



MINUTES OF APRIL 15, 2009

The Sonoma County Waste Management Agency met on April 15, 2009, at the City of Santa Rosa Utilities Department's Subregional Water Reclamation System Laguna Plant, 4300 Llano Road, Santa Rosa, California.

PRESENT:

City of Petaluma	Vince Marengo, Chair
City of Cloverdale	Gus Wolter
City of Cotati	Marsha Sue Lustig
City of Healdsburg	Mike Kirn
City of Rohnert Park	Dan Schwarz
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Jack Griffin
City of Sonoma	Milenka Bates
Town of Windsor	Christa Johnson
County of Sonoma	Phil Demery

STAFF PRESENT:

Executive Director	Mollie Mangerich
Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Charlotte Fisher
	Lisa Steinman
Recorder	Elizabeth Koetke

1. CALL TO ORDER SPECIAL MEETING

The special meeting was called to order at 8:30 a.m. by Vince Marengo.

2. OPEN CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 500 Mecham Road, Petaluma, California

Agency Negotiator: Executive Director

Negotiating Party: County of Sonoma

Under Negotiation: PRICE _____

TERMS _____

BOTH ____X____

3. ADJOURN CLOSED SESSION

No report.

4. CALL TO ORDER REGULAR MEETING/INTRODUCTIONS

The regular meeting was called to order at 9:10 a.m.

5. ATTACHMENTS/CORRESPONDENCE

Chairman Vince Marengo, called attention to the Director's Agenda Notes.

6. ON FILE WITH CLERK

Chairman Marengo noted the resolutions from the March 18, 2009 meeting on file with the clerk.

7. PUBLIC COMMENTS (items not on the agenda)

There were no public comments.

CONSENT

8.1 Minutes of March 18, 2009

8.2 FY 07-08 Audit Report

8.3 E-waste Collection Update

8.4 Carryout Bag Update

Item 8.1 pulled by Chairman Marengo and Dell Tredinnick, Santa Rosa.

Item 8.2 pulled by Marsha Sue Lustig, Cotati.

Dell Tredinnick, Santa Rosa, moved to approve items 8.3 and 8.4. Dan Schwarz, Rohnert Park, seconded.

8.1 Chairman Marengo requested that comments made during the March 18, 2009 meeting, item 5.2 (Amendment to City of Petaluma Services Agreement) be clarified, clarification provided via email to Agency staff.

Dell Tredinnick, Santa Rosa, reported that a member of the AB 939 Local Task Force (LTF) had emailed him and requested that a better description of the Zero Waste Subcommittee presentation be added to the minutes from March 18, 2009. An email was sent with no reply.

Janet Coleson, Agency Counsel, commented that the minutes from the Agency meetings are not meant to be verbatim minutes.

The matter was discussed and the Board concluded that the handouts provided by the Zero Waste Subcommittee would be included in the amended minutes from the March 18th meeting.

Amended minutes from the March meeting will be included in the May 20th agenda packet and item 8.1 (minutes from March 18th meeting) will be continued to the May 20th meeting for approval.

8.2 Marsha Sue Lustig, Cotati, removed this item from the consent calendar to take the opportunity to compliment staff on this report.

Ms. Lustig, Cotati, moved to approve item 8.2, Gus Wolter, Cloverdale, seconded. Item 8.2 approved.

Chairman Marengo reported that the Executive Director meets with the Executive Committee monthly to discuss the agenda for the upcoming meeting.

Mr. Marengo invited any interested Board members to attend that meeting. After some discussion direction was given to staff to send the draft agenda out to the entire Board when it is sent to the Executive Committee.

Chairman Marengo requested the Board's permission to change the order of the agenda moving the unanimous vote items to the beginning of the meeting. Changes are as follows:

REGULAR CALENDAR

EDUCATION

12.1 AGREEMENT WITH GENACOM, INC. FOR MAINTENANCE OF SONOMAX WEBSITE

Ms. Chilcott explained this item relates to the website hosting and maintenance of the Agency's materials exchange program the Sonomax.org by Genacom, Inc. There are two main components; \$6,650 for maintenance and support rendered during the negotiation period and an Agreement for future web site hosting, support, and on-going maintenance on a month-to-month basis.

Jack Griffin, Sebastopol, moved to approve the Agreement. Marsha Sue Lustig, Cotati, seconded. Motion approved unanimously.

ADMINISTRATION

9.1 APPROVAL OF FINAL BUDGET FY 09-10

Ms. Mangerich recounted that staff brought the FY 09-10 Work Plan to the Agency Board early in the year with a deficit budget. Staff was given direction to prioritize programs and balance the budget. Staff returned with a balanced draft budget in March 2009, which the Board approved. Following Agency process, the finalized version was presented to the Board for approval.

Phil Demery, Sonoma County, affirmed the need to restructure the JPA fee and have it become independent of the surcharge tip fee, which is dependent on the economy.

Dell Tredinnick, Santa Rosa, moved to approve the final budget for FY 09-10. Christa Johnson, Town of Windsor, seconded. Motion approved unanimously.

9.2 AGREEMENT FOR DEVELOPMENT OF PROGRAM AGENCY FEE

Ms. Mangerich said at the beginning of the year the Board gave staff the authorization to develop a Request for Proposal (RFP) for the development of a Program Agency, an alternate method of funding the Agency without relying solely on the surcharge tip fee.

Dell Tredinnick, Santa Rosa, asked if the subject of illegal dumping was addressed in this RFP. Ms. Mangerich said it was not, but there is an aggressive litter abatement program funded by the California Integrated Waste Management Board (CIWMB). This program is a cooperative effort among several County departments and she is involved along with other County employees.

Mr. Tredinnick asked for a parallel effort to monitor roadside dumping for cause and effect of the Program Fee and have mitigation plan in case of greater roadside dumping.

Christa Johnson, Windsor, asserted her concerns about possible Proposition 218 implications, rate increases, legal costs, changing franchise Agreements and the administrative costs associated with development of the Program Fee. She expressed her view that implementing an Agency Fee should require a unanimous vote.

Phil Demery, Sonoma County, said increasing the JPA fee above \$5.40/ton would require a unanimous vote and the County wouldn't support it.

Ms. Coleson, Agency Counsel, explained the goal is to change the funding mechanism, not necessarily a rate change. There should be no impact on Windsor's franchise Agreement.

Dan Schwarz, Rohnert Park, moved to approve the agreement for development of a Program Fee. Christa Johnson, Town of Windsor, seconded. Motion approved unanimously.

10.2 C² ALTERNATIVE SERVICES CONTRACT EXTENSION FOR USED OIL RECYCLING PROGRAM

Ms. Steinman reviewed the history the Agency has with C² Alternative Services auditing oil recycling centers and coordinating oil recycling publicity programs which is funded by the CIWMB under a Used Oil Block Grant.

The current agreement expires on June 30, 2009; the Amendment would extend the contract to June 30, 2010. Staff has been very satisfied with the quality of the Contractor's performance and recommended approval of the Fourth Amendment.

Marsha Sue Lustig, Cotati, moved to approve the Fourth Amendment to the contract extension with C² Alternative Services for used oil recycling. Mike Kirn, Healdsburg, seconded. Motion unanimously approved.

ADMINISTRATION

9.3 AB 479 SOLID WASTE DIVERSION REQUEST FOR AGENCY LETTER OF SUPPORT

Ms. Mangerich commented that as Executive Director of the Agency she has been authorized by the Board to submit letters of support for legislation that mirrors that of the Agency. AB 479 is complex enough that full Board consideration is sought prior to a letter of support being sent. Ms. Mangerich presented pros and cons of the bill to the Board.

Christa Johnson, Windsor, was not in favor of the bill but was in favor of sending a letter of opposition about the bill.

Dan Schwarz, Rohnert Park, was not in favor of the bill or of sending a letter of opposition.

Chairman Marengo and Phil Demery, Sonoma County, concurred with Windsor and Rohnert Park.

Public Comments on item 9.3

Tim Smith suggested that rather than opposing the bill the Executive Director could contact Assemblyman Chesbro's office and speak with his technical advisor expressing the concerns the Agency has with the bill.

Dell Tredinnick, Santa Rosa, requested staff provide a tutorial to the Board regarding how diversion rates are calculated and verified through the State.

Phil Demery, Sonoma County, commented the Agency would need to know the ramifications of this bill and would need additional information before supporting it.

After much discussion about how the diversion rate is calculated and future changes the CIWMB will make to the calculation methods, it was decided that a letter of would not be sent at this time. Instead the Board directed the Executive Director to call and express concerns about the bill with the Technical Advisor in Assemblyman Chesbro's office. **Staff will return with an informational item about the calculation process of the diversion rate.**

Dell Tredinnick left the meeting at 10:17 a.m. Elise Howard (alternate) assumed position for the City of Santa Rosa (e.k.).

9.4 AB 939 LOCAL TASK FORCE (LTF) COMMITTEE

This item was placed on the agenda at the request of the Executive Committee following a discussion that occurred at the March 18, 2009 Agency meeting. Although some preliminary conversations have taken place between the Executive Director. and County Counsel there is not enough information to

give the Board a report at this time. Ms. Mangerich offered to bring this item back to the May 20th meeting with a report. Ms. Coleson, Agency Counsel, concurred.

Christa Johnson, Windsor, said Windsor is supportive of the status quo commenting the Agency has enough to work on without taking on additional responsibilities. Ms. Johnson would like to rescind the direction to Agency staff to put time, effort, and resources into exploring options.

Phil Demery, Sonoma County, commented that he'd like to see the Agency finish researching in terms of the requirements. The Agency needs to look at the costs, benefits, impediments and disadvantages for the future.

Marsha Sue Lustig, Cotati, agreed it is a low priority and remarked if the County is interested in making a change, the County should do the research and supply the information.

Ms. Coleson, Agency Counsel, said the response coming back to the Board will be informational only. County Counsel has done some background review on statutes and regulations. A minimal amount of review would be required by Agency Counsel.

Christa Johnson, Windsor, made a motion that staff not work on this project until the work on the composting facility, the landfill divestiture and the program fee work is complete. When those projects are completed this topic can be discussed further. Motion was seconded by Gus Wolter, Cloverdale.

Dan Schwarz, Rohnert Park, said he was uncomfortable with the motion because it had such specific direction to staff. He recommended the motion be for the Executive Director to exercise her judgment as to available staff resources to deal with this subject understanding the policies and priorities of the Board.

Public Comments on item 9.4

Tim Smith commented the County is a member of the Board and also provides services for the Board. This is an opportunity to work together with the County and should be considered.

Ken Wells, Guiding Sustainability, said he didn't see it as a cost benefit issue but rather as a significant legal issue.

Dan Schwarz, Rohnert Park, said staff has a work plan and they understand the priorities.

Marsha Sue Lustig, Cotati, stated the amended motion to be the three priorities (compost facility, landfill divestiture, program fee) were to be addressed by staff prior to tending to the issue of the LTF. When staff determines they have time to address this issue they will speak with County Counsel and develop a report for the Board on the function and legalities around LTF.

Ms. Johnson, Windsor and Mr. Wolter, Cloverdale accepted the amended motion. Amended motion approved.

Gus Wolter and Dan Schwarz left the meeting at 10:42 a.m. (e.k.).

HOUSEHOLD HAZARDOUS WASTE

10.1 PRESENTATION BY C² ALTERNATIVE SERVICES ON USED OIL

Connie Cloak, C² Alternative Services, thanked the Board for renewing their contract. Their current focus is on targeting 'do-it-yourselfers' particularly those who are not disposing of motor oil properly. There programs created by legislation and funded by a tax assessed on all lubricating oil sold in the State of California.

Hugo Mata, C² Alternative Services, said as bilingual staff he had participated in local events such as Cesar Chavez Day and Cinco de Mayo. He has visited day labor locations to try to reach Spanish speaking do-it-yourselfers and also radio and television have been utilized

Christa Johnson, Windsor, asked if Walmart and Home Depot allow promotional materials to be displayed in their stores. She volunteered to be a liaison for C² Alternative Services with Home Depot and Walmart in Windsor.

DIVERSION

11.1 BEVERAGE CONTAINER PROGRAM

Mr. Carter said on March 30th, 2009 the Department of Conservation sent notices to each of the cities for funding requests for this next fiscal year's allotment of the City/County payment program. This money has been used in the past to fund the countywide collection and servicing of beverage containers in the parks, and can be used for purchases of additional new containers on a first-come first-serve basis. Staff requested that their role of grant administrator be reaffirmed and offered to complete the forms for each of the cities and submit them to the State.

Marsha Sue Lustig, Cotati, moved to approve the process of pooling the funds and reaffirming Staff as the grant administrator. Jack Griffin, Sebastopol, seconded. Cloverdale and Rohnert Park, absent. Motion approved.

ORGANICS

13.1 COMPOST RELOCATION UPDATE

Mr. Carter said the top-ranked site identified in the Siting Study (Site #40) had been taken out of consideration because of discussions with the So. Co. Agricultural Preserve and Open Space District. In March 2009, staff learned negotiations between Open Space and the property owners of Site 40 had failed. Staff believes there is merit in further consideration of the site as it was the top-ranked site in the siting study

Mike Kirn, Healdsburg, asked if including the site would impact the cost or the time line.

Mr. Carter said it would impact the cost, but the consultants believe they can finish the process within the time allotted assuming it starts before the end of May.

Christa Johnson, Windsor, asked if it would be worth deleting Site 14 and adding Site 40 as a new option.

Mr. Carter said there would be some cost savings. There are two options; Site 40 could be included as an alternative site or more environmental work would need to be done if Site 40 is proved to be a superior site. Originally, Site 40 was the number one ranked site; Site 14 ranked the lowest of the 3 sites.

Mike Kirn, Healdsburg, asked if staff could provide information about costs using two options: 1) Site 40 as a standalone and 2) assessing Site 40, deleting Site 14.

Mr. Carter said he would provide some of those costs and reminded everyone this item will eventually require a unanimous vote.

Christa Johnson, Windsor, said the Executive Director met with her and Town Manager Matt Mullan recently as they are not 100% comfortable with the fact the compost operation has to move off the current site. She requested that Agency staff meet with the NCRWQCB to obtain a better understanding of any composting permitting issues necessary to keep the composting facility at the Central landfill. If and when a new owner is identified she would like to inquire whether they can operate the composting facility. She questioned whether the composting operation should be an

Agency function. In summary, she supported adding Site 40.

Marsha Sue Lustig, Cotati, has supported and will continue to support the EIR because it's a path that needs to be explored for due diligence. The question the compost facility needing to leave the landfill is something the Board needs to know

Ms. Coleson, Agency Counsel, said a number of issues had been brought forth through the discussion. The only issue on the agenda is the compost relocation project and whether the Board wants staff to come back with Site 40 included in the EIR. Other relocation issues have been brought up and are not agendized. Staff could come back with information explaining why the compost facility can't be on the Central Landfill Site because of the issues with the NCRWQCB.

Chairman Marengo said the Board is entitled to understand about the basis of the ruling by the NCRWQCB.

Jack Griffin, Sebastopol, made a motion to approve including Site 40 in the EIR. Christa Johnson, Town of Windsor, seconded. Cloverdale and Rohnert Park, absent.

Milenka Bates left the meeting at 11:23 a.m. (e.k.).

Chairman Marengo recommended an ad hoc subcommittee consisting of two Board members and Agency Counsel to address this issue. Ms. Mangerich offered to contact the NCRWQCB to discuss the questions the Board has about the existing compost facility site and bring information back to the June 2009 Agency meeting.

Phil Demery left the meeting at 11:30 a.m. (e.k.).

14. BOARDMEMBER COMMENTS

Jack Griffin, Sebastopol, thanked staff for the promotional materials they designed and provided for the food waste composting pilot program.

Christa Johnson, Windsor, shared the Town is sponsoring their 2nd Annual Earth Day Celebration, Sunday April 17th from 10 a.m. to 2 p.m. on the Town Green. The event is sponsored by Windsor Refuse and Recycling. Agency staff will also provide a booth.

15. STAFF COMMENTS

Ms. Chilcott has boxes of the 2009 Recycling Guide available for distribution.

16. ADJOURNMENT

Meeting adjourned at 11:35 a.m.

Copies of the following were distributed and/or submitted at this meeting:
2009 Recycling Guides

Respectfully submitted,
Elizabeth Koetke