



Minutes of December 21, 2016 Meeting

The Sonoma County Waste Management Agency met on December 21, 2016, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California.

Present:

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

Staff Present:

Executive Director	Patrick Carter	Staff	Kristin Thigpen
Counsel	Ethan Walsh		Courtney Scott
Agency Clerk	Sally Evans		

1. Call to Order Regular Meeting

The meeting was called to order at 8:30 a.m.

2. Agenda Approval

The motion for agenda approval was made by Brent Salmi, City of Healdsburg, and seconded by Susan Harvey, City of Cotati.

Vote Count:

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

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-

Motion passed.

3. Public Comments (items not on the agenda)

None.

4. Consent (w/attachments)

4.1 Minutes of November 16, 2016

Board Comments:

None.

Public Comments:

None.

The motion for consent calendar approval was made by Ms. Harvey and seconded by John Sawyer, City of Santa Rosa.

Vote Count:

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

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-

Motion passed.

Regular Calendar

5. Discussion and Possible Action on the Draft Amended and Restated Joint Exercise of Powers Agreement for the Sonoma County Waste Management Agency.

Patrick Carter, Executive Director, provided a general overview of the changes to the Draft JPA Agreement items as a result of discussion at the November Agency Board meeting and discussions with member attorneys as follows:

- Supermajority defined as 8/10 members.
- A supermajority vote of Board members was required to allow an Agency member who withdrew from the current composting program back in.
- Expanded the Civil Penalties section to allow proportionate payment of penalties where appropriate.
- Clarified the cost of implementing additional programs would only be borne by participating members.
- A supermajority vote was required for Agency budget or amendment approval, incurrence of debt of \$250,000 or more, and authorization of expenditures of \$250,000 or more from a single source within a single fiscal year.
- A unanimous vote was required for the acquisition of real property (purchase or lease) with a value of \$250,000 or more.

Mr. Carter proposed the creation of a model staff report and presentation to assist Agency members in presenting the agreement to City Councils and Board of Supervisors once the Board reached an agreement regarding the finalized version.

Ethan Walsh, Agency Counsel, provided a brief explanation for some of the changes to the Draft JPA Agreement as a result from discussions with the Agency member attorneys as follows:

- Changes were made from the unanimous vote to the supermajority, specifying the items subject to a supermajority vote.
- Addition of language in Section 4.B.ii., Withdrawal from Current Program, page 7, allowing members not participating or withdrawn from the current composting program, to rejoin if approved by the Agency Board.
- Clarification language in Section 4.D.ii., page 8, addressed Civil Penalties and allocated those to the agencies responsible for the behavior resulting in the penalties. Clarifying there would be due process as required by state law.
- Addition of language in Section 5.B., page 9, clarifying additional programs were subject to approval by individual jurisdictions, including ordinances and similar legislative actions.

Deletion of provision regarding Board members not being able to vote on agreements involving their own agency, as the provision added complication if the Agency were to enter into an agreement with multiple members.

- Addition of language in Section 5.C., page 9, Costs of Implementation of Additional Programs, provided that if some, but not all members chose to participate in an additional program and had the Agency implement that program for them, those members would need to pay the Agency for the cost of implementation. This would not include the cost of developing the additional program, which would be shared by all members and paid for out of the Agency fee charged against solid waste received in the County. The Agency would still indemnify the individual member adopting an ordinance against any legal challenges to that ordinance, even if not all members chose to participate in the program.
- Language was inserted in Section 8.F.iii., page 11, Supermajority Approvals and Expenditures, to clarify it would be expenditures of \$250,000 or more to a single source within a single fiscal year.
- Addition of language in Section 10. D., page 13, Indemnity provision, clarified the Agency would indemnify the member agencies from any claims associated with its own programs.

Mr. Walsh noted Santa Rosa's Assistant City Attorney's recommended the Board consider adding the adoption of any new fees or increase of any existing fees as a supermajority vote item.

Board Comments:

Ms. Harvey asked how payment would be handled if jurisdictions needed to pay to implement additional programs.

Mr. Walsh replied it would be handled through separate agreements with the individual agencies.

Ms. Harvey inquired if a tipping fee was charged on everything going through the gates and Mr. Carter replied affirmatively.

After discussion, it was determined any new fees or increase to existing fees would require a supermajority vote.

Ms. Klassen asked how self-haul would be handled if an Agency member withdrew from the Household Hazardous Waste Program.

Mr. Walsh replied that while there currently was a withdrawal provision from compost and an Agency member could choose not to participate in additional programs, there were no withdrawal provisions from Education and Household Hazardous Waste. Mr. Walsh noted the member would need to withdraw from the entire Agency. Mr. Walsh explained adding a satellite location to an existing program would not be considered a new program, however would likely require a unanimous vote if acquisition of real property were to take place.

Deb Fudge, Town of Windsor, noted an Agency member who chose to withdraw from the Agency would not be entitled to household hazardous waste pick-ups or self-haul and questioned how that would be handled.

Mr. Walsh replied the jurisdiction would have to seek another solution or potentially contract with the Agency.

Chair Schwartz recommended deleting the word “direct” from Section 12, G, on page 16 of the draft JPA agreement.

Public Comment:

None.

The Board directed staff to list increasing fees and implementing new fees as supermajority vote items and simplify language related to member jurisdiction’s ability to compensate the SCWMA, if such an arrangement was necessary. The Board directed staff to prepare a model staff report and presentation to assist City and County staff in presenting the JPA agreement to their jurisdictions for approval.

Board members thanked Mr. Carter and Mr. Walsh for their work and expressed their appreciation that everyone was able to work together and move forward.

Ms. Harvey thanked Mr. Walsh for making the process easier for the attorneys and shared they appreciated working with Mr. Walsh.

Chair Schwartz noted he would like the final JPA agreement to all jurisdictions for approval by the end of February 2017.

Ms. Harvey motioned to accept the following amendments to the Draft JPA Agreement: 1) Any new fees or increase to existing fees would require a supermajority vote. 2) Remove the word “direct” from Section 12, G, on page 16 of the Draft JPA Agreement. Staff was directed to work with Agency Board members to distribute a final version of the JPA Agreement to the jurisdictions and seek unanimous approval. Mr. Henry Mikus, City of Sebastopol, seconded the motion.

Vote Count:

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

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-

Motion passed.

6. Discussion and Possible Action on Organic Waste at the Central Disposal Site

Mr. Carter provided an update on organic waste at the Central Disposal Site. Mr. Carter noted Republic Services requested organic waste be removed from the tipping floor, as the space was needed as of December 12, 2016 for their MRF. Mr. Carter stated The Ratto Group provided cost information for transporting organic waste from the curbside routes to the Redwood Landfill compost facility or to the Sonoma and Healdsburg transfer stations rather than Central. Mr. Carter added he provided the cost information to the affected jurisdictions and they requested discussions directly with The Ratto Group, as they felt it was a franchise agreement issue.

Mr. Carter reported arrangements were made for The Ratto Group to provide bins for green waste self-haul at Central and to take care of the hauling. Mr. Carter noted that while the service

had been implemented in an effort to accommodate the self-haulers, an agreement was still being negotiated with The Ratto Group for compensation for that service. Mr. Carter explained if the service were to be long term, it would be an expensive process that could potentially cost \$30,000 more than the revenue.

Mr. Carter stated an alternative would be noticing customers the program would be cut off and offer alternative sites, but would prefer to continue to provide the service.

Board Member Comments:

Ms. Fudge inquired how the green waste would be unloaded into the bins.

Mr. Carter replied that while it was not as convenient as dumping onto the ground, the bin walls were quite low and the pickup bed could back up right to it.

Staff was directed to continue accepting self-haul at the Central Disposal Site, with the Agency absorbing the additional cost to offer those services through the end of the current fiscal year. Staff was also directed to negotiate the appropriate contract with The Ratto Group for this additional work and bring further information to the Board during budget consideration, for a potential rate increase for self-haul customers.

Ms. Harvey inquired if the fees would change for self-haul if this went on for a longer period of time.

Mr. Carter replied there were separate fees for self-haul and was something that could be discussed with the County and Republic Services.

Ms. Klassen noted it would just be a matter of telling Republic what to charge, as the Agency sets the differential rate for self-haul green waste.

Chair Schwartz recommended revisiting the short-term contract at the end of the fiscal year and considering a rate adjustment or other alternative.

Public Comment:

None.

Mr. Schwartz motioned to continue to accept green waste self-haul at the Central Disposal Site with the Agency absorbing the additional cost to offer the service through the end of the current fiscal year, to direct staff to negotiate an appropriate contract and execute the amendment, and to discuss a longer term solution as part of the budget process. Mr. Sawyer seconded the motion.

Vote Count:

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

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-

Motion passed.

7. Report and Direction Requested on a Project to Inform and Educate on the Background of Solid and Hazardous Waste in Sonoma County

Mr. Carter explained there was no single document or training regarding solid and hazardous waste in Sonoma County and how the different agreements interacted with each other. Mr. Carter recommended working with a consultant to work on research and presentation of the material, as developing those resources would be of great benefit for new and existing Board members, as well as for the public.

Board Member Comments:

Ms. Fudge, Ms. Harvey and Ms. Klassen expressed support for the project, as it would be of great benefit for counsel, elected officials, and new staff members asked to look at or to vote on the issues.

Mr. Sawyer inquired if this would include general philosophy and direction and asked who the target audience was.

Mr. Carter replied that could be looked at but the focus was how the agreements were tied together.

Chair Schwartz noted he believed the primary audience would be those responsible for solid waste.

Ms. Harvey recommended including the County goals in the document.

Public Comment:

Stu Clark, Healdsburg independent environmental consultant, expressed support for the project to inform and educate on the background of solid and hazardous waste in Sonoma County and recommended narrowing the focus of what the project would be looking to accomplish, as it was a broad topic. Mr. Clark shared local historical events celebrating curbside recycling.

Direction was provided to staff to move forward with project development.

8. Board Member Comments:

None.

9. Staff Comments:

None.

10. Next SCWMA meeting:

The next SCWMA meeting will be held on January 18, 2016.

11. Adjournment:

The meeting adjourned at 9:32 a.m.

Submitted by:
Sally Evans