



Minutes of November 19, 2014 Meeting

The Sonoma County Waste Management Agency met on November 19, 2014, 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	David Mickaelian
City of Petaluma	Dan St. John
City of Rohnert Park	Don Schwartz
City of Santa Rosa	David Gouin
City of Sebastopol	Sue Kelly
City of Sonoma	Steve Barbose
County of Sonoma	Trish Piseni
Town of Windsor	Deb Fudge

Staff Present:

Counsel	Janet Coleson
Staff	Henry Mikus
	Patrick Carter
	Lisa Steinman
	Karina Chilcott
	Rebecca Hoehn
Acting Clerk	Patrick Carter

1. Call to Order

The meeting was called to order at 9:05 a.m.

2. Open Closed Session

3. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9(d)(1) – One case

4. Adjourn Closed Session

5. Agenda Approval

Items 7.3-7.5 were pulled from the consent calendar to the regular calendar.

Henry Mikus, Executive Director, thanked exiting Board members Jake Ours, City of Santa Rosa; Jim Wood, City of Healdsburg; and Steve Barbose, City of Sonoma for serving on the Board. Mr. Mikus pointed out that Mr. Barbose has attended 73 Agency Board meetings during his eight years of service, and commended him for his dedication to the community.

Vice Chair St. John thanked Mr. Barbose, on behalf of the Board, for his dedicated service.

6. Public Comments (items not on the agenda)

Roger Larsen, Happy Acres, spoke regarding the financial statements distributed at the October 2014 meeting for Site 40 and Central Landfill costs. Mr. Larsen stated that the \$14 per ton surcharge fee in the 2013 documents is missing from the pay structure provided on October 2014. Mr. Larsen referred to the three page handout he provided, and went on to compare the cost difference between Site 40 and Central Landfill and to express his preference for Site 40.

Martin Mileck, Cold Creek Compost, stated that Cold Creek had been sued for a violation of the Clean Water Act, the case was dismissed, and Cold Creek is now seeking to recover its costs and attorney fees. Mr. Mileck stated that Cold Creek has nearly 100 tons per day of unused capacity that could save the Agency significantly.

Eli Goodsell, Conservation Corps North Bay, introduced himself as the new recycling manager for the non-profit organization. Mr. Goodsell stated that the organization works with youth ages 18-25 in Sonoma and Marin County and he spoke briefly about the organization, the recycling programs, and the areas they service. Mr. Goodsell explained that the grant they received from CalRecycle will focus on electronic waste, tires, and oil. Mr. Goodsell expressed interest in working with the Agency in the areas of education, collection, and events.

Vice Chair St. John stated that he hopes Goodsell can work with the staff with public outreach and events the Agency has.

7. Consent (w/attachments)

7.1 Minutes of the September 17, 2014 SCWMA meeting

7.2 Minutes of October 15, 2014 Regular Meeting

Items 7.1 and 7.2 were accepted unanimously.

Regular Calendar

7.3 Legal Services Budget Appropriation

Vice Chair St. John began the discussion by stating the item required a unanimous vote.

Mr. Mikus stated that when the budget was put together under a year ago, there was no provision for a potential lawsuit. Special counsel was hired to represent the Agency in the Clean Water Act lawsuit and a \$45,000 initial limit was placed on that agreement. The additional task of defending the lawsuit has added additional expense for Agency Counsel to work on the case. The Agency will soon exceed the amount of \$45,000 for special counsel.

Mr. Mikus stated that staff recommendation was to appropriate funding for current and potential future Agency and special counsel services in the amount of \$500,000 for the current fiscal year.

Board Discussion

Mr. Barbose motioned to reduce the amount to \$200,000 for a shorter period of time and revisiting an additional appropriation if necessary. Mr. Bob Cox seconded the motion.

Public Comments

None.

Board Discussion (continued)

Trish Piseni, County of Sonoma, stated that she is not authorized to approve \$200,000. Ms. Piseni stated the County would like to evaluate on a month to month basis and see what is currently available in the legal budget. Piseni suggested getting through the October invoices and revisiting the issue at the December meeting.

Vice Chair St. John stated there is an alternate proposal and asked Agency staff what the amount needed to pay through November invoices is.

Mr. Mikus replied that \$74,000 is needed to pay through the October invoices.

After discussion, Mr. Barbose amended his motion to change the amount to \$75,000. Mr. Cox concurred with the amended motion.

Ms. Harvey stated her concern of possibly not being able to obtain a unanimous vote at the December meeting due to attendance.

Mr. Mikus asked Ms. Piseni for clarification if the \$75,000 limit she is authorized to vote on is the total or additional funding.

Ms. Piseni replied it is additional funding.

Mr. Mikus stated that the Agency has been previously authorized \$45,000, therefore if \$75,000 is an addition; that the \$120,000 would get the Agency through December.

Mr. Mikus stated it needs to be clear the motion states additional money.

Vice Chair St. John clarified the motion to reflect increasing the appropriation; changing the \$500,000 in the staff report to \$75,000.

Mr. Mikus asked for a roll call vote.

7.3 Vote Count:

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

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

The motion passed unanimously.

7.4 First Quarter Financial Report

Vice Chair St. John stated item 7.4 has been pulled.

Board Questions

Don Schwartz, City of Rohnert Park, asked regarding the difference between estimated and total estimated in the projections.

Patrick Carter, Agency staff, apologized for the lack of clarity regarding the new report and explained that the County had switched accounting systems the past fiscal year. Mr. Carter added that actual column was for first quarter and estimate was quarters 2-4. Mr. Carter added that the total estimated was the actual from Quarter 1 and the estimated for 2-4.

Mr. Schwartz asked that it be labeled differently next time and asked that the quarter reports include statements of fund balance and reserve levels that include the starting level, fiscal year, most recent available revenue, and expense projections to project the ending fund balance and projected use of additional fund balance or reserves over the course of the year.

Public Comments

None.

Board Discussion

Mr. Schwartz motioned to approve item 7.4. Ms. Harvey seconded the motion.

7.4 Vote Count:

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

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

The motion passed unanimously.

7.5 Proposal for Facilitating Evaluations, Executive Director and Agency Counsel

Board Discussion

Mr. Schwartz asked to confirm that the Board is recommending feedback from the entire Agency staff, considering the size of the Agency. Mr. Schwartz asked that there be an assurance of confidentiality to staff providing the feedback.

Mr. Mikus affirmed.

Mr. Schwartz suggested that the City Attorneys and County Counsel also have input in the Agency Counsel evaluation.

Mr. Mikus replied that was the discretion of the Board.

Vice Chair St. John stated he believed the City Attorneys should provide input on Agency Counsel. Vice Chair St. John proposed that the meeting for the Agency Counsel evaluation include Board members and not staff members for at least a portion of the meeting.

Mr. Mikus pointed out that Agency Staff was not involved in the Agency Counsel evaluation last time, and it is what was proposed in the report this time.

Ms. Harvey pointed out that adding City Attorney feedback was not included in the original proposal and would likely have an additional cost. Ms. Harvey recommended having two separate sessions for Agency Counsel and Executive Director evaluations, as she felt there was not adequate time to conduct two evaluations during one session.

Mr. Mikus suggested three options. The first option, which could take the longest time, would be to obtain a revised proposal. A second option could be to authorize the Executive Director to amend the proposal, within a funding limit. A third option could be to raise the not-to-exceed funding limit at this meeting.

Mr. Schwartz recommended that the Board authorize the Executive Director to amend the proposal to allow an additional expenditure of \$3,000. Mr. Schwartz stated this includes option two, two separate evaluations, and option three, staff feedback. Ms. Harvey seconded the motion.

Vice Chair St. John stated that he will not be supporting the motion and asked that the record reflect he believes this staff evaluation is largely a mechanical process that should be facilitated by Agency staff.

Sue Kelly, City of Sebastopol, stated her schedule may not accommodate two separate meetings in December.

Ms. Harvey asked if the Board is required to perform the evaluations in December.

Vice Chair St. John replied that will be discussed further in the item regarding the December meeting.

Public Comments

None.

Board Discussion (continued)

7.5 Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	No	Rohnert Park	Aye
Santa Rosa	Aye	Sebastopol	No
Sonoma	Aye	Windsor	Aye

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

The motion passed.

8. Compost Zero Discharge Plan Update

Mr. Mikus reported the October goal of getting the interim measures in place for the rain season was successfully. The pond construction project was finished by the end of October and was functional and that the pond capacity had doubled. The compost footprint reduction of 18% was completed as well.

Mr. Mikus stated that as a result of last month's decision to review and possibly recirculate the EIR, there was a concern regarding the Water Board's reaction because it was not in the original Zero Discharge Plan, that Chair Wood, Stu Clark, and himself met with the Water Board Executive Officer and the Assistant Executive Officer immediately after the Board meeting to explain the situation, and the Water Board staff were receptive to the explanation.

Board Questions

Vice Chair St. John asked if Agency staff was seeking a motion to approve a change to the expenditure for unforeseen underground conditions encountered during the excavation of the pond.

Mr. Mikus replied that while the exact amount had not yet been determined due to pending final survey amounts the estimated the cost to be less than \$10,000, possibly closer to \$5,000.

Vice Chair St. John asked about the total amount of the contract for the construction of the pond.

Mr. Mikus replied the contract was for \$400,000.

Vice Chair St. John asked for the estimated total, including the approval of this action.

Mr. Mikus replied \$405,000 to \$410,000. Mr. Mikus added that a berm was constructed to separate the reduction area from the rest of the site and that staff had used contingency funds to have the firm which improved the pond to construct the berm.

Vice Chair St. John asked who provided the service.

Mr. Mikus replied it was Magnus Pacific out of Sacramento.

Ms. Harvey motioned to approve the \$10,000 expenditure. Mr. Schwartz seconded the motion.

Public Comments

None.

Board Discussion

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

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

The motion passed unanimously.

9. New Compost Site EIR Review/Recirculation Appropriation

Mr. Mikus stated that at the last Board meeting the staff was directed to find a qualified firm to review and possibly recirculate the EIR on the new compost site. The purpose of this item was to appropriate funds in the budget to accommodate the expense. Proposals received from three firms ranged in price from \$80,000 to nearly \$110,000. Staff had selected CH2M Hill Engineering to perform the requested review because the proposal contained the best price and flexibility. The CH2M Hill proposal included recirculation, if necessary. Staff believed the CH2M Hill proposal was the best option, that it provided the flexibility that could limit exposure, as well as shorten the time frame.

Mr. Mikus asked for a budget appropriation for the amount of \$80,461. While the contract had not been finalized and that been some negotiation over a few terms, the contract was almost at its final stage.

Mr. Mikus said the time frame for the review would be March or April, and if recirculation is required, the schedule for completion would be the end of July 2015.

Board Questions

Vice Chair St. John about the other two firms which submitted proposals.

Mr. Mikus replied the firms are Tetra Tech and LSA.

Mr. Schwartz motioned to accept the staff recommendation. Mr. Mickaelian seconded the motion.

Public Comments

Mr. Larsen asked what Mr. Mikus meant about his comments of limiting exposure.

Vice Chair St. John thanked Mr. Larsen for his comments.

Board Discussion

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

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

The motion passed unanimously.

10. Update Report JPA 3rd Amendment Approvals

Mr. Mikus stated that the original charter for the Agency in the original JPA agreement in 1992 stipulated a twenty-five year term, with the ending date being February 2017. The Board had strategy sessions the previous December and June to discuss renewing the Agency's charter and

potentially changing the Agency agreement. At the June Meeting, Agency Counsel was directed to draft a 3rd Amendment to the agreement and release it to member jurisdictions for review, comment, and approval. The draft was released and distributed to Agency members in July. The key elements in the draft were that this would be an agreement amendment instead of a new agreement, the Agency would be perpetual rather than a fixed term, the Agency would have a difference system of governance, and the voting requirements were altered.

Mr. Mikus stated that a two tier system of governance was contemplated, in which one person from each jurisdiction would be elected to the Board and there would be a technical advisory committee to advise the Board. There was discussion about changing the meeting frequency due to the feedback from Board member agencies regarding time commitment. The amended agreement would cover all four functions though the Board reserved the right to assign compost by Board Resolution.

Mr. Mikus added that the voting requirements changed from the current system of a unanimous vote for expenses over \$50,000, the annual budget, or any major program expansions. The new proposed voting requirements would change the unanimous vote to a super-majority of 75%, where 8 of 10 members would be required for the purchase of real property, expenditures greater than \$250,000, the annual budget, adoption of additional core programs, and incurring debt from public or private lending sources greater than \$250,000. The ability to opt out of the agreement would be through an amendment.

Mr. Mikus pointed out that one of the key issues related to JPA renewal is the timeline in the Zero Discharge Plan involving building a new compost site. In order for that the Agency to construct a new site in a cost effective manner, as presented at the last Board meeting, the Agency would need be in existence beyond 2017.

Mr. Mikus stated that presentations on Agency renewal have taken place in three member jurisdictions and the agreement was approved in one form or another, with one of the members approved it outright and two others approved it in concept. Other members are having discussion regarding the agreement. Mr. Mikus stated that there was also conversation between Agency Counsel and County and City Attorneys about the agreement.

Mr. Mikus stated that one recommendation is for Agency Counsel to redraft the 3rd Amendment to simply extend the Agency beyond 2017 or until terminated by action of either the Board members or jurisdictional governing bodies. Another possibility is to authorize the Director, Agency Counsel, Board Chair, and Vice Chair to meet with attorneys before 2015 to discuss and resolve outstanding issues. A third alternative would be to retain the amendment in its current form and attempt to keep the process moving.

Ms. Coleson stated that a lengthy meeting was held on September 17th, at the request of the City Attorneys, regarding the amendment. All member jurisdictions were represented at the meeting except for Cloverdale. Numerous concerns were brought up regarding the amendment and the Agency.

Ms. Coleson suggested a possible resolution to the issues discussed by the attorneys group would be that the Board considers an amendment in which only the term of the Agency is extended, with no additional changes to the unanimous vote or any other changes that were spoken of at the June Board meeting. The attorney group has requested to meet with the Board Chair, Vice Chair,

and the Executive Director before the end of 2014, to discuss the 3rd Amendment to the JPA, other JPA amendments and the future of the Agency.

Board Discussion

Vice Chair St. John asked that the Board begin a discussion with the goal of trying to get to some sort of consensus in terms of direction. Vice Chair St. John stated that it did not appear that the Board was in a position to make a formal motion, other than to provide direction.

Mr. Cox stated that he is inclined to extend this agreement for a set time.

Mr. Barbose stated that the short term focus should be on whether the Agency will exist after 2017 and for that to happen all the member jurisdictions need to concur. If consent is not obtained from the very beginning from the City Attorneys, it is very unlikely their counsel will approve it. His advice was to extend the Agency term alone, in order to get the life of the Agency extended, and to keep working on the changes discussed in the staff report.

Deb Fudge, Town of Windsor, stated she believes there should be a vote to extend the Agency as it currently exists, in order to move forward with the Zero Discharge Plan and building a new compost site. There are problems with the attorneys that need to be ironed out, and expressed concerns at this process and wished to avoid a situation where attorneys are driving policy issues. Whether to renew the Agency is this Board's decision and it is up to the Board members to take it to their bodies for approval.

Ms. Harvey added that over two years were spent on the Solid Waste Advisory Group as representatives for their cities agreeing that solid waste is a regional issue. She believed that the JPA does a very good job of cost effectively handling many of the recommendations provided in numerous reports prepared by the SWAG and subsequently. Plans have been made that include the Agency existing beyond 2017. If the term alone is extended, a minimum of twenty-five years should be considered.

David Gouin, City of Santa Rosa, asked how they can address the attorney's concerns moving forward with a simple extension.

Mr. Mikus stated that communicating the Board's intentions to the members could be improved. A potential solution could be to send a letter of intent from the Agency, directly to the membership leadership groups. The letter should state what the issue of the Agency's future is and how the Board wishes to solve it, while addressing the outstanding issues.

Vice Chair St. John asked Agency Counsel to address Mr. Gouin's question of whether the option of extending the JPA solves some or all of the concerns currently expressed by the City Attorneys.

Ms. Coleson replied that extending the Agency does not resolve the issues, and added that it only allows time to work on resolving the issues.

Vice Chair St. John asked if the Agency can continue operating under the extension without dealing with the attorney's issues.

Ms. Coleson replied that no one at the meeting objected to her going to the Board and requesting an extension of time to work out other issues. Ms. Coleson added that it may depend on the length of time of the extension.

Ms. Harvey stated that there are some who do not want the Agency to move forward, and added that one of the options is for those who do not want to be part of it, to opt out. Ms. Harvey stated that the R3 report shows that there is a great benefit for the majority of the Cities.

Vice Chair St. John stated that those choosing to opt out will do so during the JPA extension proposal.

Mr. Mickaelian, City of Healdsburg, said the JPA will cease to exist in 2017 if no action is taken. He asked for background what action would be required to dissolve the JPA.

Ms. Colson explained that there is a set end time right now of Feb 2017, with no action required to end it. If the Agency is extended with no termination date, a mechanism would be provided as to how it would end.

Mr. Mickaelian stated he is not advocating ending the JPA and added that he is only asking questions.

Mr. Barbose stated that some City Attorneys may be challenging some conceptual ideas proposed for the restructuring. He suggested that some of the objections to the change in the structure may stem from the City Attorneys not being involved in the Solid Waste Advisory Group, and informed regarding the reason for the decisions. It may be that the City Attorneys are evaluating the proposed changes without the benefit of all that information.

Ms. Coleson stated that she was the one telling the attorneys what the Board had decided to do, and what the course of action taken at the June meeting, and that she did not believe the City Attorneys had been informed of the prior Board decisions. A potential solution could be that the Board members communicate with their individual member jurisdiction City Attorneys regarding some of the decisions and direction of the Board, as well as their ideas for future structure.

Mr. Schwartz stated that one of the points in the current JPA states that the County will provide a free site, and pointed out that expires upon expiration of the original agreement. Even if the agreement were to be extended, there is a possible conflict with this provision, so it would be helpful to know the County's position on this obligation.

Ms. Coleson replied that the 3rd Amendment proposal states that the requirement for the free of charge site for HHW and compost at the Central Landfill site would continue until the February 2017 date, although subsequent use of the site free of charge is not guaranteed.

Vice Chair St. John stated recommended that issue be addressed prior to amending the JPA, that he is aware that Agency staff has addressed that issue with County staff, and that he believes the County Board of Supervisors would need to discuss and decide this issue. Vice Chair St. John suggested that this Board should communicate with the County Board of Supervisors regarding their policy for future use of the site, should compost stay at Central.

Mr. Mikus stated he is willing to draft a letter with the Chair's signature requesting clarification.

Ms. Harvey stated that it is necessary to have accurate cost information prior to determining the site and approving the EIR.

Ms. Kelly asked why that needs to be resolved prior to doing a simple extension.

Vice Chair St. John replied that his understanding is that the County may not wish to extend the JPA and provide free land for compost beyond the 2017 date.

Mr. Schwartz suggested that a possible way to deal with this would be to send letters to the County regarding the JPA extension prior to sending them to the other jurisdictions and added that the Board would need to have an idea of how long the proposed extension would be.

Mr. Mikus clarified that the twenty-five year extension recommendation was based on financial figures of projected costs to build a new compost and amortizing it over twenty-five years to make it affordable.

Ms. Pisenti stated that the County was supportive of the first alternative in the staff report; directing the Executive Director, Agency Counsel and the Board Chair, and Vice Chair to meet with member attorneys prior to the end of 2014 or in January. She stated that the County would like to continue working with the attorneys and not slow the process down.

Mr. Schwartz stated that he would like to pursue a response from the County regarding the extension, perhaps requesting that the County discuss their concerns at a closed session with the Agency Board. Mr. Schwartz recommended that material should be shared with City Attorneys prior to sharing it with the Board and added that the Board should encourage full communication with the City Attorneys.

Vice Chair St. John agreed.

Ms. Fudge stated she does not agree with documents going to attorneys prior to them going to the Agency Board, as that would be seeking direction instead of the Board directing the policy.

Ms. Harvey stated that her issue with alternative one of the staff report is that she believes the Agency Board and the City Councils should make the decisions about the Agency's future, and not the attorneys. She believed the attorneys should be given direction and asked to work the language out.

Ms. Fudge concurred with Ms. Harvey.

Vice Chair St. John asked for suggestions regarding asking the County about their intent to the key issues.

Mr. Mikus stated that there are two different issues with the County that should be addressed separately, which are the use of the site and any potential land fee and whether the County wishes to continue to be a member.

Vice Chair St. John spoke regarding the suggestion he made to directly asking the County what their policy decision is, and suggested also asking them what conditions and terms they would request in order to continue as a member of the Agency.

Mr. Schwartz expressed support to meeting outside of the formal process, as was done in the Library JPA process.

Ms. Harvey pointed out that it took over two years to get the plastic bag amendment.

Vice Chair St. John stated that it does not appear that anyone objects to having a meeting with the attorneys other than who is deciding the policy issues. Perhaps the requested members should attend the attorney meeting the draft JPA amendment for a twenty-five year extension. This provides staff direction and gets formal dialogue going with the County, as attorneys will be involved anyways.

Mr. Schwartz asked for clarification that the Board is going to ask the County if they are interested in continuing to be a member of the JPA. A number of agencies that have not committed or who are still in discussion, so those undecided members should receive a similar letter regarding their position as well.

Mr. Mikus stated that is why he suggested a letter to the leadership group early on.

Vice Chair St. John clarified that the meeting will be to address the extension and not the new agreement and that he believes the County's position should be obtained prior to going to the Cities.

Vice Chair St. John asked that the record reflect that the City of Petaluma does not agree with the characterization that the viewpoints discussed at the June strategy session were agreed by this Board. The issues were discussed but he did not want the Board or the public to be under the impression that the City of Petaluma has agreed to the points.

Vice Chair St. John spoke about a suggestion provided by Susan Klassen at the June strategy session regarding assigning with the compost program. There should be a way to add language that provides for the contingency that compost no longer is an Agency operation, as was provided for by the County in their MOA.

Public Comments

Ernie Carpenter, resident of Sebastopol, expressed disbelief at this Board discussion. He believed direction was given to staff and yet problems continue to arise without the JPA being renewed. He expressed his disapproval regarding the policy makers delegating to the attorneys who generate more issues. Staff should be providing the Board a solution. Mr. Carpenter spoke briefly regarding his involvement while serving on the Board in the past, and pointed out it took less than a year to put the original agreement together. Mr. Carpenter stated that the smaller cities would have a problem with Agency programs, as opposed to the City of Santa Rosa and the City of Petaluma. Mr. Carpenter stated that staff should bring solutions to the Board, and added that the agreement should be taken care of in a timely manner.

Robin Donoghue, Town Attorney for Windsor and City Attorney for Healdsburg and Cotati, speaking as an individual member of the City Attorneys and County Counsel group, and not

speaking for the cities she represents. Ms. Donoghue pointed out that none of the cities she represents have reviewed nor approved the proposed 3rd Amendment and they are all in internal discussion mode at this point. She Donoghue stated that there are some cities and attorneys with issues specific to them as well as some unanimous concerns with some of the language proposed in the 3rd Agreement. She recommended pursuing an extension of the original agreement to buy time as well as alternate one of the staff report. Donoghue added that she does not believe any of the attorneys feel they are in a position to be policy makers and added that she believes they are attempting to obtain information to help in their recommendation to their clients. Donaghue stated she is hopeful the Board will consider the request for the meeting with Board representatives along with Ms. Coleson, to provide the attorneys some background information. She added that Ms. Coleson is not in a position to address all the questions they have.

Nea Bradford, Petaluma resident, stated she agrees with Mr. Carpenter that the staff is making recommendations, and adds that it should be acted on. She stated that staff previously recommended Site 40 and the Board and County are not supporting that recommendation. She stated that it appears that the decision countering what staff recommended has been made, based on Supervisor Rabbit and Supervisor Zane not accepting Site 40.

Vice Chair St. John stated that the item is not to discuss site selection.

Ms. Bradford replied that she understands that one of the reasons the JPA needs to be extended is because the compost site has not been decided.

Mr. Eric Koenigshofer, Occidental, suggested that the attorneys involved are there to provide advice to their clients and would weigh in on issues like twenty-five year agreements, and that advice should not be considered an impairment to the process.

Mr. Larsen stated that the free County space is not actually free and added that the Agency is charged per ton, which is essentially paying rent to be there. Mr. Larsen added that the future is uncertain at Central and that the JPA could own Site 40 and could do the compost there for less money without the County's surcharge.

Board Discussion (continued)

Ms. Harvey replied she believes the Board is leaning towards Alternative One to get the attorneys talking to discuss the JPA Agreement amendment or just extending the term. She stated she believes the Board is asking for the decision to be moved forward and not having the attorneys determining the future.

Ms. Harvey motioned to accept the staff and recommendation one, to discuss the JPA amendment as only an extension of the term with the Attorneys Group. Ms. Kelly seconded the motion.

Ms. Coleson asked for clarification that the motion is actually a combination of staff recommendation and Alternative One, that the Board confirmation that the Board wants to have an extension drafted containing only an extension of the term for twenty-five years, and that the extension only will be discussed at a meeting with the attorneys, Agency Chair, Vice Chair, and Executive Director.

Ms. Harvey replied affirmatively.

Vice Chair St. John asked if there are any Board members wishing to be part of that meeting. Vice Chair St. John said he's aware that it was recommended that former SWACG members be present at the meeting.

Ms. Harvey amended her motion to include Ms. Fudge and Ms. Harvey attending the meeting. Ms. Kelly seconded the amended motion.

Mr. Schwartz asked for clarification that the focus of the meeting will be on an extension and the attorney's concerns regarding the extension.

Ms. Coleson affirmed.

Vice Chair St. John stated that he agrees with the public comment that the city and county attorneys advise the city and county counsel, and the meeting will be a process to obtain feedback as move the process along.

Mr. Mikus asked for confirmation that part of the motion is for the amendment with the extension to be drafted and taken to the members and attorneys for discussion.

Vice Chair St. John replied he is not hearing that as part of the motion, and added that some believe that is a necessary next step.

Mr. Mikus stated that it is essential that this be communicated to the members.

Vice Chair St. John stated that the staff report, which is a summary of the meeting, does a good job of doing that. The Board forwarding the notes to their counsel should keep counsel informed.

Ms. Fudge stated that there has been communication between members and the cities, and added that the city council members were fully aware of the sessions and topics. Ms. Fudge added that this is not about attorneys, but rather about city council members, politics, money, and control.

Mr. Barbose supported the motion and added that in addition to the meeting, there should be immediate discussions with the County regarding the concept of extending the JPA and what it would look like. He believed that the County's position should be known going into the meeting with the attorneys.

Vice Chair St. John stated that Agency staff has reached out to County staff previously on that issue.

Mr. Mikus replied that the County needs to respond in order for things to make sense.

Vice Chair St. John said he encourages that dialogue continue, and pointed out that County staff may not have the authority to set some of those policy decisions.

Mr. Schwartz requested the motion be amended to ask County staff to either provide a response or authorize the County to bring it to their Board as soon as possible. In order to move forward, the County needs to make their position known, to include the landfill terms and conditions.

Vice Chair St. John asked if Mr. Schwartz is revisiting the suggestion of sending a letter to the County Chairman requesting this matter be brought to their attention as soon as possible.

After discussion, Mr. Schwartz's request to communicate with County staff regarding their intentions was given as direction to staff and not included in the motion.

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

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

The motion passed unanimously.

11. Executive Director Monetary Signing Authority

Vice Chair St. John introduced the item and asked the Board for questions.

Public Comments

None.

Board Discussion

Ms. Kelly motioned to approve the staff recommendation. Ms. Harvey seconded the motion.

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

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

The motion passed unanimously.

12. AB 939 Local Task Force Planning Request

Mr. Mikus stated that AB 939 had many consequences, including the creation of this Agency and the Local Task Force (LTF). The LTF acts as an advisory group to both this Agency and the County Board of Supervisors on solid waste matters and is made up of government, industry, and environmental appointed and volunteer members. The LTF meets every other month, and among other responsibilities, they are involved in the five year review of the County Waste Management Plan.

Mr. Mikus stated that there is conversation about planning beyond twenty years and the LTF has written a letter to the Agency asking that they include long-range planning beyond twenty years in the Agency's efforts with the review of the County Integrated Waste Management Plan.

Mr. Mikus introduced Greg Carr as an LTF member and added that Mr. Carr was part of the 1985 effort that looked at the future of the landfill. Mr. Mikus said that Mr. Carr is retired from the Permit & Resource Management Department (PRMD).

Mr. Greg Carr, AB 939 Local Task Force, spoke briefly and stated that based on his prior experience, he encourages long term planning to avoid issues.

Public Comments

Ken Wells, Santa Rosa Sierra Club Representative on the LTF, stated he is speaking in support of the Agency. Mr. Wells stated that the Agency as it exists, has some significant authority to implement producer packaging and product responsibility. Mr. Wells added that the Board and Agency have the opportunity to significantly reduce waste and greenhouse gases, and added that he hopes the Board continues to engage the LTF.

Board Discussion

Ms. Kelly, asked for clarification as to whom the LTF.

Mr. Carter replied that the LTF was created by the County Board of Supervisors to serve as an advisory committee to them. Mr. Carter added that there was an action by this Board determining the LTF would also be an advisory committee to the Agency. Mr. Carter added that the LTF is a dual advisory committee.

Mr. Mikus added that it's now the Agency's responsibility to manage ColWMP.

Ms. Harvey recommended that the Board accept the LTF letter and authorize staff to include long term planning in the upcoming fiscal year proposed budget. Ms. Fudge seconded the motion.

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.

13. December Meeting Discussion

Mr. Mikus discussed possible options regarding the December Board meeting date. He stated that the Board does not hold a December meeting when possible. Mr. Mikus added that the December meeting could be used to cover one of the two evaluations. Canceling the meeting is an option or that it can be maintained as a regular business meeting if needed though he would like to schedule a meeting to discuss the evaluations in January if it will not take place in December.

Board Discussion

Ms. Pisenti stated that the County supports using the December meeting to work on the evaluation.

Ms. Kelly stated she supports one meeting in December but not two.

Ms. Harvey stated she would have to send an alternate, as she will not be here.

Mr. Barbose stated he would seek authorization from his City Council to participate at the evaluation meeting.

Mr. Schwartz suggested keeping the scheduled December meeting due to the issues that need to be addressed. Mr. Schawartz suggesting holding the Board meeting to talk about JPA progress and conducting one evaluation in December and the second one in January.

Mr. Mikus stated that they can determine in early December if there is a need for discussion at the December meeting.

Mr. Mickaelian stated that from staff perspective, many of the new council members will just be getting seated in mid December, so there may not be an opportunity to get all members updated on JPA issues to the point of having a robust discussion at the December 17 Agency meeting.

Mr. Schwartz stated that he understands the urgency in having a December meeting to talk about the JPA, but is concerned that as a staff person, he will not have a lot of direction from his council to actually be able to discuss the JPA.

Vice Chair St. John motioned to maintain the scheduled Dec 17th meeting to conduct regular business, if necessary, and at least one of the reviews. David Guin, City of Santa Rosa seconded the motion.

Public Comments

None.

Board Discussion (continued)

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.

14. Attachments/Correspondence:

14.1 Reports by Staff and Others:

14.1.a November and December 2014 Outreach Events

14.1.b 2015 List of Meetings

14.1.c MCR-3 Survey Results

November 19, 2014 – SCWMA Meeting Minutes

- 14.1.d MCR-3 Final Report
- 14.1.e CPSC Pharmaceutical Ordinance Fact Sheet
- 14.1.f Human Services “Thank You” letter
- 14.1.g CalRecycle Letter re: Electronic Annual Report

15. Board Member Comments

Mr. Barbose spoke briefly regarding serving on the board for eight years and thanked and acknowledged Mr. Carter, Ms. Steinman, and Ms. Chilcott for their membership in the organization.

Ms. Harvey and Mr. St. John thanked Mr. Barbose for his guidance and wished him well.

16. Staff Comments

Mr. Mikus introduced new Program Manager Rebecca Hoehn. Mr. Mikus added that Ms. Hoehn is going to take over mandatory commercial recycling as well as reporting and planning functions, among others.

17. Next SCWMA meeting: December 17, 2014

18. Adjourn

The meeting was adjourned at 11:34 AM.

Submitted by
Sally Evans