



Minutes of February 16, 2011

The Sonoma County Waste Management Agency (SCWMA) met on February 16, 2011, at the City of Santa Rosa Reclamation System Laguna Plant, 4300 Llano Road, Santa Rosa, CA 95407

Present:

City of Healdsburg	Mike Kirn, Chair
City of Cloverdale	Nina Regor
City of Cotati	Marsha Sue Lustig
City of Petaluma	Susan Lackie
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	Christa Johnson

Staff Present:

Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Charlotte Fisher
	Henry Mikus
	Lisa Steinman
Recorder	Elizabeth Koetke

1. Call to Order/Introductions

The meeting was called to order at 9:00 a.m.

2. Agenda Approval

Linda Babonis, Rohnert Park, moved to approve the agenda. Nina Regor, Cloverdale, seconded. Agenda approved. Windsor absent.

3. Attachments / Correspondence

Chair Mike Kirn, called attention to the Director's Agenda Notes.

4. On File with Clerk

Chair Kirn noted the resolutions approved in January 2011, on file with the Clerk.

5. Public Comments (items not on the agenda)

Tim Smith, former SCWMA Board member, commented that Patrick Carter had made an excellent presentation at the Plastic Bag Forum on 2/2/2011.

Martin Mileck, Cold Creek Compost, said the green material currently being burned or buried could be as much as 50%. Composting at Cold Creek is a higher and better use for the material and is located between Sonoma County and Scotia, which would reduce green house gas created with the transport.

Christa Johnson arrived at the meeting at 9:05.

Consent

6.1 Minutes of January 19, 2011

6.2 FY 10-11 2nd Quarter Report

Marsha Sue Lustig, Cotati, pulled item 6.1 to amend the January 19, 2011 minutes and add a comment that had been omitted.

Item 6.2 FY 10-11 2nd Quarter Report

Jack Griffin, Sebastopol, moved to approve item 6.2. Dell Tredinnick, Santa Rosa, seconded. Motion carried.

Item 6.1 Minutes of January 19, 2010. Marsha Sue Lustig, Cotati, asked that her comment be added to the minutes in regards to item 7.6 UCCE Home Compost Education and Pesticide Use Reduction Education Program Report 2009-2010. "Marsha Sue Lustig thanked the UCCE for the work they do and expressed an interest in the UCCE working with Thomas Page School".

Marsha Sue Lustig moved to approve item 6.1, the amended minutes. Dell Tredinnick, Santa Rosa, seconded. Motion carried.

Regular Calendar

7. Sonoma County/City Solid Waste Advisory

Steve Barbose, City of Sonoma, serves as the liaison for SCWMA to the Sonoma Waste Advisory Group (SWAG). Fieldtrips to the North Bay Corporation material recovery facility and the Central Disposal site are scheduled.

8. Discussion of SCWMA Board Priorities and Goals and Direction to Staff

Executive Director Mikus explained after discussing Agency goals with individual Boardmembers, the Executive Committee decided to meet at the Laguna site to encourage a "roundtable" discussion. The issues gleaned from Boardmembers are listed alphabetically in his transmittal.

Chair Kirn noted that most of the items listed were also in the Draft Work Plan (Agenda item #9). Two items of concern are the Environmental Impact Report (EIR) for the compost facility and the effects of Proposition 26 on the proposed funding model.

Nina Regor, Cloverdale, expressed concern with the renewal or extension of the JPA Agreement, which expires in 2017.

Janet Coleson, Agency Counsel, mentioned several of the items would require legal input for Board consideration. Many of these legal documents or opinion memos are well underway or could be produced very quickly. Ordinances would be necessary for the funding mechanism, the polystyrene ban and single-use bag bans. She has worked on the renewal and extension of the JPA Agreement previously.

Phil Demery, County of Sonoma, commented that the SWAG is working on about half of these items, but that they may not translate into the Agency Work Plan.

Dell Tredinnick, Santa Rosa, said the integration of the No Name Garbage Group, the AB 939 Local Task Force and all interested entities should be considered, not just the SWAG.

Steve Barbose, City of Sonoma, asked how much of a priority the Agency fee was and how it relates to the County's fees.

Agency Counsel replied there would be an item on the March agenda regarding progress and scheduling of the Agency funding mechanism model. The Agency fee is the purview of the Agency.

While the issues are similar and related to other groups' activities, the Agency needs to make an independent decision for meeting funding needs.

Phil Demery, County of Sonoma, commented the City Managers' and City Attorneys' groups have subcommittees working on the funding issue. Although it's in broad context, some of it may be directly applicable to the Agency. He suggested that Agency Counsel coordinate with the other attorneys on this issue.

Agency Counsel confirmed she has been in contact with some of the other attorneys and what they are doing is not related to the Agency fee. Although the issues are similar, they are different jurisdictionally.

Jack Griffin, Sebastopol, suggested that staff return with a document using the existing funding mechanism as a base and point out programs not able to be advanced or expanded. Boardmembers need to understand what is at stake when talking to elected officials about possible diminishing levels of service.

Steve Barbose, Sonoma, questioned whether this fee can be moved upstream or if the Agency is precluded from doing that because of Proposition 26. He requested a closed session at the March 16 Agency meeting for discussion of these items.

Nina Regor, Cloverdale, asked Agency Counsel whether this topic should be addressed in open or closed session. She requested a coordinated analysis beneficial to the jurisdictions in the region without conflicting results.

Henry Mikus, Executive Director, added the SWAG Research Committee is also researching shifting the fee upstream as a viable option.

Agency Counsel and Agency Staff were given direction to add a closed session for the March 16, 2011 meeting to discuss Proposition 26. The closed session will include Agency Counsel's opinion on Proposition 26 effects on the Agency. Agency Counsel will provide the Boardmembers with a number of different options including the strengths and weaknesses of those options. She added the selection of those options could be different for different entities, but the Agency fee is the purview of the Agency.

Board members will send a priority list to the Executive Director and the items will be listed by order of importance on the March 16, 2011 consent calendar.

Agency Counsel stated the single-use bag ban was already scheduled as a closed session item and said Proposition 26 would be added.

Phil Demery affirmed there would also be an open discussion about Proposition 26.

Chair Kirn confirmed.

9. Draft Work Plan for FY 11-12

Charlotte Fisher described the Work Plan as part of the budget planning process. The format consists of program descriptions, contractor costs, staff costs, and goals or justifications and also a schedule.

Justifications are either through statutes such as the AB 939, JPA Agreement, ColWMP, or past board directions. The FY 11-12 Work Plan is very similar to the FY 10-11 Work plan, but there are three new projects in the Education category; jurisdictional public education, mandatory commercial recycling measure, and P.G. & E. grant.

Nina Regor, Cloverdale, questioned whether the items listed in agenda item #8 Goals and Priorities are imbedded in the Work Plan and if there are any additional costs associated with them.

Ms. Fisher replied there was some overlap, but not all of the goals and priorities were included in the proposed Work Plan. Agency Counsel mentioned the projects already receiving legal assistance.

Marsha Sue Lustig, Cotati, asked if costs for the single-use bag ban have been included per board request.

Patrick Carter replied it would be difficult for staff to determine the cost without doing a Request for Proposal (RFP). Staff was not given direction to develop an ordinance or explore those costs. There will be an update on this item at the March 16th Agency meeting.

Dell Tredinnick, Santa Rosa, commented since the Sonomax materials' exchange was not renewed he wondered if the Agency was still supporting the Habitat for Humanity's Restore program.

Karina Chilcott explained that she maintains a good relationship with the people at Restore and they are featured in the Recycling Guide.

Jack Griffin, Sebastopol, stated there is the potential for the Agency to have a number of very significant environment projects in the next several months and they will need prioritization. It would be helpful for staff to provide a view of staff time usage with existing funding so Boardmembers can take that information back to their city councils.

Chair Kirn suggested a column be added to the Work Plan that links the activities included in the goals and priorities list.

Marsha Sue Lustig, Cotati, requested that staff add another column to the Work Plan with cost estimates of the goals and priorities for Board information.

Chair Kirn asked for an independent prioritization of the required items versus a wish list.

Phil Demery, Sonoma County, questioned whether County staff requesting signage from Agency staff was appropriate and a priority of the Agency.

Chair Kirn asked staff to identify projects that are offset by grant funding. He stated he would like to see a flat budget from last year and accompanying impacts.

Mr. Mikus commented the draft Work Plan only shows a portion of the budget. All the revenues, operational expenses and contributions to reserves do not show.

Marsha Sue Lustig, Cotati, asked if Agency staff is the sole support of the AB 939 Local Task Force.

Patrick Carter confirmed that Agency staff supports the AB 939 LTF, but staffing costs are recouped.

Public Comments

Connie Cloak, C2 Alternative Services, said the Board discussed enacting bans for single-use bags and polystyrene but had not addressed enforcing those bans, which is labor intensive.

Brant Arthur, Climate Protection Campaign, said the No Name Garbage Group is looking at the future of solid waste in Sonoma County. The Work Plan considers a one year flat budget, but long-term solutions need to be discussed.

Ernie Carpenter, Hunter Legacy, asserted a way to close the funding gap is to collect revenue from
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the companies in Sonoma County who have avoided the \$5.95/ton surcharge by taking their trash out of county. On record in Marin County is information that about 27,600 tons of material from one of the businesses went to Redwood Landfill last year. He proposed adopting an ordinance to capture the lost revenue.

Chair Kirn directed staff to incorporate the changes that had been discussed and return to the March 16th meeting.

- Provide accomplishments with existing funding
- Links activities in the Work Plan to each of the goals
- Cost estimates identifying large expenditures and budget location
- Prioritization of required items versus a wish list
- Present a flat budget and identify grant funding for specific projects

10. Compost Agreement Discussion

Patrick Carter explained the Agreement with Sonoma Compost Company is nearing its expiration date and staff seeks direction as to whether to; distribute anRFP or extend the existing agreement.

The process to relocate the compost facility has been underway for quite some time. While staff hopes to have a draft EIR before April 2011, it's unlikely a final EIR will be certified before the expiration date of the current Agreement. Under the current agreement, Sonoma Compost Company will have to be off the site by July 2011. It's hopeful that a final EIR could be certified by September 2011 and a new site could be purchased and operating in 2 ½ to 3 years.

Using consensus Board directed staff with a three-pronged approach;

- 1) Extend the current agreement with the same terms and conditions with the option for 2 one year extensions at the discretion of Agency and the County and bring that extension back to the Agency Board.**
- 2) Develop the parameters of an RFP.**
- 3) Analyze the parameters of vegetative food waste collection at Cold Creek Compost and any other local compost facility.**

11. City of Sonoma Outhaul Discussion

Janet Coleson explained she was given direction to draft an Agreement for the Agency surcharge to be paid to the Agency directly from the City of Sonoma for a period of two years.

Nina Regor, Cloverdale, asked that a requirement for access to the collection/hauling and financial reports be included.

Steve Barbose, City of Sonoma, was asked if the information requested is available per their franchise agreement. That has not been determined yet. The City Attorney has some issues with the draft and he will contact Agency Counsel.

Janet Coleson requested the Board authorize the Chair to execute the Agreement without any substantive changes.

Phil Demery, Sonoma County, supported the agreement appreciates City of Sonoma agreeing to it. With leakage, the tip fee, closure and post-closure liabilities are affected. The cost savings experienced by the hauler and the city produce impacts that are moved to all the jurisdictions.

Public Comments

Ernie Carpenter, Hunter Legacy, said he had no issue with the contract, but wanted to reiterate that a lot of money is leaving the system. If the money can be captured from the City of Sonoma, it shouldn't be a problem to work out details with other private entities taking their waste outside Sonoma County system.

Phil Demery, Sonoma County, moved to approve the City of Sonoma Outhaul Agreement. Marsha Sue Lustig, Cotati, seconded. City of Sonoma abstained. Motion carried.

12. Boardmember Comments

Steve Barbose, City of Sonoma, requested an item regarding material leaving the system be put on the agenda for a future meeting.

Jack Griffin, Sebastopol, asked for some direction regarding negotiating strategies in a public meeting.

Janet Coleson explained as a public agency most of work is done in public. Some items discussed in closed session also make their way to open session. No negotiating strategies were given away in the short discussion the Board held.

Dell Tredinnick, Santa Rosa, left the meeting at 11:23 a.m.

Phil Demery, Sonoma County, said each Board in each jurisdiction operates a little differently. The County franchise agreements are negotiated in closed session.

Christa Johnson, Town of Windsor, said their franchise agreements are negotiated in open session.

13. Staff Comments

Patrick Carter said staff participated in the bag ban forum on February 2nd and he was a panel member. Also, a letter has been sent to the larger stores in Sonoma County regarding single use bags and that subject will be addressed at the March meeting.

Executive Director Henry Mikus said as a member of the SWAG Research Committee he was asked to compile a report along with Susan Klassen, County of Sonoma, and Jack Griffin, Sebastopol, regarding education, enforcement and legislation possibilities for waste diversion. The report was presented to the SWAG at their January 27th meeting and is available if anyone would like a copy. Their next task will be to return in four weeks with costs associated to those programs.

Christa Johnson, Town of Windsor, added that she had toured M&M Service's facility as part of the Town's Business Visitation Program. It is a licensed materials recovery facility with a very labor intensive operation, but the amount of recycling is impressive. The Town of Windsor recently demolished an old firehouse with approximately 94% recycling of the materials.

14. Next SCWMA Meeting – March 16, 2011

15. Adjournment

Meeting adjourned at 11:26 a.m.

Respectfully submitted,
Elizabeth Koetke