



Agenda Item # 4.1

Minutes of February 15, 2012

The Sonoma County Waste Management Agency (SCWMA) met on February 15, 2012, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California

Present:

City of Cloverdale	Nina Regor, Chair
City of Cotati	Marsha Sue Lustig
City of Petaluma	John Brown
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	Phil Demery
Town of Windsor	Debora Fudge

Absent:

City of Healdsburg	Mike Kirn
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Staff Present:

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

1. Call to Order/Introductions

The meeting was called to order at 9:03 a.m.

2. Agenda Approval

Steve Barbose, City of Sonoma, moved to approve the agenda, John Brown, City of Petaluma, seconded. Healdsburg and Windsor absent. Agenda approved.

3. Public Comments (items not on the agenda)

None.

Consent (w/attachments)

- 4.1 Minutes of January 18, 2012
- 4.2 Recycle Guide 2012 Printing Contract with Barlow Printing
- 4.3 FY 11-12 Second Quarter Financial Report
- 4.4 Funding of Office Reconfiguration

Dell Tredinnick, City of Santa Rosa, moved to approve the consent calendar. Marsha Sue Lustig, City of Cotati, seconded. Healdsburg and Windsor absent. Consent calendar approved.

Debora Fudge, Alternate, City of Windsor arrived at 9:08 a.m.

Regular Calendar

5. **Discussion Regarding Contracts**

Henry Mikus, Executive Director, presented a list of current contracts and presented several questions for use as a discussion starting point for creating standard procedures for contracts.

Public Comment

None.

Board Comment

John Brown, City of Petaluma, stated monetary thresholds and extension limits should be set. Contract term limits should be three to five years. Given the economic environment, SCWMA should be doing more Request For Proposals (RFP) or flat rate extensions.

Phil Demery, County of Sonoma, thinks the Board should not be setting a policy in terms of contract length, but instead determine terms on a case by case basis. RFP's should be utilized. Contracts should also be looked at to determine service versus operational.

Debora Fudge, Town of Windsor, has concerns about the operational contract at the Household Hazardous Waste Facility being extended for as long as it has been when she knows there is another contractor out there that would be interested in bidding for quite a bit less.

Chair Regor, recapped the comments; not establish a policy, but rely on a case by case basis with a monetary threshold and possibly set a maximum number of amendments to be allowed before triggering a RFP process.

John Brown, City of Petaluma, requested staff being back a monetary threshold recommendation along with the various circumstances in which it would apply.

Marsha Sue Lustig, City of Cotati, stated the contract determination should be based on the lowest bid of a qualified applicant.

Henry Mikus, Executive Director, commented that in addition to a monetary threshold the complexity of the contract needs to be taken into consideration.

Chair Regor said that the Board has been addressing contract issues on a case by case basis when staff requests an amendment or recommendation.

Jack Griffin, City of Sebastopol, stated an added approach to using a case by case basis is to obtain alternatives in terms of the proposals.

Chair Regor asked staff return to the next meeting with an array of RFPs structured for certain types of services.

6. **Oil Program & Spanish Language Outreach Contracts**

Lisa Steinman reported satisfaction with C² Alternative Services quality of work and would be pleased to continue the relationship, but interest by other contractors might be available. If the Board decides to issue a RFP on this contract and C² Alternative Services is not the selected proposer, then arrangements to hire them to complete the Used Oil Block Grant's annual report must be made for the sake of continuity.

Board Discussion

Steve Barbose, City of Sonoma, asked why the option of extending one contract and going out for a RFP on the other was not included. Ms. Steinman answered the two contracts are very connected, but that it is possible to have the separation of the two contracts as an option.

Phil Demery, County of Sonoma, acknowledged that this was a qualifications based service contract and as such it may be good for Counsel to remind Boardmembers the process for this type of contract.

Janet Coleson, Agency Counsel, responded when qualifications for these types of contracts are included and cost is not necessarily the deciding factor, the qualifications are weighed for the award decision.

John Brown, City of Petaluma, affirmed he liked the staff's recommendation to move forward with a RFP, but was curious how large a group of alternate providers might be out there. Ms. Steinman answered she was unsure of the number of providers for the oil program contract. The Spanish Outreach contract a RFP was done recently and the response was minimal.

Jack Griffin, City of Sebastopol, inquired about the process in the event proposers responding to a RFP were unacceptable. Is it possible to amend the original contract? Ms. Steinman replied yes.

Public Comments

Connie Cloak, C² Alternative Services, expressed understanding about continual extensions and the need to distribute RFP's, with the additional scope that has been recently added to the SCWMA contract, it would be difficult to respond to an RFP at this time.

Board Comments

Debora Fudge, Town of Windsor, stated her town has a history of competitive bidding and she supports issuing a RFP for contract.

Dale Tredinnick, City of Santa Rosa, acknowledged that C² Alternative Services has done a great job, but at the same time he recognizes we need to issue a RFP.

Steve Barbose, City of Sonoma, said he's in favor of going out for an RFP.

Marsha Sue Lustig, City of Cotati, stated SCWMA should be going out for RFP's every chance we have.

John Brown, City of Petaluma moved to approve RFP's for both the oil program and Spanish language outreach contracts. Phil Demery, County of Sonoma seconded. City of Healdsburg absent. Motion carried.

7. HHW Contract Negotiations

Item was continued to March meeting due to lack of a required unanimous vote.

8. Compost Operations Request for Qualifications

Patrick Carter reported staff interviewed all eight respondents. The interviews confirmed that no single facility was able to accommodate SCWMA's current composting capacity. All of the respondents believe that the Central Disposal Site should be utilized for future composting operations. Some respondents believe configurations not presented in the Draft Environmental Impact Report (EIR) would allow 200,000 tons of organic material to be composted at the site. Two respondents, Recology and Sonoma Compost, were the top respondents. Staff was also impressed with Sonoma Vermiculture because of their

demonstration of handling undiluted food waste, which would be advantageous in achieving higher diversion rates. Staff recommends further negotiations with these three companies. Staff proposes two Boardmembers be involved in further negotiations.

Steve Barbose, City of Sonoma, asked if in the discussions with Sonoma Vermiculture did staff quantify the amount in tons of food waste they would be capable of handling. Mr. Carter responded that it's believed to be roughly 30,000 tons a year.

Phil Demery, County of Sonoma, asked if this is an operations agreement for ultimately running the facility. Henry Mikus, Executive Director, responded yes. Mr. Demery then asked how SCWMA envisions these negotiations taking place. Mr. Mikus replied currently we do about 100,000 tons of organic material a year. There's another 80,000 to 100,000 tons available that could be diverted from the waste stream. When accommodating that amount of organic material many factors have to be considered, such as the mix of green waste and food waste. By including Sonoma Vermiculture, which can process 30,000 tons of food waste, the ratio of green to food waste becomes manageable on the CDS site. This scheme buys time to deal with the constraints existing at CDS, allow for growth of processing abilities and explore options for relocation from CDS should it become mandatory. The goal for the negotiations is to have a well defined, cost effective and safe solution to get from here to a future comprehensive composting facility.

Dell Tredinnick, City of Santa Rosa, thanked staff for including Sonoma Vermiculture because of their ability to handle the unused food waste stream. He supports trying to make the Central Landfill work for the composting site.

Public Comment

None.

Board Comment

Phil Demery, County of Sonoma, commented that he is against the Board being involved in the negotiations and feels it should be done by staff.

Steve Barbose, City of Sonoma, concurs with Mr. Demery because it allows the Board to be decision makers using the recommendations brought forward by staff.

Chair Regor directed staff move forward on their own with negotiations and bring back findings for recommendation and/or approval.

9. FY 12-13 Draft Work Plan

Henry Mikus, Executive Director, gave some background on the budget process. He acknowledged it is a balanced budget with no loss or reductions in any programs.

Charlotte Fisher added the numbers in the budget reflect the current situation of the SCWMA contractors and consultants. Issuing RFP's and accompanying contract changes could change the amounts presented in the FY 12-13 Draft Work Plan.

Board Discussion

Chair Regor stated it's not so much the staff time in the RFPs but the results of the RFP that could affect the budget. Ms. Fisher responded it could be higher or lower based on the results of the RFP's and resulting contract negotiations. Chair Regor asked if when referring to a balanced budget if that meant there would be no increase in the tipping fees. Mr. Mikus answered yes.

Phil Demery, County of Sonoma, asked what the contingency is for this fiscal year. Ms. Fisher replied the Organics, which is defined by the JPA agreement, is approximately \$5 million. The HHW Facility, established and controlled by the Board, is approximately \$1.6 million. The Contingency Reserve contains approximately \$200,000 at the end of FY 11-12. There are latitudes and restrictions of these reserves depending on the documentation for each of the reserves.

Public Comments

Ken Wells, Guiding Sustainability, mentioned that in viewing the draft work plan he did not see any further efforts on Extended Producer Responsibility (EPR). An implementation plan was adopted by the Board in 2007 that suggested if the state did not come forward with an EPR policy the Board would implement one in Sonoma County. This would have two benefits to the Agency, there would be a more complete collection of toxics in the community and it would provide savings to the budget. He urged that the 2007 EPR Implementation Plan be added to the work plan.

Board Comments

Steve Barbose, City of Sonoma, noted that in the brief summary of the HDR report the EPR is one of the things that they are advocating being continued.

Dell Tredinnick, City of Santa Rosa, asked about the rationale for the lack of inclusion of EPR in the Work Plan. Ms. Fisher responded funds have been included for staff time. Basically, at this time SCWMA is supporting any efforts beyond county levels. There are no contractors or consultants on board at the local level. Dell Tredinnick recommends supporting state legislation in some fashion, but a nationwide answer would be the real solution.

Phil Demery, County of Sonoma, advised a note of caution moving forward. Many conditions are in flux right now and SCWMA staff has done their best to develop this Work Plan. He reminded Boardmembers of the voting requirements and the importance of regional decision making going into this next year.

Jack Griffin, City of Sebastopol, moved to approve the FY 12-13 Draft Work Plan. Marsha Sue Lustig, City of Cotati seconded. Healdsburg Absent. Motion approved.

10. Carryout Bags Ordinance Direction

Patrick Carter reported that at the last Board meeting Staff was directed to come up with a default ordinance when making presentations at the stakeholder meetings and doing outreach. As a starting point, it was suggested the City of San Jose ordinance be used. Also, included in the agenda packet for discussion purposes was the Alameda County ordinance.

Janet Coleson, Agency Counsel, stated that the Alameda County JPA agreement is structured differently than the SCWMA's JPA, which in effect precludes SCWMA from having an opt out option. The only way an individual member would not have the ordinance take effect in their jurisdiction is to not be a member of SCWMA.

Patrick Carter notified the Board given the management changes at the Veteran's Buildings and the need to rent from other facilities in Sebastopol and Healdsburg for stakeholders' meetings, SCWMA will be able to stay within the \$4,000 budget the Board approved. Staff recommends initiating scheduling these stakeholder meetings with the goal of completing them prior to the April Board meeting.

Board Discussion

Steve Barbose, City of Sonoma, asked for clarification on the effected businesses in Alameda County. Mr. Carter replied the first column is the large grocery stores with 2 million or more in

sales, then it goes down to retail stores containing pharmacies within them. Small stores are not included. Mr. Barbose asked if both Alameda and San Jose exclude restaurants. Mr. Carter responded yes.

Marsha Sue Lustig, City of Cotati, questioned the exclusion of restaurants. Mr. Carter responded in the future the City and County of San Francisco will be including restaurants in their ban.

Staff was asked to bring forward the San Jose model as the default value with the potential of making it more stringent. Ms. Coleson added this is just a starting point for discussion the purposes of this is to get feedback for inclusion language at the meetings.

Ms. Lustig stated that she was interested in hearing the pros and cons on restaurants being included in the ban. Mr. Carter said there are concerns banning plastic bags at restaurants due to health and safety issues. Ms. Coleson added the plan was to phase in the ordinance and restaurants are typically in the second phase due to the difficulty of enforcement.

Debora Fudge, Town of Windsor, asked if any ordinance exists now that bans bags from retail stores such as Macy's and Kohl's. Ms. Coleson replied no. Mr. Carter added San Jose is considering those types of retail bags.

Dell Tredinnick, City of Santa Rosa, stated he's in favor of phasing in the ordinance and moving it along as quickly as possible.

Chair Regor had two questions; the first concerned the Alameda County Ordinance, Section B, which describes stores providing a reusable bag at no charge but only for a limited time. She wondered about the rationale for that approach. Mr. Carter responded he thought Alameda County was avoiding a system of giving out free reusable bags in place of giving out free plastic bags. The second question was both ordinances charge for the paper bags, but neither says how the stores are required to use that revenue. Mr. Carter explained Alameda County doesn't want to get into a situation where there can be claims made against their ordinance.

Public Comment

None.

Board Comments

Steve Barbose, City of Sonoma, believes going out to the community and vetting this idea and bringing it back to the Board to determine what's going to be the best fit for Sonoma County is a great idea. He's in favor of the bag fees going to the stores, so there's a little revenue to help offset the changes they will be required to make.

Debora Fudge, Town of Windsor, stated the public is becoming aware of all the other counties' ordinances that have been passed.

11. Sonoma County/City Solid Waste Advisory (SWAG)

Steve Barbose, City of Sonoma and SWAG liaison, gave an update on the last two SWAG meetings. HDR, the consultant hired to look at the recommendations of the research group gave a detailed Power Point presentation. There was a status report on the Central Landfill. The landfill permit was approved by CalRecycle. Minutes of the SWAG meetings can be found on the TPW website at http://www.sonoma-county.org/tpw/divisions/integrated_waste/solid_waste_adv_group.htm

Board Discussion

Dell Tredinnick, City of Santa Rosa, said that it was reported there was no cost advantage to outhaul versus reopening Central but asked if the green house gas difference is significant? Mr. Barbose responded yes.

Public Comment

Ken Wells, Guiding Sustainability, commented he was starting to hear a blending of the SCWMA role and the recommendations of the SWAG.

Board Comment

None.

12. Attachments/Correspondence

Chair Regor noted Items 12 and 13 were informational items only and were moved to the end of the agenda. She added that they contain the Director's Notes, which are very important.

13. On File with Clerk

See notes under Item 12 above.

14. Boardmember Comments

Chair Regor presented Certificates of Appreciation to Linda Babonis, City of Rohnert Park and Dell Tredinnick, City of Santa Rosa, for their of active past Board participation.

Linda Babonis, City of Rohnert Park, announced John McArthur, Director of Public Works and Community Services, would be the representative from the City of Rohnert Park and she will be the alternate.

Dell Tredinnick, City of Santa Rosa, announced that Jennifer Phillips, Assistant City Manager, would be taking his place on the Board and he would be the alternate.

15. Staff Comments

Henry Mikus, Executive Director, reminded Boardmembers that under "Attachments and Correspondence" there is a report on Mandatory Commercial Recycling with the calendar of community meetings in their area.

Karina Chilcott, SCWMA Staff, announced that PG&E awarded an additional \$27,000 via an amendment to the contract in order to sustain the Fluorescent Lamp Disposal Program through December 2012.

16. Next SCWMA Meeting – March 21, 2012

17. Adjournment

Meeting adjourned at 10:48a.m.

Respectfully submitted,
Debra Dowdell