



## Minutes of the March 15, 2017 Special Meeting

The Sonoma County Waste Management Agency met on March 15, 2017, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California.

**Present:**

City of Cloverdale	Melanie Bagby	City of Santa Rosa	Absent
City of Cotati	Susan Harvey	City of Sebastopol	Henry Mikus
City of Healdsburg	Brent Salmi	City of Sonoma	Madolyn Agrimonti
City of Petaluma	Absent	County of Sonoma	Susan Gorin
City of Rohnert Park	Don Schwartz	Town of Windsor	Deb Fudge

**Staff Present:**

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

**1. Call to Order Special Meeting**

Closed session was called to order at 8:00 a.m.

**2. Closed Session:CONFERENCE WITH LEGAL COUNSEL  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**3. Adjourn closed session at 8:48 a.m.**

**The regular Board meeting was called to order at 8:56 a.m.**

Vice-Chair Henry Mikus, City of Sebastopol, stated there was nothing to report from closed session.

**4. Agenda Approval.**

**5. Public Comments (items not on the agenda)**

None.

**6. Consent (w/attachments)**

- 6.1 Minutes of February 15, 2017 Regular Meeting
- 6.2 March and April 2017 Outreach Calendar
- 6.3 Confirmation of Sonoma County Local Task Force Bylaws
- 6.4 Approval of MOU for C&D Facility Certification Development Services
- 6.5 Approval of Scope of Work for Home Composting RFP
- 6.6 Approval of Scope of Work for Spanish Language Outreach RFP
- 6.7 Approval of Scope of Work for Used Oil Program Management RFP
- 6.8 Support for DEA Take Back Events

**Board Discussion:**

Items 6.3, 6.4, 6.5 and 6.8 were pulled off the consent calendar for discussion.

Melanie Bagby, City of Cloverdale, requested Item 8 on the agenda be addressed first, as she needed to leave for another meeting at 10:30 a.m.

**Public Comments:**

None.

**The motion for approval of Items 6.1, 6.2, 6.6, and 6.7 on the Consent Calendar was made by Susan Harvey, City of Cotati, and seconded by Brent Salmi, City of Healdsburg.**

**6.1 Minutes of February 15, 2017 Regular Meeting**

**6.2 March and April 2017 Outreach Calendar**

**6.6 Approval of Scope of Work for Spanish Language Outreach RFP**

**6.7 Approval of Scope of Work for Used Oil Program Management RFP**

**Vote Count:**

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

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

**Motion passed.**

**Regular Calendar**

**8. Discussion and Possible Action on the Fiscal Year 2017-18 SCWMA Draft Budget**

Patrick Carter, Agency Executive Director, presented the 2017/2018 Draft Budget before the Board. Mr. Carter reported the budget included a recommended increase to the organics tipping fees to compensate for the CPI adjustments for the sites to which the material was taken. Mr. Carter listed the new programs being discussed for the 2017/2018 fiscal year as follows: updates to the Agency website to make it more user and mobile friendly, researching new model ordinances, Agency's vehicle replacement, Agency rebranding efforts, and continued exploration of a North County Household Hazardous Waste Facility.

Mr. Carter provided an update to the City of Rohnert Park's inquiry at a prior meeting regarding unfunded liabilities. Mr. Carter reported there was no mechanism currently in place for the County to request pre-payment or special payment from the Agency for unfunded liabilities.

**Board Discussion:**

Don Schwartz, City of Rohnert Park, asked that sufficient funding be allocated in the budget for professional development and to cover HR-related costs such as performance evaluations.

Mr. Schwartz, Susan Gorin, County of Sonoma, and Ms. Harvey expressed they were in agreement the unfunded liabilities needed to be reported in the budget and a mechanism needed to be in place.

Ms. Harvey and Deb Fudge, Town of Windsor, expressed their preference for the Agency or a trust account to maintain funds to be allocated for unfunded liabilities. Ms. Fudge asked the unfunded liabilities item be brought back with more information before the Board for additional discussion.

Ms. Harvey inquired what was driving additional revenues due to increasing disposal trends. Mr. Carter replied he believed it was due to increased economic activity.

Ms. Harvey inquired regarding the jump to \$90,180 for Additional County Services and asked if it equaled one Full-time Equivalent (FTE) worth of work.

Mr. Carter replied these were costs specifically defined in the MOU with the County of Sonoma which stated these could be reimbursed and he believed the costs calculated by the County were reasonable.

Ms. Gorin noted the Administration Services budget item reflected a 3% cost of living adjustment granted to all County employees and asked Mr. Carter if the additional assistance for health insurance was included in the budget.

Mr. Carter replied he obtained costs from the EFS system and believed it included salary and benefits but he would confirm the information.

Ms. Gorin stated she believed the funds for unfunded liabilities would remain with the Sonoma County Employees' Retirement Association (SCERA) and not with the County, and the funds would be invested well and earn investment income wherever they would be.

Mr. Schwartz requested the information regarding unfunded liabilities be received before the Agency budget approval in April or May and asked that only one tipping fee increase take place.

Mr. Mikus pointed out staff's recommendation of a \$2 per ton tipping fee increase on wood and yard debris was on the table for discussion, as it was included in the draft budget.

Mr. Carter noted the tipping fee increase would be a separate action.

Mr. Mikus asked for confirmation the \$100,000 for HHW Facility Feasibility would be funded through reserves. Mr. Mikus recommended moving further along with this project and suggested spending the money on a site study or clarifying the focus.

Mr. Carter confirmed the \$100,000 for HHW Facility Feasibility would be funded through reserves and noted in fiscal year 2016/2017 work was funded through the HHW operating fund, but staff was contemplating funding that through Reserves for fiscal year 2017/2018, as it was a one-time expense.

**Public Comments:**

None.

**Board Discussion (continued):**

Mr. Schwartz recommended the budget be finalized and include the unfunded liabilities information in time to implement a one-time tipping fee change, in April or May. Mr. Schwartz provided Agency staff direction to determine how much funding should be set aside either as a one time, annually or a reasonable amount of time to insure the Agency did not have any unfunded liabilities.

**6.3 Confirmation of Sonoma County Local Task Force Bylaws**

Mr. Carter explained this item was pulled from consent at the last Agency meeting by Ms. Harvey. Mr. Carter noted the Bylaws provisions required each member and an alternate be identified by their organization or recommending agency and a city representative may be an elected official or a staff person, and a citizen of the city may serve as an alternate representative. Mr. Carter noted there was the question of whether the cities would be interested in allowing individual residents of the city to serve in the primary position in addition to just the alternate.

**Board Discussion:**

Ms. Harvey explained that in looking through the Bylaws she realized it said the city representative needed to be an elected or staff person and found out Cotati's representative was a citizen, therefore an elected or staff person needed to be primary or the Bylaws would need to be changed.

Mr. Schwartz stated Rohnert Park generally took the position every jurisdiction should be able to appoint who they want to appoint and suggested changing the Bylaws to reflect no restrictions.

Mr. Schwartz requested the LTF minutes be sent to the Agency Board and Alternates as a matter of practice, as they were an advisory to the Agency Board.

**Public Comments:**

Ken Wells, Local Task Force Sierra Club Representative, apologized for the oversight on updating the Bylaws previously, and noted there were citizen alternates on the LTF. Mr. Wells stated he was in support of the adjustment in the Bylaws regarding representation. Mr. Wells thanked Mr. Schwartz for expressing interest in receiving the LTF minutes.

**Board Discussion (continued):**

Ms. Bagby noted she was also in favor of the Bylaws change, as Cloverdale also had a citizen appointee to the LTF.

**Ms. Harvey motioned to confirm the Sonoma County Local Task Force Bylaws with the change stating the cities would select the member of their choice to serve as primary or secondary on the LTF. Ms. Bagby seconded the motion.**

**Vote Count:**

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

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

**Motion passed.**

#### **6.4 Approval of MOU for C&D Facility Certification Development Services**

Mr. Carter presented the MOU for C&D Facility Certification Development Services for Board approval. Mr. Carter noted staff felt it was crucial to understand where the material ended up and how to quantify it and come up with policies that make sense to insure that material was being diverted.

Mr. Carter explained the Agency entered into an MOU with regional partners last year (JPA in Contra Costa, at the time Sunnyvale, San Jose, and the County of Solano). Mr. Carter stated a competitive process took place to identify potential consultants to develop procedures for measuring the amount of diversion happening at construction and demolition facilities. Mr. Carter noted there were two responses and proposals and Tseng and Associates was selected as the preferred consultants to go forward with that. Mr. Carter noted the agreement with Tseng Associates was included in the packet for reference.

Mr. Carter stated Agency staff was seeking the Board's approval of the MOU between the SCWMA, the County of Solano, and RecycleSmart, a JPA in Contra Costa County. Mr. Carter noted this MOU addressed how cost was divided between the three members and provisions as to who was managing the program on behalf of the members, termination, indemnity and all standard contract provisions. Mr. Carter stated Agency staff was confident in the selection of the contractor, believed the RFP process was fair, and the Agency was within its rights with the process.

#### **Board Discussion:**

Mr. Mikus asked Ethan Walsh, Agency Counsel, to address a letter received by the Agency regarding this item.

Mr. Walsh explained the Agency received a letter and an email asking this item be taken off consent in objection of the process as the RFP was not clear and did not address the types of concerns for the program. Mr. Walsh stated he did not believe there were any legal concerns with the RFP process, as the process was laid out in the RFP and the process was followed.

Mr. Mikus asked for confirmation the organization who submitted the letter did not submit a proposal and Mr. Carter replied affirmatively.

Ms. Harvey asked if there was a Q&A period for this RFP. Mr. Carter replied affirmatively, and noted there was an addendum issued.

#### **Public Comments:**

Stephen Bantillo, Recycling Certification Institute, stated the letter was sent by his organization and he was in agreement with Mr. Walsh regarding the legality and his organization's concerns.

Mr. Bantillo noted his organization was concerned the RFP was not written as clearly as it could have been and with a variety of conflicting interests, therefore, they were unable to propose on the RFP. Mr. Bantillo stated communications with other consultants or firms expressed the same concerns.

Mr. Bantillo stated his organization felt this MOU was not necessary, as there was already a national certification protocol implemented nationwide. Mr. Bantillo explained his organization

was currently working in the bay area with the Alameda County Waste Management Authority and his organization had seven lines certified in the bay area that handled approximately half of the C&D in the bay area. Mr. Bantillo stated their cost would've been significantly less if they had proposed on the RFP, and the reason for any cost at all would be due to the core participant's request in needing something different. Mr. Bantillo explained that Agencies wanting facilities certified could do it at no cost to the Agency by writing an ordinance or regulation stating facilities needed to meet MRpc87 level of standard. Mr. Bantillo stated his organization's request was for this contract to require MRpc87 level of standard.

**Board Discussion (continued):**

Ms. Gorin noted this happened frequently when an RFP was issued, and she looked to legal counsel to insure the RFP process was legal.

Mr. Walsh replied the process was legal and the concerns raised by Mr. Bantillo were policy concerns.

Ms. Gorin stated she would assume this RFP would pay attention to the National Standards in any certification.

Mr. Carter replied all information that provided reliable accurate information was being considered.

Ms. Gorin stated she was comfortable with staff's recommendation to approve the MOU.

Mr. Schwartz shared he recalled facilities in the county were concerned regarding the commitment involved in the process, and he was glad the scope of work included their participation.

**Madolyn Agrimonti, City of Sonoma, motioned to approve the MOU for C&D Facility Certification Development Services and Susan Gorin, County of Sonoma, seconded the motion .**

**Vote Count:**

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

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

**Motion passed.**

**6.5 Approval of Scope of Work for Home Composting RFP**

Mr. Schwartz pulled this item off consent for discussion, as he wished to inquire what evidence there was this educational home composting program had worked prior and worth doing again. Mr. Schwartz asked to see the results of the evaluation for the previous home composting program prior to considering this RFP.

Mr. Carter replied information was included in the report provided by the previous contractor and could be presented at the April Board meeting.

**Public Comments:**

None.

**Mr. Schwartz motioned to hold the item for consent until the following month when the results of the evaluation were included in the report. Ms. Harvey seconded the motion.**

**Board Discussion:**

Ms. Gorin asked if this item was time sensitive.

Mr. Carter replied it would be difficult to accomplish the RFP process without a gap and it would also be difficult to put a program together quickly if the new contractor would be participating at the Sonoma County Fair, but there was no requirement the home composting program would have to start July 1<sup>st</sup>. Mr. Carter noted it may not necessarily be the same contractor in the future, therefore the previous evaluation may not be an indication of the contractor going forward.

**Mr. Schwartz amended his motion to approve the RFP but have the evaluation provided at the April Board meeting and prior to approving future contracts. Ms. Harvey seconded the amended motion.**

**Vote Count:**

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

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

**Motion passed.**

**6.8 Support for DEA Take Back Events**

Mr. Schwartz pulled this item off consent for discussion. Mr. Schwartz stated he was in favor of the recommended action of encouraging public safety/police departments to participate in the Drug Enforcement Administration (DEA) prescription drug take back event. Mr. Schwartz requested the Agency Executive Director provide information regarding the event, and the specific steps to take to participate, to the public safety/police departments, and copying county board members and city managers.

**Board Discussion:**

Ms. Bagby stated she was in agreement the outreach was important and believed her jurisdiction’s police chief would respond favorably.

Ms. Agrimonti stated the City of Sonoma had previously participated in this event and expressed her support for the event. Ms. Agrimonti recommended informing the community where to do this during the year.

Mr. Carter explained the education could be supplemented, however this was one of the few opportunities to legally dispose of controlled substances. Mr. Carter noted this events only

happened twice a year, as the regular medicine take back locations could not take the controlled substances because it required a sworn peace officer to monitor that activity.

**Public Comments:**

None.

**Board Discussion (continued):**

**Ms. Agrimonti motioned to approve requesting the Agency Executive Director provide information to the public safety departments, copying county board members and city managers regarding the drug takeback event and the specific steps to take to participate. Ms. Fudge seconded the motion.**

**Vote Count:**

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

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

**Motion passed.**

**7. Discussion and Possible Action on Franchise Agreement Assignment Assistance**

Mr. Carter stated this item was regarding the discussion that took place at the last Board meeting regarding the potential assignment of the franchise agreements that would affect 9 of the 10 jurisdictions in Sonoma County. Mr. Carter noted it was suggested there were likely a number of questions that would be common amongst all members regarding the assignment but also recognizing each franchise agreement was unique and ultimately each city and the County needed to take ownership for whatever assignment it would have.

Mr. Carter stated the intent of this item was to determine if there was interest in having a consultant look at the franchise agreements to determine what things were common between the nine jurisdictions, and potentially helping the cities and the County perform their due diligence on the potential assignment. Mr. Carter estimated the cost for a consultant to perform an analysis of the franchise agreements was less than \$25,000.

**Board Discussion:**

Ms. Gorin asked where the interest in this came from and what the Agency expected to get out of participating and going into the level of detail that may be asked for in an RFP.

Mr. Carter replied this was a service the Agency was looking at providing the Agency members, to provide the expertise for the review of the contract to those who would not necessarily have someone devoted to solid waste. Mr. Carter noted attorneys would need to be involved from the cities and county and this service would not supersede that need.

Mr. Carter noted the suggestion that this was a service the Agency could provide was made by Dan St. John, City of Petaluma, during board member comments at the end of the last Board meeting.



Ms. Fudge noted Windsor was within about a month of awarding a new contract and noted Santa Rosa was almost on the same timeline, but she would be willing to move forward if it helped smaller cities.

Ms. Bagby stated Cloverdale was somewhere in the middle of the term, but she felt this was a valid use of the Agency's pulling power to benefit smaller cities, and she was interested in moving forward with this.

Mr. Schwartz stated Rohnert Park may not be interested in this because they would need their attorney to review it anyways and they could use R3 Consulting Group if they needed to. Mr. Schwartz acknowledged this could be of value to smaller cities. Mr. Schwartz asked if this was something Mr. Walsh would be able to take on for the cities interested, as it would reduce the cost.

Mr. Walsh recommended the interested cities speak with their attorneys to see if that worked for them. Mr. Walsh stated it was something he could do, but he would have to provide the information to the Agency Board member, as he could not provide legal advice directly to the cities. Mr. Walsh stated he could also reach out to the city attorneys if the Board wished.

Ms. Gorin stated she felt the staff report did not describe the tasks to be performed.

Mr. Walsh noted that when there was an assignment provision in these types of franchise agreements and an entity taking over for another entity, a large part of the conditions could be the ability of the entity taking over. Mr. Walsh noted he did not have that type of knowledge in the industry and those expertise to offer.

Mr. Mikus stated that in his review of the franchise agreements as it related to compost materials, he was surprised at the subtle differences. Mr. Mikus said he was supportive of this item moving forward.

**Public Comments:**

Ken Wells, Interested Party, commented that while this was an assignment, there were recycling, diversion, and education responsibilities. Mr. Wells noted it would be useful to review them, and while it may not be allowable under the language of the assignment, it might be nice to know what the responsibilities were in the different communities. Mr. Wells stated this could be an opportunity to get on the same page and of great value to the Agency.

**Board Discussion (continued):**

Ms. Gorin stated she was in agreement with Mr. Wells that there was value in communicating what the community values were and having shared goals regarding HHW, diversion and other things. Ms. Gorin noted that would be the Agency Board communicating with the jurisdictions in their negotiations and that did not require a consultant.

Ms. Gorin asked if the proposal was that the Agency would be advocating to the jurisdictions about what their franchise agreements should look like or would it just be reporting back.

Mr. Carter replied Agency staff proposed looking at the assignment portions for consistency sake, and reiterated this would only be offered as a service to those interested to determine what discussions would need to take place and things that would be common among all members. Mr.

Carter noted that in the future, when franchise agreement were up, the Agency could offer to assist jurisdictions as to the type of issues to consider, as the Agency did with Santa Rosa and Windsor in their current procurement processes.

Ms. Gorin recommended if they were to move forward with this, those smaller cities wishing to should do so on a contractual basis. Ms. Gorin asked that what was being offered to the smaller cities be really clear.

Vice-Chair Mikus asked if Ms. Gorin would be comfortable if Agency staff came back with a scope of work clearly defined.

Ms. Gorin replied she would also want the ability to opt-in and opt-out and an analysis about how it would affect the Agency finances.

**9. Boardmember Comments**

Mr. Schwartz asked for the status on the JPA renewal conversations.

**10. Staff Comments**

Mr. Carter reported he had been to eight of the cities for JPA renewal discussions and all eight had voted to approve the JPA renewal agreement. Mr. Carter noted Santa Rosa was scheduled for April 4<sup>th</sup> and the County for April 11<sup>th</sup>.

**11.** Next SCWMA meeting: April 19, 2017

**12. Adjournment:**

The meeting adjourned at 10:35 a.m.

Submitted by:  
Sally Evans