



Agenda Item # 4.1

Minutes of March 21, 2012

The Sonoma County Waste Management Agency (SCWMA) met on March 21, 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	Dianne Thompson
City of Healdsburg	Mike Kirn
City of Petaluma	Dan St. John
City of Rohnert Park	John McArthur
City of Santa Rosa	Jennifer Phillips
City of Sebastopol	Sue Kelly
City of Sonoma	Steve Barbose
County of Sonoma	Tom O'Kane
Town of Windsor	Matt Mullan

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 9:00a.m.
- 2. Agenda Approval**
Steve Barbose, City of Sonoma, moved to approve the agenda, Sue Kelly, City of Sebastopol, seconded. Agenda approved.
- 3. Public Comments (items not on the agenda)**
None.

Consent (w/attachments)

- 4.1 Minutes of February 15, 2012
- 4.2 Local Task Force Bylaws Amendment

Matt Mullan, Town of Windsor, moved to approve the consent calendar. Mike Kirn, City of Healdsburg, seconded. Consent calendar approved with a unanimous vote.

Regular Calendar

- 5. HHW Contract Negotiations (continued)**
Lisa Steinman reported that the HHW contract negotiation with Clean Harbors was a success. The contractor agreed to a one year extension with the same contract compensation amount.

However, they did request the option to ask for a fuel increase if the average cost of diesel rises above \$4.50 a gallon.

Board Discussion

Dan St. John, City of Petaluma, asked how long the contract has been in place. Ms. Steinman replied since 2002.

Steve Barbose, City of Sonoma requested confirmation the contract would be a flat rate for labor for year one and then Consumer Producer Index (CPI) thereafter. Ms. Steinman replied this was correct.

Public Comments

None.

Board Comments

Dan St. John, City of Petaluma, commented he was given direction to consider using the competitive process.

Steve Barbose, City of Sonoma, advised that this has been an ongoing topic, Request For Proposal (RFP) versus renewing contracts. The RFP process is very expensive and there is only one other competitor known to staff. Ms. Steinman added that in the last couple of years she hasn't been approached by any other contractor expressing interest.

Chair Regor remarked that the Board gave direction in the February meeting for the SCWMA to move forward with an extension of the contract if it would remain flat.

Tom O'Kane, County of Sonoma, advised the County is uncomfortable with an extension beyond one year.

Matt Mullan, Town of Windsor concurs that the contract has been in effect too long and from a public policy standpoint it needs to go out to a competitive process to get the best service at the best price.

Dianne Thompson, City of Cotati, asked about the complexities for a contract like this. Mr. Mikus answered the complexity is collecting and disposing of household hazardous waste, therefore the initial bid document has to be very detailed. After the contract is bid there is a long process to vet any prospecting bidders to make sure they are capable and follow all the environmental laws.

Tom O'Kane, County of Sonoma, moved to extend the contract through June 30, 2013. Matt Mullan, Town of Windsor seconded. Motion approved with a unanimous vote.

6. FY 12-13 Draft Budget

Henry Mikus, Executive Director, said last month the work plan was presented as a draft. It included staff hours and contract amounts which was used as a basis for the draft budget being presented for comment.

Charlotte Fisher described the key differences between the FY 11-12 Budget and the FY 12-13 Draft Budget.

Board Discussion

Matt Mullan, Town of Windsor, wanted clarification on the administrative costs of the upcoming vacancy of a ¾ time position that is being made into a full time position. Henry Mikus, Executive Director, responded that Charlotte Fisher will be retiring. Because of her expertise

she has been able to do the job in just 32 hours a week, but with a new employee and the complexities of the job it is necessary to make it a full time position. Matt Mullan asked about the change in sick and vacation days. Ms. Fisher replied the Integrated Waste Division has been carrying the expense for SCWMA employees, but SCWMA will be assuming this expense so it is being included in the budget.

Dan St. John, City of Petaluma, asked what OT means. Ms. Fisher replied it means one time or operating transfer. This process is used to transfer profits/revenues into the reserves. Dan St. John asked what the philosophy is of maintaining such a large fund balance. Mr. Mikus answered the biggest portion, \$5 million, has been set aside for a new compost facility.

Chair Regor added that there is also a reserve policy in place that the Board revisited a few months ago.

Public Comments

None.

Board Comments

None.

Chair Regor advised Agency to move forward with the budget process and bring back a final budget to the April meeting for potential approval.

7. E-Waste Transport and Recycling Services Contract

Lisa Steinman requested Board approval to distribute an RFP to identify a contractor to provide for the transportation and recycling of electronic waste collected at the County Transfer Stations and the Central Disposal Site. The SCWMA currently has a contract with ECS Refining, which will expire on May 31, 2012.

Board Discussion

Matt Mullan, Town of Windsor, questioned if there is sufficient language in the RFP to fully indemnify the Agency regarding any and all activity that the potential contractor is going to provide.

After much discussion among the Board concerning whether the individual cities or the SCWMA might be liable for the contractor's actions. Janet Coleson, Agency Counsel, opined the language in the RFP is sufficient, but would look into it further.

Public Comments

None.

Board Comments

Sue Kelly, City of Sebastopol, and Mike Kirn City of Healdsburg, support staff's suggestion to add pollution coverage to the contract.

Tom O'Kane, County of Sonoma, suggested that instead of the contract being for a full five years, it should expire on February 11, 2017 to coincide with the possible expiration of the JPA.

Tom O'Kane, County of Sonoma motioned to approve distribution of the RFP with the addition of pollution control insurance and expiration date of the contract to be concurrent with the expiration of the JPA. Dianne Thompson, City of Cotati, seconded. Motion carried unanimously.

8. Electronic Waste Collection Events Contract

Lisa Steinman reported that the current E-Waste Collection Events contract with Goodwill Industries of the Redwood Empire will expire on June 16, 2012. SCWMA staff requested approval from the Board to issue an RFP to establish a new contract for E-Waste collection with a two year agreement including three optional one year extensions through 2017. In addition to the selection of a preferred proposer, staff recommended a contingency agreement with the second highest ranked proposer in case the selected proposer is unable to perform its service commitments.

Board Discussion

Chair Regor asked for clarification of insurance in the RFP. Ms. Steinman responded that a requirement could be added that the proposer selected must use a recycler that has pollution coverage insurance.

Public Comments

None.

Board Comments

Tom O’Kane, County of Sonoma, commented that this agreement should only go through the end of the JPA.

Sue Kelly, City of Sebastopol moved to accept staff recommendations of a two year contract with multiple extensions through February 11, 2017 and a contingency agreement. Tom O’Kane, County of Sonoma seconded. Motion carried unanimously.

9. Discussion Regarding Contracts

Henry Mikus, Executive Director, suggested the nature of the contract or purchase, not the dollar amount, should be the preferred method considered to determine what path to take.

Public Comments

None.

Board Comments

Chair Regor, suggested bringing this topic back to the next meeting since the topic might be new to some of the Boardmembers.

Dan St. John, City of Petaluma, asked if there was any desire to increase the \$5,000 limit that is in place before having to go to the Board. Mr. Mikus responded that he felt this parameter was adequate.

Dianne Thompson, City of Cotati, stated she agrees with the general approach recommended by Mr. Mikus and that it’s more pertinent to consider nature of the purchase not the dollar amount.

10. Compost Operations Negotiations

Henry Mikus, Executive Director, announced that with Agency Counsel’s assistance a draft contract has been developed. Currently the contract for composting is a 3-sided agreement because the County hosts the operation on their property, which complicates the contract negotiations. SCWMA is the permit holder of record, so Agency Counsel has suggested having a two party agreement with an operator and a separate agreement with the County.

Public Comments

None.

Board Comments

Board reached consensus on having a two party agreement.

Tom O'Kane County of Sonoma left the meeting at 10:03a.m.

11. Compost EIR Recirculation Discussion

Patrick Carter requested direction from the Board on whether to consider the draft Environmental Impact Review (EIR) as it is with the 110,000 ton capacity or should there be another amendment to the Environmental Science Associates (ESA) agreement to study the 200,000 ton capacity. Staff recommends an 8th amendment to the ESA agreement at a cost of \$34,000.

Board Discussion

Matt Mullan, Town of Windsor, asked if going up to 200,000 tons a day included permitting for food waste. Mr. Carter affirmed it would accommodate all types of food waste.

Chair Regor questioned if the \$34,000 includes all costs including the cost associated with recirculation of the new draft and the public hearings. Mr. Carter responded all those expenses are included.

Public Comment

Pam Davis, Sonoma Compost Company (SCC), stated it's their belief the Central Disposal Site (CDS) is the preferred site and SCC could meet all of the County's yard waste and food scrap composting needs on that location. Also there are transportation efficiencies for commercial and residential customers used to coming to CDS.

Board Comments

Steve Barbose, City of Sonoma, said he's in favor of moving forward with the additional study because the public has made it clear their opposition to the other sites being considered.

Dan St. John, County of Petaluma, asked what the total value of the contract was with ESA at this point with all the existing amendments. Mr. Carter replied including the \$34,000 asked for today it would be a total of \$794,486. Mr. St. John questioned how the proposed operation could go from 110,000 to 200,000 tons. Mr. Carter responded reconfiguring the site and using different technology could increase capacity.

Chair Regor, asked Mr. Carter to explain what the expected needed capacity is for the EIR. Mr. Carter responded SCC is processing about 100,000 tons of compost right now and very little of is food related. A waste characterization study was done in 2006-2007 and identified there's about 80,000 tons of additional compost capacity that could be diverted to compost.

Mike Kirn, City of Healdsburg, commented if it's decided to move forward with the amendment and recirculation, it doesn't guarantee that Sonoma Compost is the vendor at that site it just means the site is capable of handling the capacity. Mr. Carter affirmed that is the situation.

Steve Barbose, City of Sonoma, moved to approve the amendment to the contract of ESA to modify the Draft EIR and recirculate the change. The motion was seconded by Dianne Thompson, City of Cotati. Motion carried, County of Sonoma representative absent.

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

Steve Barbose, City of Sonoma and Sonoma Waste Advisory Group (SWAG) liaison, gave an update on the last SWAG meeting and suggested that SWAG meeting summary reports be included in the Boardmembers packets. SWAG contracted with HDR to come up with an

independent study of long term planning options. Their report was given along with recommendations. HDR recommended a new or amended JPA agreement without the unanimous vote requirement. They also recommended that the JPA be composed of electives instead of staff. It was recommended a new compost facility and a municipal recovery facility (MRF) be attained by having County-owned facilities with private sector operators. The Regional Water Quality Control Board has reached an agreement with the County on the basic liner design for the Central Landfill. 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

Matt Mullan, Town of Windsor, would like the HDR report to go out to all Boardmembers because there is a lot of information and suggestions on the future of the SCWMA. Mr. Mikus advised he would get it out to them. He also commented on the necessity of coordination between the groups on the public education efforts being done. Mr. Mullan also urged the Board to steer the Executive Director to become active in SWAG projects.

Chair Regor commented that Mr. Mikus, Executive Director, does serve on the research committee.

Steve Barbose, City of Sonoma, added a number of cities expressed the lack of interest in ownership of any new facilities. They want to be a customer, not an owner, which is not concurrent with the HDR recommendation.

Mike Kirn, City of Healdsburg, inquired how the 90% diversion goal was established. Mr. Barbose answered the 90% target was chosen to reflect wants versus needs.

Dianne Thompson, City of Cotati, commented that it might be advisable for this Board to have a discussion about the sunset of SCWMA and to have the discussion sooner rather than later in order to preempt SWAG discussions.

Public Comment

Ernie Carpenter, waste consultant, stated there is a need to take a leadership role in extending the JPA agreement. He recommended using its present form and then revisit it a few years down the road for adjustments.

13. Attachments/Correspondence

Henry Mikus, Executive director, reported the Mandatory Commercial Recycling project is in high gear. The contract personnel have done the first mailing and are now in the middle of making site visits. The outreach has begun and so far the results have been positive.

14. On File with Clerk

Chair Regor noted resolutions approved in February 2012 for Recycling Guide purchase order and office reconfiguration.

15. Boardmember Comments

Chair Regor, said she would like to see an update on the reserve policy and also an update and initial discussion on the extension of the SCWMA beyond the existing expiration date at the next meeting.

16. Staff Comments

Patrick Carter reported there have been five out of the nine carryout bag meetings. The attendance has been low, but the people attending are overwhelmingly in favor of the ban.

The email comments received have been mostly in favor. In April, there will be a complete update on the progress of the project and there may even be some recommendations.

Mike Kirn, City of Healdsburg, asked who has been attending the meetings. Mr. Carter responded that most are community members, but there has been one local grocery store that attended two of the meetings.

Mr. Mikus added that there is a meeting in Windsor tomorrow night, Rohnert Park on Friday, Healdsburg on Monday and end with Sebastopol on Tuesday. We have had Tom Scott of Oliver's market at some meetings. His message has been very valuable. He refuted the concern from merchants about cost.

17. Next SCWMA Meeting – April 18, 2012

18. Adjournment

Meeting adjourned at 10:42a.m.

Respectfully submitted,
Debra Dowdell