



MINUTES OF MAY 19, 2010

The Sonoma County Waste Management Agency met on May 19, 2010, at the City of Santa Rosa Utilities Department's Subregional Water Reclamation System Laguna Plant, 4300 Llano Road, Santa Rosa, California.

PRESENT:

Town of Windsor	Christa Johnson, Chair
City of Cloverdale	Nina Regor
City of Cotati	Marsha Sue Lustig
City of Healdsburg	Mike Kirn
City of Petaluma	Vince Marengo
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	Phil Demery

STAFF PRESENT:

Interim Executive Director	Susan Klassen
Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Charlotte Fisher
	Lisa Steinman
Recorder	Elizabeth Koetke

1. CALL TO ORDER MEETING/INTRODUCTIONS

The meeting was called to order at 9:00 a.m.

Chair Christa Johnson welcomed returning Agency Boardmember Linda Babonis, representing Rohnert Park.

2. AGENDA APPROVAL

Chair Christa Johnson rearranged the agenda so that unanimous vote item #9 would be addressed following item #7, and item #13 would be addressed prior to item #12. The minutes will reflect those changes.

3. ATTACHMENTS/CORRESPONDENCE

Chair Christa Johnson, called attention to the Director's Agenda Notes.

4. ON FILE WITH CLERK

Chair Johnson noted the resolutions approved in April, 2010, on file with the clerk.

5. PUBLIC COMMENTS (items not on the agenda)

None.

CONSENT

6.1 Minutes of April 21, 2010

6.2 FY 09-10 Third Quarter Financial Report

- 6.3 Adoption of AB 939 Local Task Force Revised By-laws
- 6.4 Resolution of Oil Payment Program
- 6.5 Proof of Designation for Non-profit E-waste Collection
- 6.6 Carryout Bag Update
- 6.7 SCC Monthly Report for February 2010
- 6.8 3rd Amendment to VBN Contract

Vince Marengo, Petaluma, pulled Item #6.3 for questions.

Steve Barbose, City of Sonoma, moved to approve the remaining items on the Consent Calendar. Dell Tredinnick, City of Santa Rosa, seconded. Consent items 6.1, 6.2, 6.4, 6.5, 6.6, 6.7, 6.8 approved with a unanimous vote.

6.3 Adoption of AB 939 Local Task Force Revised By-laws

Patrick Carter presented the history of the AB 939 Local Task Force (LTF). At the February meeting, the advisory group voted to amend the by-laws. When the by-laws are amended, they have to be confirmed by both the Sonoma County Board of Supervisors (BOS) and the Board of Directors of the Sonoma County Waste Management Agency. The membership is confirmed by the BOS every three years.

The amendment addresses the membership section of the by-laws, specifically concerning some positions, which are outdated. The commercial garbage haulers in the rural areas and the urban areas are proposed to be replaced with franchised haulers and non-franchised haulers. The Sonoma County Environmental Forum position is proposed to be replaced with a climate change organization because the Sonoma County Environmental Forum no longer exists. The recommending agency for some of the other positions was replaced with the BOS.

The LTF also proposed to be able to recommend interested candidates for positions to the BOS.

Public Comments

Ken Wells, Guiding Sustainability, explained the intent of the composition of the LTF's membership was to have a wide variety of representation of all the stakeholders in the solid waste industry.

Susan Klassen, Interim Executive Director, asked Mr. Wells if he could comment about the development and purpose of these positions.

Ken Wells confirmed the Sonoma County Environmental Forum no longer exists. Climate protection is clearly a bigger issue now than it was in 1992 when the LTF began. The membership positions have evolved over the past 20 years and have changed a number of times

Ernie Carpenter stated there are non-exclusive franchise haulers who collect construction and demolition materials and as well as single stream commercial recycling.

Discussion

Staff was given direction to return to the June SCWMA meeting with the original AB 939 LTF membership list, a red-line version of the proposed changes to the membership and an explanation of the rationale behind the proposed changes to the membership. The Chair or Vice Chair of the LTF will be invited to attend the meeting to answer questions. This item continued to June meeting.

Phil Demery requested that staff provide a comparison of the statutory requirement of AB 939 versus the other duties that have been assigned to the group.

REGULAR CALENDAR

7. SONOMA COUNTY/CITY SOLID WASTE ADVISORY GROUP

Steve Barbose, City of Sonoma, is serving as liaison for SCWMA to the SWAG. His report is as follows:

County Counsel gave an update on the status of the tolling agreement. The proposals have been received and the BOS will select a contractor in June.

There was discussion about adding additional representatives on behalf of the City Managers and City Attorneys group.

There were two reports from community groups, The Garbage Group and the Local Task Force.

Next SWAG meeting is June 11, 2010 at 2:00 p.m., location yet to be determined.

9. CONTRACT EXTENSION WITH CLEAN HARBORS

Lisa Steinman explained the current contract with Clean Harbors expires on January 6, 2011. In a letter dated 3/26/2010, Clean Harbors offered to extend the current contract rates and terms for an additional two-year period. The letter also offered three additional one-year extension options. Prior to each one year optional extension period, Clean Harbors requested a rate increase based on the Consumer Price Index and the ability to request fuel cost recovery if the national average cost of diesel rises above \$3.50 per gallon. The requested rate increases would be mutually agreed upon between SCWMA and Clean Harbors at the time of the proposed extension.

Vince Marengo, City of Petaluma, moved to approve an extension of the term of the Agreement until January 6, 2013 without any changes to the current terms or conditions. Steve Barbose, City of Sonoma, seconded. Motion was approved with a unanimous vote.

Jack Griffin, City of Sebastopol, proposed amending the motion to extend the term of the Agreement until January 6, 2013, with the option of three, one-year extensions. Amended motion approved.

8. PRESENTATION BY YVONNE HUNTER, PROGRAM DIRECTOR, CALIFORNIA CLIMATE ACTION NETWORK, AND INSTITUTE FOR LOCAL GOVERNMENT

"COMMERCIAL RECYCLING: DISCUSSION OF SAMPLE COMMERCIAL RECYCLING ORDINANCE FROM THE INSTITUTE FOR LOCAL GOVERNMENT"

Yvonne Hunter, Program Director, California Climate Action Network, and Institute for Local Government gave a PowerPoint presentation and distributed copies of a sample of a Mandatory Commercial Recycling Ordinance.

Public Comments

Ken Wells, Guiding Sustainability, felt this would be a perfect opportunity to get the AB 939 Local Task Force involved and use their expertise.

Santa Rosa left the meeting at 10:35 a.m. (e.k.)

Recess from 10:35 to 10:45

11. UCCE AGREEMENT

Ms. Klassen explained SCWMA has worked in cooperation with UCCE for composting education services since June, 1997. The letter agreement has the goals of reducing organic matter by teaching home composting, and reducing the amount of toxics and pesticides that are used by home gardeners.

The letter proposed Agreement is for \$49,980 for three years, which is \$16,660 per year and is included in the FY 10-11 Work Plan and Budget.

Public Comments

Pam Davis, Northbay Corporation, complimented the Master Gardener's program and website.

Marsha Sue Lustig, City of Cotati, moved to approve the motion. Linda Babonis, City of Rohnert Park, seconded. The motion passed. (Santa Rosa absent)

10. SUSTAINABLE FUNDING PRESENTATION BY R3

Mr. Carter explained the Agency's programs for HHW, Education, Planning and Diversion are currently funded by a surcharge on the tip fee at the County-owned waste facilities in Sonoma County. A combination of increased diversion, decreased generation of waste due to the downturn of the economy, and an increasing competitiveness of solid waste facilities which receive the benefit of Agency services, but are not subject to the Agency surcharge has resulted in unsustainable decreases in Agency revenues.

R3 was hired in April 2009, to create a sustainable funding mechanism for the Agency. The resulting report details three scenarios for reconfiguring the Agency's revenue structure. Richard Tagore, R3, presented a visual overview and elaborated on the final report, which had been distributed to Boardmembers earlier.

Due to the complex nature of this topic, and meeting time constraints, this item was continued to the June 16, 2010 Agency meeting.

Public Comments

Ernie Carpenter commented on keeping the tipping fee surcharge at \$5.40/ton and impose a fee on the all haulers taking their waste out of the County.

Steve McCaffrey, Northbay Corporation, asked if the Consultant had looked at other counties who had tried a similar funding mechanism and failed. He stated a number of self-hauls are businesses like Costco and Safeway with large amounts of material leaving the County.

Tim Smith, former SCWMA Board member, said changing the funding mechanism only delays the death spiral but doesn't solve the problem if zero waste is the goal. The Agency will cease to exist in 2017 and this is a short term solution.

13. STAFFING SERVICES

Ms. Klassen explained this item was approved by the Agency Board at the April 2010 Agency meeting, however, when it was brought to the County Administrators Office they requested a modification to one section of the Agreement for the provision of staffing services. In the original Agreement, the Executive Director (ED) would be the appointing authority for support staff in its entirety. He/she would appoint new hires, supervise, review and discipline including potential termination. The modification is upon recommend termination of existing County staff, or future County staff, the Director of Public Works would need to concur with that decision as the appointing authority.

Janet Coleson said this modification was implied in the original Agreement with the definition of appointing authority found in the County's personnel rules which the ED has to follow. The ED will also be a County employee. In the Agreement, along with the appointing authority is implied the authority to terminate, the County Administrators Office is concerned about that one particular aspect. The modification says "with the exception of the power to terminate which shall be retained by the Director of the Department of Transportation and Public Works". The County wants that final check on the termination of an employee.

Ms. Coleson clarified the document put forth for approval is the Agreement with the modified language, not an amendment to the Agreement approved previously.

Nina Regor, City of Cloverdale, moved to approve the motion. Marsha Sue Lustig, City of Cotati, seconded. The motion passed. (Santa Rosa, absent)

County of Sonoma left the meeting at 11:40 a.m. (e.k.)

12. ESTABLISHING INTERVIEW PROCESS

Ms. Klassen presented information about screening potential applicants and provided different interview styles for the Agency Board to consider.

The Boardmembers agreed that Mike Kirn, City of Healdsburg, would assist the County of Sonoma, Human Resources Department screen the applications for minimum qualifications.

The interview panel will consist of Christa Johnson, Susan Klassen, Nina Regor, Vince Marengo and a technical expert to be invited.

The final interview of the top two or three candidates will be conducted by the entire Agency Board.

The interview panel members will recommend the interview style.

City of Cotati left the meeting at 11:45 a.m. (e.k.)

14. BOARDMEMBER COMMENTS

There were no Boardmember comments.

15. STAFF COMMENTS

Ms. Klassen asked if the Board desired to meet in July, which is traditionally a hiatus. As the Public Hearing for Receiving Comments on the Compost Relocation Project would not be available for the June 16, 2010 Agency meeting, it was decided to meet in July for the Public Hearing.

16. NEXT SCWMA MEETING JUNE 16, 2010, which is the last meeting to be held at the Laguna location.

17. ADJOURNMENT

Meeting adjourned at 11:44 a.m.

Respectfully submitted,
Elizabeth Koetke

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

- **Sample Mandatory Commercial Recycling Ordinance Powerpoint handout, Yvonne Hunter**
- **Sample Commercial Recycling Ordinance, Institute for Local Government**
- **Final Report – Sonoma County Waste Management Agency Funding Study by R3**