



Minutes of May 18, 2011

The Sonoma County Waste Management Agency (SCWMA) met on May 18, 2011, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue., Santa Rosa, California

Present:

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| City of Healdsburg | Mike Kirn, Chair |
| City of Cloverdale | Nina Regor |
| City of Cotati | Marsha Sue Lustig |
| City of Petaluma | Susan Lackie |
| City of Rohnert Park | Linda Babonis |
| City of Santa Rosa | Dell Tredinnick |
| City of Sebastopol | Jack Griffin |
| City of Sonoma | Steve Barbose |
| County of Sonoma | Susan Klassen |
| Town of Windsor | Christa Johnson |

Staff Present:

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

- 1. Call to Order/Introductions**
The meeting was called to order at 8:30 a.m.
- 2. Open Closed Session**
Conference with Legal Counsel – Anticipated Litigation
Government Code section 54956.9(b)(1) and (b)(3)(A) one case.
- 3. Adjourn Closed Session**
No report.
- 4. Agenda Approval**
Nina Regor, Cloverdale, moved to approve the agenda. Marsha Sue Lustig, Cotati, seconded. Agenda approved.
- 5. Attachments / Correspondence**
Chair Kirn called attention to the Director's Agenda Notes and Reports by Staff and Others; HHW Operations Plan Update, Letter of Support for SB 515 (Corbett) Battery Stewardship Act, May 2011 Outreach Events.
- 6. On File with Clerk**
Chair Kirn noted the resolutions approved in April 2011, which are on file with the clerk.

7. Public Comments (items not on the agenda)

Martin Mileck, Cold Creek Compost, urged the Agency to redirect some of the yard debris from Northern Sonoma County to Cold Creek Compost instead of taking it to Central. It would reduce the carbon foot print and Cold Creek Compost has the ability to compost food waste.

Consent

8.1 Minutes of April 20, 2011

8.2 FY 10-11 Third Quarter Financial Report

8.2 Seventh Amendment to Petaluma HHW Services Agreement

Christa Johnson, Town of Windsor, moved to approve the Consent Calendar. Dell Tredinnick, Santa Rosa, seconded. Consent Calendar approved.

9. Carryout Bag Decision Process (*continued from April meeting*)

Patrick Carter explained there was an addendum to the staff report. The California Supreme Court took up the case of Manhattan Beach. The court held a hearing, and they are expected to rule on the case in the next 3 months.

Mr. Carter gave a PowerPoint presentation which included a decision tree with 3 different models for the Board's consideration. The results of the Manhattan Beach case could affect the cost and how CEQA is dealt with, but it should not affect the 3 models presented in the PowerPoint presentation.

The options include an Agency countywide ordinance, an Agency model ordinance with an umbrella program EIR, and an individual effort by each interested jurisdiction.

Public Comment

Tim James, California Grocers Association, commented that consistency among the retailers is vital, covering the broadest geographical area will help consumers to remember how to manage any ordinance.

Mary Munat (known in the community as "Green Mary"), reported that at the February 2, 2011 Plastic Bag Forum, Carol Misseldine said that 25% of the world's population lives with some type of plastic bag ban. Most of the litter seen roadside is larger plastic bags.

Ernie Carpenter, citizen, reminded the Board that now there are two ordinances to be addressed with two potential recommendations for countywide EIRS (single use bag ban and C&D). The question is if they should be done in en masse or separately city by city. Mr. Carpenter also commented the SWAG invited the Agency to come and make a presentation about what the Agency does, he felt that would be a good idea as there are only about 5 years left before the JPA Agreement expires in 2017. And for the record, he supports the single-use bag ban.

Ken Wells, Guiding Sustainability, felt cost estimates provided by staff for the single-use bag ban were inflated, he thought the work could be done with consultants for less.

Melissa Bushway, citizen, urged the Agency to continue this work as it is an issue that is of concern to the general public and businesses as well.

Boardmember Discussion

The Boardmembers questioned enforcement of a bag ban in light of the possible dissolution of the Agency in 2017. Counsel was asked to research possible outcomes to Agency ordinances depending on what might happen in 2017. The consensus of the Board was to take the PowerPoint presentation to each of their City Councils by the end of summer. Agency staff will be available to help with the presentations, if desired. At the July or August meeting, Boardmembers will take a straw vote as the decision on this item will require a unanimous vote.

10. FY 09-10 Audit

Charlotte Fisher described Section 21. 'Records and Accounts' as found in the Agreement between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues. It states: "Agency will cause the books and records to be kept, and audit to be made, in accordance with the statutory requirements for Joint Powers Agencies." In response to this condition, an audit for FY 09-10 was performed and presented for approval.

In the Annual Report for the Fiscal Year Ended June 30, 2010, the first section is the Auditor-Controller Report, the second section is the Management's Discussion and Analysis, the third section is the Basic Financial Statements. There is a statement of revenues, expenses and changes in fund net assets. A cash flow comparison is the final statement before the notes made to the basic financial statements.

A management letter defining deficiencies was included with the audit. A response to this management letter is required of the Agency Board of Directors. The deficiencies identified were lack of supporting documentation for one expenditure, and revenues and expenses that were recognized in the incorrect fiscal year. Since both of these deficiencies occurred in the accounts payable and receivable, staff developed a more systemized and detailed procedure to identify, collect documentation and facilitate posting to the County's accounting system. Staff also developed procedures and assigned responsibility for payment/receipting, posting to the accounting system and application to the financial statements.

The decrease in SCWMA's total assets of \$534,284 referenced in the financial statements is the result of using reserve funds for Board approved projects, such as the preliminary work necessary for a relocation of the compost site, the expansion of the Household Hazardous Waste Facility, and the preliminary work associated with developing a sustainable funding model for SCWMA's replacement of the current surcharge tipping fee. These are one-time projects and are in keeping with the approved use of the reserve funds.

Susan Klassen, County of Sonoma, moved to approve the FY 09-10 Audit and submit the letter. Nina Regor, Cloverdale, seconded. FY 09-10 Audit approved.

City of Sebastopol left the meeting at 10:00 a.m.

11. Sonoma County/City Solid Waste Advisory

Steve Barbose, City of Sonoma, serves as the SCWMA liaison to the SWAG. Mr. Barbose reported the Research Subcommittee report is available at the SWAG website (http://www.sonoma-county.org/tpw/divisions/integrated_waste/solid_waste_adv_group.htm) and will be taken to each of the City Councils.

12. PG&E Fluorescent Lamp Recycling Regional Outreach Contract

Karina Chilcott explained this item is a grant awarded by the PG&E Corporation Foundation to the Counties of Napa and Sonoma to encourage local businesses to participate in the collection of spent fluorescent lamps as part of an extended producer responsibility approach.

Christa Johnson, Windsor, moved to approve the PG&E Fluorescent Lamp Recycling Regional Outreach Contract. Nina Regor, Cloverdale, seconded. Motion passed. Sebastopol absent.

13. Beverage Container Grant Discussion

Patrick Carter explained that historically Agency staff administered this program for all Sonoma County jurisdictions, collecting the funds, creating agreements for beverage container collection service, and purchasing new collection containers and enclosures.

For the upcoming grant cycle, staff proposed using existing FY 2009-10 funding to develop an RFP to hire an outreach consultant to provide countywide door-to-door education at commercial facilities and

multifamily complexes, highlighting the need to recycle beverage containers as well as the need to comply with the imminent Mandatory Commercial Recycling (MCR) requirements.

Staff discussed this outreach project with CalRecycle staff and received feedback that the approach to target MCR would be allowed. The grant amount expected to be available to the Agency for the FY 2010-11 Cycle is \$132,496.

Public Comment

June Michaels, AB 939 LTF questioned if the RFP had been released.

Steve McCaffrey, Redwood Empire Disposal (RED), encouraged Agency staff to move quickly on this issue as there is competition for this grant money, there is a lot of public interest in this issue.

Boardmember Discussion

After some discussion, Chair Kirn asked staff if they had clear direction.

Patrick Carter confirmed the direction to staff was to submit funding request forms and to invoice individual jurisdictions for the grant amount. Staff was to develop an RFP for a consultant to provide outreach education to commercial facilities and multi-family complexes with regard to MCR and beverage container recycling. Staff was also to examine the feasibility of expanding the project to include used oil outreach to widen the scope and funding for the combined outreach project.

Boardmembers also requested that staff interface with haulers to ensure consistency and avoid duplication of efforts, and also to provide some flexibility with the request forms which would allow the purchase of some new containers.

Susan Klassen, County of Sonoma moved to approve the motion. Linda Babonis, Rohnert Park, seconded. Motion carried. Sebastopol absent.

14. Multi-family Outreach Best Practices

Karina Chilcott noted The California Air Resources Board (ARB) Scoping Plan for the California Global Warming Solutions Act of 2006 (AB 32, Núñez, Chapter 488, Statutes of 2006) was adopted with a Mandatory Commercial Recycling Measure designed to achieve a reduction in greenhouse gas emissions of 5 million metric tons of carbon dioxide equivalents by 2020 and beyond.

Under the Scoping Plan, the California Department of Resource, Recycling and Recovery (CalRecycle) is the lead Agency for implementation and compliance with the measure. Under the draft Regulations, jurisdictions must implement a commercial recycling program by July 2012 that consists of education, outreach and monitoring, regardless if the jurisdiction has previously met the 50% per capita disposal target. Building upon existing AB939 Annual Reporting, the first report to CalRecycle about Sonoma County's implementation plan begins in 2014 and includes reporting for the last six months of 2012.

Complying with this Measure, where one possible method is by local ordinance, is the responsibility of local jurisdictions. Implementation is flexible for jurisdictions and businesses as the measure does not specify materials to be diverted, allows jurisdictions to design programs, and allows businesses various ways to recycle.

The Institute of Local Government has been very helpful providing information about multi-family complex recycling. Staff will continue to monitor the progress of the regulations and provide education about models implemented by other jurisdictions. No action required on this item.

15. Boardmember Comments

Dell Tredinnick, Santa Rosa, commented it was a good meeting and he felt some headway was made on the bag ban.

Marsha Sue Lustig, Cotati, said it was a delightful meeting.

Chairman Kirn commented that E.D. Mikus attended the City of Healdsburg City Council meeting and spoke about the 'hot topics' the Agency is dealing with and also about the relationship between the Agency and the SWAG. Also, this week is National Public Works week.

16. Staff Comments

Executive Director Henry Mikus commented he was asked by Supervisor Zane to return to the June SWAG meeting and talk about the Agency.

The 2011 Recycling Guide is in the new AT&T Phone Book.

Mr. Mikus suggested that, based on previous history, the July meeting could be cancelled. This item is to be discussed at the June meeting.

Mr. Mikus mentioned that there is some sentiment among Board members to change the meeting location back to the Laguna Plant. This item is to be discussed at the June meeting.

17. Next SCWMA Meeting – June 15, 2011

18. Adjournment

Meeting adjourned at 11:01 a.m.

Respectfully submitted,
Elizabeth Koetke