



## Agenda Item # 6.1

### Minutes of April 18, 2012

The Sonoma County Waste Management Agency (SCWMA) met on April 18, 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	Susan Harvey
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	Jack Griffin
City of Sonoma	Steve Barbose
County of Sonoma	Susan Klassen
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 9:02a.m.
- 2. Agenda Approval**  
**Susan Harvey, City of Cotati, moved to approve the agenda, Mike Kirn, City of Healdsburg, seconded. Petaluma absent. Agenda approved.**
- 3. Public Comments (items not on the agenda)**  
None.

#### **Consent** (w/attachments)

- 4.1 Minutes of February 15, 2012
- 4.2 Non-Profit Organizations Grant Awards
- 4.3 FY 11-12 Third Quarter Financial Report

Chair Regor noted a typographical error in the February minutes on page 6, Item 8 in the last paragraph the word "except" should be changed to "accept".

**Jack Griffin, City of Sebastopol, moved to approve the consent calendar with the spelling correction. Susan Harvey, City of Cotati, seconded. Petaluma absent. Consent calendar approved.**

***Chair Regor suggested skipping item 5 for now and moving to item 6 in hopes of the City of Petaluma arriving later for the unanimous vote item.***

## **Regular Calendar**

### **6. Joint Powers Agreement Expiration**

Henry Mikus, Executive Director, provided the Board with a framework for an initial discussion regarding the current Joint Powers Agreement with particular focus on the Agreement's 2017 end date. The original Agreement, the First Amendment and the latest Rules of Governance were also supplied. He highlighted several options the Board could consider as starting points for discussion with regards to the 2017 deadline. With the sunset of the SCWMA only 5 years away and no definitive direction in place beyond that date, the SCWMA's planning process and operations are becoming constricted.

*Dan St. John, City of Petaluma Arrived at 9:12a.m.*

### **Board Discussion**

Susan Klassen, County of Sonoma, asked if the JPA states capital expenditures require a unanimous vote. Janet Coleson, Agency Counsel, responded yes, that is the way it is written in the Agreement.

Steve Barbose, City of Sonoma, stated Boardmembers should go back to their jurisdictions for approval to extend the life of the SCWMA.

Mike Kirn, City of Healdsburg, said his position is to take it back to his City Council and ask them two things. First question is, "Do they want an extension of the Agreement?" and second, "Are there any points they'd like to modify, such as the unanimous vote?"

Matt Mullan, Town of Windsor, suggested getting copies of other JPAs in the state to be used as models for a new agreement. He also suggested having the SCWMA staff come to the individual city councils to make a presentation of SCWMA programs.

Susan Klassen, County of Sonoma, commented that staff should make an assessment of the pros and cons of the current agreement with respect to program areas looking at doing more, less or changing the scope of the programs.

Steve Barbose, City of Sonoma, said he wholeheartedly supports staff giving the same presentation to each jurisdiction so there is an opportunity to ask questions.

Susan Harvey, City of Cotati, remarked that this is a complex issue and the whole picture has to be shown.

Jack Griffin, City of Sebastopol, added when SCWMA staff does their presentations they should also have a preliminary agreement ready.

Chair Regor asked for clarification of the First Amendment language, which speaks to implementing programs. She asked if SCWMA authority is broadened to include programs in the regional planning documents or is SCWMA still limited to the four categories contained in the original JPA. Janet Coleson, Agency Counsel, replied the conservative answer still limits programs to the four categories.

Chair Regor then asked if policy area number four, expanding the wood and yard waste funds, could trigger Prop. 26 issues. Ms. Coleson replied she would research the question.

## **Public Comment**

None.

## **Board Comments**

Chair Regor proposed that the SCWMA staff give their presentation to the Board before going out to the jurisdictions.

Matt Mullan, Town of Windsor, recommended that the SCWMA come forward with a draft Agreement to extend beyond the 2017 expiration, so the Board can come to a consensus before going to the individual jurisdictions.

Jack Griffin, City of Sebastopol, agreed with Mr. Mullan that going to ten different jurisdictions with an open-ended draft agreement could derail the comments

Susan Klassen, County of Sonoma, agreed that the SCWMA needs to present some recommendations.

Steve Barbose, City of Sonoma, added definition and clarity would benefit the presentations.

Jennifer Phillips, City of Santa Rosa, liked the idea of adopting policy parameters to bring forward to Santa Rosa's Council and then negotiating the terms of an Agreement.

Dan St. John, City of Petaluma, agreed with the approach.

John McArthur, City of Rohnert Park, believes this warrants a two step process; first adopting the policy then the Agreement.

Susan Harvey, Mayor of Cotati, thinks it would be helpful to add things to the Agreement that were not in the current Agreement and highlighting them so people understand.

Chair Regor said keeping the policy as flexible as possible would be a good goal.

Mike Kirn, City of Healdsburg, would like to see discussion of ownership of facilities versus contracting with the private sector.

Chair Regor acknowledged changing an Agreement that is 25 years old should include changing outdated clauses, inconsistent with current state law, changed conditions and those types of things.

Janet Coleson, Agency Counsel, asked if the Board wants a whole new agreement or modifications to the existing agreement. From a legal perspective, she recommends redoing it, strengthen it and make it more defensible.

Matt Mullan, Town of Windsor, commented that he follows the red line rule, too many red lines drawn during review indicates the need for a new piece of paper.

Mike Kirn, City of Healdsburg, added that Santa Rosa's request for a presentation that was given last fall by the SCWMA to most of the jurisdictions should be honored to put everyone on a level playing field.

Dan St. John, City of Petaluma, suggested possibly creating a subcommittee to work on the issues being considered.

Henry Mikus, Executive Director, stated that Karina Chilcott, SCWMA staff, previously produced a two page document that compared the SCWMA educational roles and haulers efforts as a condition of their franchise agreements. He will be sending this document to each Boardmember as a good informational starting point. He also added education costs are somewhat different than presented by others.

**5. Approval of the FY 12-13 Final Budget**

Henry Mikus, Executive Director, gave a brief overview on the FY 2012-13 Final Budget. It's a flat budget with no reduction or major changes in services and it is anticipated there will be a transfer of reserves. A summary of reserve histories, goals and projections was presented as requested.

**Board Discussion**

Matt Mullan, Town of Windsor, expressed appreciation of the reserve information staff provided. He found it very helpful to understand the system and how all the pieces fit together in the budget.

**Public Comment**

None.

**Board Comment**

None.

**Susan Klassen, County of Sonoma, moved to approve the FY 12-13 Final Budget. Matt Mullan, Town of Windsor, seconded. Motion Carried. Item was unanimously approved as required.**

**7. Oil Program Request For Proposal (RFP)**

Lisa Steinman gave an update on the Oil Program contract and asked the Board to review and approve the draft RFP so it could go out for bid.

**Public Comment**

None.

**Board Comment**

None.

**Jack Griffin, City of Sebastopol moved to issue the RFP. Susan Harvey, City of Cotati, seconded. Motion carried.**

**8. Spanish Language Outreach Service RFP**

Karina Chilcott reported that Spanish Language Outreach compliments SCWMA programs and has historically been accomplished through a contractor funded primarily through the CalRecycle used oil grant fund and also through the education cost center. The current contract expires on June 30, 2012 thus staff is requesting approval to go out to bid.

**Public Comment**

None.

**Board Comment**

None.

**Susan Harvey, City of Cotati, moved to distribute the RFP. Susan Klassen, County of Sonoma, seconded. Motion Carried.**

**9. Compost Operations Negotiations**

Patrick Carter gave a status report on the ongoing negotiations with the three firms being considered to provide contract services for the SCWMA organics program. Mr. Carter stated SCWMA hoped to have fully negotiated agreements in the next month or two, but as a result of the SCWMA potentially expiring in 2017 there is difficulty involved. With a five year term, contractors would have difficulty recovering their full costs and providing the best rate possible. Henry Mikus, Executive Director, added that the negotiations have been positive.

**Board Discussion**

Susan Harvey, City of Cotati, asked what would be an acceptable term for cost recovery. Mr. Mikus replied 15 years but 20 years would be preferred.

Matt Mullan, Town of Windsor, inquired if the discussion SCWMA has been having included flexibility to not use just a single company to compost but possibly multiple companies. Mr. Mikus concurred, which is why Sonoma Vermiculture has been included in the negotiations. Mr. Mullan asked if Redwood in Novato was an option being considered. Mr. Mikus answered that the Redwood Landfill facility submitted a proposal under the Request For Qualifications (RFQ) and were not selected to go forward because they were not price competitive.

Jack Griffin, City of Sebastopol, commented that it makes perfect sense that the five year versus 15 or 20 would be a problem and asked if there is a bridgeable gap if the extension of the SCWMA is unknown. Mr. Mikus responded that there's not really an impact unless it's decided to develop a new site.

**Public Comment**

None.

**10. Carryout Bags Ordinance Report**

Patrick Carter reported that staff conducted nine stakeholder input public forums in March. Despite low attendance comments were overwhelmingly supportive of SCWMA formulating a bag ban ordinance.

**Board Discussion**

Steve Barbose, City of Sonoma, asked if a model ordinance would look different than a regional ordinance. Mr. Carter replied the contents would likely be the same, but the actions involved would be different. Under a model ordinance there would be additional costs to the cities while under a regional ordinance the SCWMA would shoulder the costs.

Susan Harvey, City of Cotati, questioned whether a model ordinance process would allow individual cities to make slight changes. Mr. Carter replied yes, it's possible.

**Public Comment**

None.

**Board Comments**

Steve Barbose, City of Sonoma, shared his frustration at not being able to move forward after all this time and stated his Council has been ready to proceed.

Jennifer Phillips, City of Santa Rosa, stated Santa Rosa has some decision making to do, so she needs to bring this back to her Council.

Matt Mullan, Town of Windsor, asked if there is anything that precludes the Board from directing staff to bring a model ordinance back. Janet Coleson, Agency Counsel, responded no.

Jack Griffin, City of Sebastopol, commented he has concerns with enforcement of a model ordinance in such a small city. Mr. Mikus stated that self enforcement would be adequate and that such enforcement would be so popular with the citizenry that the market would take care of it.

**Matt Mullan, Town of Windsor, moved to direct staff to draft a region wide draft ordinance and bring it back to the Board. Steve Barbose, City of Sonoma, seconded. Jennifer Phillips, City of Santa Rosa and John McArthur, City of Rohnert Park abstained. Motion carried.**

**11. Evaluation Process Discussion: Executive Director and Agency Counsel**

Henry Mikus, Executive Director, reported that a procedural change was made giving the Board the responsibility of evaluating the Executive Director and Agency Counsel. No policy or format exists for the Board to evaluate their work thus, draft evaluation forms and considerations for an evaluation process were presented.

**Board Discussion**

Chair Regor commented that the evaluations are to be confidential and take place under closed session, but the purpose of the agenda item is to talk about process.

Matt Mullan, Town of Windsor, asked if this would be a facilitated discussion. Mr. Mikus answered that Agency Counsel would facilitate discussion of Executive Director's position and vice versa.

Matt Mullan, Town of Windsor, remarked that he would be more inclined to have a skilled facilitator involved in the evaluations.

**Public Comment**

None.

**Board Comment**

Susan Klassen, County of Sonoma, suggested a 360 review be incorporated into the process, where feedback is given by the staff, contractors and other appropriate parties.

Steve Barbose, City of Sonoma, stated he supports the 360 approach for evaluation of the Executive Director.

Susan Harvey, City of Cotati, agreed with the 360 review, since the Board has a limited amount of interaction with the Executive Director.

Jennifer Phillips, City of Santa Rosa, noted her support as well.

John McArthur, City of Rohnert Park, asked what the Executive Director's thoughts were on the 360 approach. Mr. Mikus responded it would be great.

Matt Mullan, Town of Windsor, remarked on the time commitment for Boardmembers and he is ready to move forward.

**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 encouraged the SCWMA Boardmembers to attend the SWAG meetings. 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](http://www.sonoma-county.org/tpw/divisions/integrated_waste/solid_waste_adv_group.htm)

**13. Attachments/Correspondence**

Chair Regor called attention to the Director's Agenda Notes, Reports by Staff and Others; April and May 2012 Outreach Events, and update reports on the MCR Project, Extra Oil Grant Expenditures and EPR.

**14. On File with Clerk**

Chair Regor noted resolution approved in March 2012 Confirming the Sonoma County Local Task Force on Integrated Waste Management Bylaws.

**15. Boardmember Comments**

None.

**16. Staff Comments**

Karina Chilcott announced that she had the new 2012 Recycle Guides available for Boardmembers to take back to their jurisdictions with them.

**17. Next SCWMA Meeting – May 16, 2012**

**18. Adjournment**

Meeting adjourned at 10:53a.m.

Respectfully submitted,  
Debra Dowdell

DRAFT