



Minutes of April 17, 2013 Meeting

The Sonoma County Waste Management Agency met on April 17, 2013, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California

**Present:**

City of Cloverdale	Bob Cox
City of Cotati	Susan Harvey, Chair
City of Healdsburg	Mario Landeros
City of Petaluma	Dan St. John
City of Rohnert Park	John McArthur
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Sue Kelly
City of Sonoma	Steve Barbose
County of Sonoma	Susan Klassen
Town of Windsor	Debora Fudge

**Staff Present:**

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

**1. Call to Order**

The meeting was called to order 9:05 a.m.

**2. Agenda Approval**

There were no changes to the agenda. Item 5 will be presented upon arrival of the representative from City of Santa Rosa.

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

Pam Davis, Sonoma Compost Company (SCC), reported that Home and Garden Challenge details the 2013 sustainable actions to be accomplished by May 13-19, 2013, and Sonoma Compost Company will be donating a cubic yard of compost to each of the project participants. She extended an invitation to Boardmembers and made available posters. Also, during Earth Day week, SCC will be donating 25% of the day's receipts to Bare Farm.

**Consent** (w/attachments)

4.1 Minutes of March 20, 2013

**Susan Klassen, County of Sonoma, moved to approve the Consent Calendar. Sue Kelly, City of Sebastopol, seconded the motion. The motion passed with John McArthur, City of Rohnert Park, abstaining. The City of Santa Rosa was absent.**

## Regular Calendar

### 5. **FY 13-14 Final Budget**

This item was delayed by the chairman due to lack of a full complement of directors necessary for the unanimous vote.

### 6. **Carryout Bag Ordinance Final EIR**

Janet Coleson, Agency Counsel, described the process being approached at this meeting along with all of the draft ordinances and sample indemnification requested by one jurisdiction included in the agenda packet.

Patrick Carter, Agency staff, presented that the Final Environmental Impact Report (EIR) has been developed, comments have been received, responses have been reviewed, and any specific changes have been included in the updated Final EIR. During the education process to the jurisdictions, staff determined some jurisdictions wanted an additional presentation by Agency staff before the final consideration of the ordinance. The option for additional meetings with staff and jurisdictions' committees or councils was extended.

An administrative penalties ordinance would need to be adopted in parallel with the ordinance. This administrative penalties ordinance would specify civil penalties which could be levied against persons operating in violation of Agency ordinances.

An indemnification agreement between the Agency and each member jurisdiction was also offered. This agreement would indemnify the member for any legal action that may be taken against that member for participating in the Agency's carryout bag ordinance. Though Agency Counsel believes this protection already exists in the JPA agreement, this additional agreement would make that protection explicit, should an individual jurisdiction desire it.

The next anticipated step is the additional visits to jurisdictions that request them, followed by certification of the Final EIR, and readings of the ordinance. The anticipated effective date of the carryout bag ordinance and administrative penalties ordinance is January 1, 2014.

Rincon Consultants, approved consultant for the EIR, has completed the project on time and within budget. The Final EIR serves as the final deliverable from the consultant.

### **Board Questions**

Steve Barbose, City of Sonoma, asked if the jurisdictions' representatives would be responsible for taking the EIR back to the appropriate city councils. Henry Mikus, Executive Director, responded that staff is available if the jurisdictions wish. It was not expected that staff would visit every jurisdiction.

Dan St. John, City of Petaluma, requested clarification of the administrative penalties ordinance. Ms. Coleson responded this means of enforcement could be described as "writing tickets" with monetary penalties for multiple infractions. These penalties do not require court action and the enforcement efforts would stay within the Agency.

Susan Klassen, County of Sonoma, asked if the indemnification ordinance would be signed by the representative on behalf of their jurisdiction. Ms. Coleson replied that each representative should work with their individual counsels for advice on the proper signatory.

Susan Harvey, City of Cotati, inquired about the proposed dates of the certification process. Ms. Coleson replied the dates would be adjusted as necessary.

## **Public Comment**

There were no comments.

## **Board Discussion**

Consensus to go forward was reached. Mr. Mikus repeated the invitation for staff visits to individual jurisdictions for educational purposes concerning the ordinances.

## **7. New Compost Site Final EIR**

Ms. Coleson described the process of the Final EIR for the proposed composting sites, historical, current and necessary future activities. The Final EIR was presented to the Board.

Staff proposes creating a matrix of considerations which would discuss the pros and cons of the two viable sites – the Central Disposal Site and Site 40, which will be brought forth at the June 2013 meeting. The Board could certify the Final EIR and select a new composting site at a subsequent meeting.

Mr. Carter summarized the activities of consultant, ESA, and commented on the request for additional funding. Staff recommended that no additional funding be approved because additional funds were allocated during the EIR process as the project evolved and requests were fulfilled.

## **Board Questions**

Susan Harvey, City of Cotati, asked if the ESA agreement was a fixed cost or a time and materials agreement. Mr. Carter replied the agreement is a fixed cost document with a not-to-exceed clause.

## **Public Comment**

Roger Larsen, resident of Happy Acres, expressed his concerns should the Central site be used for the continuing and expanded composting operations. He stated he was particularly concerned with the redirection of the EIR process based on a letter instead of a more comprehensive analysis. Mr. Larsen expressed a number of concerns he had regarding the continued operation of a composting facility at the Central Disposal Site.

*Dell Tredinnick, City of Santa Rosa, arrived at 9:34 a.m.*

Bill Hendrich, resident of Happy Acres, stated his concerns about the competition of the Central site between the composting operation and the landfill operation. He inquired about the new composting technologies referred to in the EIR document and he would like to see proof or descriptions of the technologies.

Dan Sicular, ESA project manager, offered to answer questions and clarify the request for additional payment due to additional work done by ESA on the Final EIR.

## **Board Discussion**

Mr. Mikus told the Board that staff is planning to do an analysis of any additional costs associated with each site and he estimates that this exercise will take approximately two months to complete.

Susan Harvey, City of Cotati, asked if there would be any additional ESA costs. Mr. Mikus replied this issue was addressed in the staff report and staff feels ESA has been adequately compensated.

Dan St. John, City of Petaluma, asked if there was need for more analysis beyond the scope of the current EIR. Ms. Coleson replied that this EIR investigated several sites with site specificity, which would be adequate. She added that other information beyond the scope of the EIR would be obtained for the purposes of informing the Board before a decision was made.

Mr. St. John then asked how this new independent information would be incorporated into the process. Mr. Mikus replied that different scenarios would be included such as the site at Central would be offered by the County of Sonoma, but the cost of development could be higher than if Site 40 was selected. Site 40 could be either purchased or leased, which could affect the price of the property and site improvements could be less but would be offset by the higher cost of material transport. Ms. Coleson added that a legal analysis will probably be needed as well.

Mr. St. John commented the ESA agreement was a staff issue.

**Steve Barbose, City of Sonoma, moved that a full analysis, both practical and financial, of the composting sites be done and presented to the Board. Dan St. John, City of Petaluma, seconded the motion. The motion was passed with a unanimous vote.**

## **5. FY 13-14 Final Budget**

Mr. Carter presented the FY 13-14 Final Budget for Board approval. He pointed out there were no changes from the FY 13-14 Draft Budget presented at the last regular board meeting.

### **Board Questions**

Dan St. John, City of Petaluma, asked for a definition of "OT Within Enterprise". Mr. Carter answered explaining these were operating transfer from one cost center to another.

### **Public Comment**

None.

**Susan Klassen, County of Sonoma, moved to approve the FY 13-14 Final Budget as presented. Bob Cox, City of Cloverdale, seconded the motion. The motion passed with a unanimous vote.**

## **8. Attachments/Correspondence:**

- 8.1 Director's Agenda Notes
- 8.2 Reports by Staff and Others:
  - 8.2.a April and May 2013 Outreach Events
  - 8.2.b EPR Update Report

Mr. Mikus called attention to the letters of support sent to support legislation that is within the mission of the Agency. Copies were included in the agenda packet.

**9. Boardmember Comments**

None.

**10. Staff Comments**

Mr. Mikus has received a request from Shirlee Zane, County of Sonoma representative, to move the date of the regularly scheduled board meeting from the third Wednesday to the second or fourth Wednesday of the month.

For the Construction and Demolition analysis, staff will need contact information from each jurisdiction in order to update the information.

Mr. Carter announced that the City of Santa Rosa will need the Council Chambers in June. The Agency meeting will be moved to another location, which will be announced later.

Ms. Chilcott announced that the Recycle Guides for 2013 are available for distribution.

**11. Next SCWMA meeting: May 15, 2013**

**12. Adjourn**

The meeting was adjourned at 10:03 a.m.

Submitted by  
Charlotte Fisher