline.

Steve Barbose, City of Sonoma, wanted clarification as to whether adopting the MCR ordinance would be at the regional level or individual city level. Ken Wells replied that it could go either way. The LTF supports the regional approach, which would be the most efficient.

Dell Tredinnick, City of Santa Rosa, questioned if any comparability research had been done with other municipalities with respect of enforcement. Ken Wells reported LTF had researched the MCR Ordinance in Sacramento and the enforcement is handled by Sacramento's Code Enforcement Department.

Jack Griffin, City of Sebastopol, asked if AB 341 comes with funding. Ken Wells disclosed there is an option to charge commercial customers for that service.

Public Comment

None.

Board Comment

Chair Kirn, requested that Agency Counsel give an overview of AB 341 at a later date.

Nina Regor, City of Cloverdale, asked that Agency Counsel also explain how AB 32 might interact with AB 341 and whether there might be conflicts.

Susan Klassen, County of Sonoma, thanked the LTF and its subcommittee for all their hard work.

14. Boardmember Comments

None.

15. Staff Comments

Henry Mikus, Executive Director, gave an update on the status of hiring temporary employees for outreach efforts planned for the Mandatory Commercial Recycling project. CalRecycle has announced a competitive grant opportunity that listed Multi-family Recycling as an acceptable use of grant funding. SCWMA submitted a concept and, if deemed appropriate, the SCWMA will be invited to submit a formal application.

Chair Kirn asked if there were any pressing items that might require a December Board meeting. Henry Mikus, Executive Director, reported he has been including as many items as possible per Board instruction in order to free up the December agenda.

Susan Klassen, County of Sonoma stated she's in favor of a December meeting if it is important for moving forward on the Composting EIR.

16. Next SCWMA Meeting – November 16, 2011

17. Adjournment

Meeting adjourned at 11:34a.m.

Respectfully submitted,

Debra Dowdell, Agency Clerk