



Item #8.1

MINUTES OF JUNE 18, 2008

The Sonoma County Waste Management Agency met on June 18, 2008, at the City of Santa Rosa Utilities Department's Subregional Water Reclamation System Laguna Plant, 4300 Llano Road, Santa Rosa, California.

PRESENT:

City of Rohnert Park	Tim Smith, Chair
City of Cotati	Damien O'Bid
City of Cloverdale	Carol Russell
City of Healdsburg	Mike Kirn
City of Petaluma	Vince Marengo
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Dave Brennan
City of Sonoma	Steve Barbose
Town of Windsor	Robin Goble
County of Sonoma	Tom O'Kane

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**
The regular meeting was called to order at 8:35 a.m. by Chairman Tim Smith; he commented that the unanimous vote item would be addressed earlier in the meeting when all Board members were present.
- 2. ATTACHMENTS/CORRESPONDENCE**
Chairman Smith, called attention to the Director's Agenda Notes, and the Operation Documents from Cold Creek Compost.
- 3. ON FILE WITH CLERK**
Chair Smith, noted the resolutions from the May 21, 2008 meeting on file with the clerk.
- 4. PUBLIC COMMENTS**
There were no public comments.

CONSENT

- 5.1** Minutes of May 21, 2008
- 5.2** Beverage Container Purchase
Vince Marengo, Petaluma, asked for a correction to the minutes, item 5.1, section 10.2, then he moved to approve the consent calendar with the corrected minutes. Dave Brennan, Sebastopol, seconded. Cotati absent.

REGULAR CALENDAR

HOUSEHOLD HAZARDOUS WASTE

6.1 EPR PRESENTATION BY BILL WORRELL, SAN LUIS OBISPO

Bill Worrell shared information about the programs he's involved with in San Luis Obispo County.

Damien O'Bid arrived at the meeting at 8:40 a.m. (ek)

Chairman Smith directed the Board to agenda item #6.3.

6.3 THIRD AMENDMENT TO AGREEMENT WITH C² ALTERNATIVE SERVICES TO AUDIT OIL RECYCLING CENTERS AND COORDINATE OIL RECYCLING PUBLICITY PROGRAMS

Lisa Steinman delivered her staff report. She commented on how pleased Agency staff was with the quality of the contractor's work and recommended approving the third amendment to the agreement.

Dave Brennan, Sebastopol, asked about the site visits and the used oil collection numbers.

Connie Cloak, C² Alternative Services, said there are about 55 collection centers in the county, most of which are business centers and are visited twice a year. One visit is by an anonymous shopper, and the other is a more official visit with C² Alternative's staff going and collecting data.

Dell Tredinnick, Santa Rosa, asked how many gallons of used oil are collected a year.

Connie Cloak said it's about 100,000 gallons a year. She will have updated numbers in about two weeks and will provide them to the Board.

Dave Brennan, Sebastopol, asked for a report from C² Alternative Services that would provide an historical picture of how the collection of used oil has progressed.

Chairman Smith asked the contractor if the report would be available by the August meeting.

Connie Cloak confirmed that the report would be ready by the August meeting.

Dell Tredinnick, Santa Rosa, moved to approve the third amendment to the agreement. Stephen Barbose, Sonoma, seconded. Motion approved unanimously.

6.2 EPR IMPLEMENTATION PLAN (ORDINANCE)

Lisa Steinman summarized her staff report. After lengthy discussion, the direction to staff was to explore the voluntary take-back option using a consultant and to explore the mandatory ordinance with attention on the dynamics of the Agency using the ordinance process for the first time in its history.

Chairman Smith, Rohnert Park, made a motion to adopt the staff report with the particulars that staff will develop a voluntary program while working in parallel with a mandatory program that the Board would like to see in place by January 2010, if necessary.

Dave Brennan, Sebastopol, asked to include in the motion that staff evaluate the voluntary program on or before June 2009.

Stephen Barbose, Sonoma, seconded the motion with Dave Brennan's amendment. Motion approved.

Vince Marengo wanted to clarify that the direction to staff is to develop a mandatory program and bring it back to the Board for approval.

Chairman Smith confirmed that the mandatory program would be agendized for a meeting sometime before June 2009.

In summary, staff will be working from now until January 1, 2009 on a voluntary program in parallel working on the mandatory program between January 2009 and the end of 2009. The status of the voluntary program will be reported to the Board starting with a Scope of Work to be presented for approval at the September meeting.

At the same time staff will be working on the mandatory ordinance which is planned to be adopted for an effective date of January 2010. The first reading of the ordinance would be October 2009 and the second reading would be November 2009.

Damien O'Bid left the meeting at 9:40 a.m. (ek)

COMPOSTING/WOOD WASTE

7.1 COMPOST PROGRAM UPDATE

Susan Klassen said there was no report.

7.2 COMPOST RELOCATION UPDATE

Patrick Carter gave background information about the relocation process up to this point. He said #40 the top ranked site had been pulled from consideration after his staff report had been prepared. The top sites differ from the staff report.

Patrick introduced Tim Raibley, the subcontractor from HDR who gave a power point presentation outlining the top-ranked sites.

Tom O'Kane left the meeting at 9:50 a.m. (ek)

In response to the question of pulling site #40, Patrick Carter said it was a request by the Agricultural Preservation and Open Space District ("Open Space"). There is also the issue of timing with Open Space currently in negotiations to close a sale and the Agency just starting the environmental process, which will take at least a year to make an offer.

After a lengthy discussion concerning the potential flooding of the sites, Tom Raibley was asked about modeling for 50 years. Tim Raibley said it could be modeled on site but the issue is the Petaluma River is tidal so modeling how that river performs isn't something they could do themselves, which is why the 100 year model. Site #41 is at elevation 7.

Patrick Carter said with regard to choosing the sites; one site would be chosen as the preferred site and would be studied in the greatest detail in the EIR. Two alternative sites would be studied in lesser detail basically as back-up if the preferred site dropped out for some reason or if something was discovered during the EIR process. If the sites are looked at regardless of 'willing seller' or not the top sites would be #41, #38 and #5A.

If the sites are looked at by staff's opinion of 'willing seller' the top sites would be #5A, #13 and #14. Any combination of sites can be selected for further study.

Once the sites are selected the consultants will start to develop the conceptual design and that will feed into the draft EIR and ESA will begin work on the draft EIR.

Agency Counsel asked if the cost of the increased analysis for the EIR is included in the agreement. Patrick Carter said he assumed if that were to happen, staff would come back to the Board for approval of any additional amounts for the consultants. There is a contingency amount of \$25,000 in the contract.

A discussion of the consideration of willing and unwilling sellers resulted in staff reiterating that no pretention of negotiation was ever given. Agency Counsel reminded the Board that they had stated early in the process that the preferred seller would be a willing one.

Agency Counsel questioned site #5A being in the Williamson Act. Staff confirmed that it was, and said with that site the property owner had sold a portion of the site to a neighbor whose property was not in the Williamson Act. There's a lot line adjustment and part of his willingness to sell is to try to get some help with the adjustment.

Chairman Smith made a motion to pursue sites #41, #5A and #13. Stephen Barbose, Sonoma, seconded. County of Sonoma, and Cotati absent.

ADMINISTRATION

8.1 FUTURE FUNDING DISCUSSION

Susan Klassen said during the fiscal year 06-07 budget preparation, discussion of the potential of using other funding sources other than the surcharge on the waste disposal tipping fee was initiated. In March of 2006 an ad-hoc committee was formed, after three committee meetings, several options were brought back to the Board. After much discussion during that period of time the Board decided to maintain the surcharge on waste disposal tipping fees as the funding method for the Agency.

The subject of funding methods was reintroduced at the May 2008 Agency meeting. At that time the Board requested that additional funding ideas be brought to the June 2008 Agency meeting. Staff proposes these possible funding methods for discussion: 1) Use the Petaluma surcharge model. 2) Parcel tax. 3) Agency AB 939 Program Fee. 4) Sustainable Funding.

Staff's view is that a change in the funding mechanism does not necessarily mean that a member's hauling agreement would have to be renegotiated. Agency Counsel's opinion is establishing a program fee through the Agency would require the noticing provisions of Proposition 218 to be implemented.

Previously when the ad-hoc committee made a recommendation to the Board, staff was directed to look at additional garbage generation rates for the various cities and then develop that as a percentage. For example; if Sebastopol is generating 5% of the waste stream, their percentage contribution of the Agency funding would be 5%. They could work with their hauler to figure out how that translates to their bills separately. Another option would be the Agency could work as a body and determine something along the lines of the model that was discussed earlier where everyone has agreed to the same percentage on commercial bills and residential bills. The last time this was discussed, the Board came to the conclusion that an amendment to the JPA Agreement would be required.

In general, any funding mechanisms need to be tied to the waste generation rate in some manner.

Discussion included not using the parcel tax method, the challenge of not knowing where the waste originated, the effect the potential divestiture would have on collecting the surcharge revenues, and the sustainability of funding sources.

The County is pursuing through the divestiture agreement a mechanism to collect from the self-haul, and to allow the cities if they wish, to collect through the tipping fee with the new owner. The County is trying to provide for the existing situation so there's no harm in funding to the Agency in the interim. If a different mechanism is decided on, then the County would only collect on the self-haul.

Agency Counsel reminded Boardmembers the point of discussion at this time is a fee based on quantity of solid waste disposed, imposed on haulers by an ordinance of the Agency, or a fee based on quantity of solid waste disposed, imposed on garbage service customers by ordinance of the Agency. Neither of these ordinances by the Agency would require a JPA amendment.

Chairman Smith asked if staff could look into whether that fee can also overlay or create a formula that also takes into account population as well as tonnage.

Agency Counsel said yes, as long as it's tied in some way to quantity of solid waste disposed, which is a requirement of AB 939.

Vince Marengo, Petaluma, asked staff for the different calculations that were used in respect to the Petaluma services agreement. The first calculation used was the percentage of solid waste disposed by jurisdiction using tonnages from 2003. The second amendment of the agreement used a formula that took a population percentage from the California Department of Finance multiplied by percentage of garbage collected by the compactor revenues from vehicles in Sonoma County multiplied by the next fiscal year estimated revenue from the tipping fee surcharge. That math and formula is on the back page of the resolution from the 2nd amendment to the agreement.

Agency Counsel reminded the Boardmembers that Petaluma's agreement is a contractual arrangement which is something separate from an AB 939 program fee.

Chairman Smith said the action on this issue is to direct staff to come back to the Board with a formula.

8.2 DIVESTITURE AGREEMENTS

Susan Klassen said the ad hoc committee has met once but they are not prepared to address the Board about the HHW Lease Agreements at this time.

Lorie Norton, Deputy County Administrator, County of Sonoma, requested that the Board consider holding a July meeting to address this issue. The Board of Supervisors feels it's important to the County and to all the cities. With the divestiture there are a number of agreements that need to be finalized or amended. They would like to get those agreements finalized by August 6th. The RFP and Draft Purchase and Sale Agreement were issued by the Board last week. The deadline for proposals is the end of August, the County Administrator's Office would like to be able to provide proposers with the Agency Agreements.

After discussion, it was decided that the ad hoc committee would meet again within 30 days. When the agreements have been revised to the ad hoc committee's satisfaction,

they will be forwarded to the Boardmembers for review. Agency Counsel stated the agreements could be made available to the proposers as “draft” agreements. The Board decided to not meet in July. They also requested that the agreements be made available to them ahead of the regular agenda packet for ease of review.

8.3 UPDATE ON EXECUTIVE DIRECTOR POSITION

Susan Klassen said at the last Agency meeting there were three top candidates; they were going through reference and background checks, that process has been completed and a tentative offer has been made and accepted.

DIVERSION

9.1 ZERO WASTE PRESENTATION

Portia Sinnott, Vice-Chair, AB 939 Local Task Force, Linda Christopher, Mike Anderson and Will Bakx gave a presentation about the work they have been doing for the last four years on zero waste.

Vince Marengo left the meeting at 11:10 a.m. (ek)

The LTF proposes some next steps; integrating zero waste into the new recycling manager’s job description, a zero waste plan integrated into the budget process, it must save money and energy, behavioral incentives, greenhouse gas implications of recycling and solid waste, implications of the landfill closing and the divestiture. The LTF would like to meet with the Agency in the next few months and they have speakers available to come and speak.

Agency Counsel said there are certain exceptions for attendance but not participation. If the LTF and Agency want to have a joint meeting, it would need to be noticed and open to the public. There are many ways the two groups can meet together. There can be a standing committee and other options can be explored, it can be agendized for the August or September Agency meeting.

Carol Russell left the meeting at 11:30 a.m. (ek)

EDUCATION

10.1 BACK-TO-SCHOOL RECYCLING PROGRAM

At the March Board meeting, staff was directed to use \$9,700 in contingency reserve funds from the Education Cost Center on a Board-directed schools program in Fiscal Year 2008/09.

In order to find the best use for this money, staff sought to determine how decisions get made in the schools, how information is disseminated in the schools and what solid waste/recycling activities are already taking place. Staff requested that an RFP for a schools’ grant program be issued to begin the process of awarding funds to deserving 5th or 6th grade classroom personnel.

At this time, staff would like to request direction from the Board to issue an RFP for a Schools Grant Program for 5th and 6th graders.

Stephen Barbose, Sonoma, made a motion to approve issuing an RFP, Dell Tredinnick, Santa Rosa, seconded. Cotati, County of Sonoma, Petaluma, Cloverdale absent. Motion approved.

Chairman Smith made a recommendation to honor Fred Hall with a resolution.

10.2 SPANISH LANGUAGE OUTREACH AGREEMENT

Providing Spanish language outreach is part of the implementation of the Countywide Integrated Waste Management Plan. In addition, the Agency's Work Plan for 2008/09 includes \$24,000 for Spanish Language Outreach Services. The current contract with C² Alternative Services to conduct a Spanish Language Eco-Desk Pilot project expires on June 30.

In April, staff issued a competitive Request for Qualifications for Spanish Language Outreach Services. On May 5, two proposals were received from California Human Development and the current contractor C² Alternative Services. Proposals were evaluated independently by two Agency staff members based on the evaluation scoring criteria in the RFQ.

Staff recommends awarding the agreement to C² Alternative Services. The budget in the new contract reflects lessons learned from conducting the Eco-Desk pilot project; more of the budget is allocated to media and community based social marketing activities, more to translation services for Agency publications and less budget is allocated to answering Eco-Desk calls.

Dell Tredinnick, Santa Rosa, made a motion to award the two-year contract for Spanish Language Outreach Services to C² Alternative Services, Stephen Barbose, seconded. Cotati, County of Sonoma, Petaluma, Cloverdale absent. Motion approved.

11. BOARDMEMBER COMMENTS

Robin Goble, Town of Windsor, thanked Karina and her staff of interns for participating in the farmer's markets and selling the veggie pails at The Windsor Town Green.

Stephen Barbose brought his laptop to the meeting and had his first paperless meeting; he said he highly suggests it.

12. STAFF COMMENTS

Agency Counsel said staff will be bringing a reimbursement policy to the next meeting for Board members to be reimbursed for their expenses.

Also, in response to the question asked by the Board regarding Cold Creek Composts offer of a trial run, that answer will be sent out to Board members via email this afternoon. And it will be agendaized for the August meeting.

Patrick Carter said in regards to plastic bags, AB 2058 passed the assembly on the floor and it's in the Senate Environmental Quality committee and will be heard by that committee on June 23rd.

Karina Chilcott invited the members of LTF to participate in the outreach of Sonomax. The Agency received money from the CIWMB with a reuse assistance grant and that includes doing presentations that target builder's events, reuse guides, utility bill inserts. Any LTF members that are interested in doing some of the presentations are welcome to.

Pam Davis, Redwood Empire Disposal, said if Karina made a utility bill insert about Sonomax she will include it in their billing.

13. ADJOURNMENT

Meeting adjourned at 11:40 a.m.

Respectfully submitted,
Elizabeth Koetke

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

Compost Facility Siting Study for Sonoma County, HDR Engineering
Senate Environmental Quality Committee, AB 2347 Testimony of Tim Smith
Organics Diversion: A Major Step towards Zero Waste from AB939 Local Task Force
Cold Creek Compost, Inc. Operational Documents