



MINUTES OF AUGUST 19, 2009

The Sonoma County Waste Management Agency met on August 19, 2009, at the City of Santa Rosa Utilities Department's Subregional Water Reclamation System Laguna Plant, 4300 Llano Road, Santa Rosa, California.

**PRESENT:**

City of Petaluma	Vince Marengo, Chair
City of Cotati	Marsha Sue Lustig
City of Healdsburg	Mike Kirn
City of Rohnert Park	Dan Schwarz
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Jack Griffin
City of Sonoma	Steve Barbose
Town of Windsor	Christa Johnson
County of Sonoma	Phil Demery

**ABSENT:**

City of Cloverdale

**STAFF PRESENT:**

Executive Director	Mollie Mangerich
Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Charlotte Fisher
	Lisa Steinman
Recorder	Elizabeth Koetke

**1. CALL TO ORDER SPECIAL MEETING**

The special meeting was called to order at 8:30 a.m. by Chairman Marengo.

**2. OPEN CLOSED SESSION**

PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1) and (4) PUBLIC EMPLOYEE PERFORMANCE EVALUATION TITLE: AGENCY EXECUTIVE DIRECTOR

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO Government Code Section 54956.9(c) Initiation of litigation - one case

**3. ADJOURN CLOSED SESSION**

No report.

*Dan Schwarz, Rohnert Park, left the meeting at 9:40 a.m. (ek)*

**4. CALL TO ORDER REGULAR MEETING/INTRODUCTIONS**

The regular meeting was called to order at 9:45 a.m.

## **5. ATTACHMENTS/CORRESPONDENCE**

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

The Chairman asked the Executive Director to take the floor.

Mollie Mangerich explained that there had been a sudden change in an existing contract the Agency held with ASL Recycling to conduct e-waste collection events. The scope of the contract was such that the Agency did not pay for the services that were provided because the State was reimbursing ASL for the electronic waste that was collected in Sonoma County. As part of that contract the Agency was able to gain some revenue on the collected e-waste. Reimbursement was to be 60 to 90 days, however in April and May the reimbursement slowed yet the collections events continued. Staff met with ASL regarding the lack of reimbursement for ten collection events totaling \$23,905. As of August 14, 2009, ASL closed their doors for business and is no longer able to provide the services they contracted for. Agency Counsel provided a termination letter to ASL Recycling requiring that the outstanding balance be paid in full within two weeks.

In order to cover upcoming e-waste collection events that had been advertised, a conversation between the Executive Director and ECS Refining (who currently collects e-waste from the transfer stations) took place, and ECS agreed to a stop-gap measure filling in for the next three months of e-waste collection events. Staff would like to come back to the Board in September and request permission to issue an RFP to other electronic waste collectors to establish a new contract with an electronic waste collector.

## **6. ON FILE WITH CLERK**

No items on file with the clerk.

## **7. PUBLIC COMMENTS (items not on the agenda)**

There were no public comments.

### CONSENT

**8.1 Minutes of June 17, 2009**

**8.2. FY 08-09 Fourth Quarter Financial Report**

**8.3 Compost Relocation Update**

Items 8.1 and 8.2 were pulled by Christa Johnson, Town of Windsor.

**Item 8.3, Mike Kirn, Healdsburg, moved to approve Item 8.3. Jack Griffin, Sebastopol, seconded. Cloverdale and Rohnert Park, absent.**

**Item 8.1, Christa Johnson, Windsor, Dell Tredinnick, Santa Rosa, and Marsha Sue Lustig, Cotati, abstained from this item because they were not in attendance at the June 17, 2009 SCWMA meeting.**

**Mike Kirn moved to approve Item 8.1 with abstentions. Jack Griffin seconded. Cloverdale and Rohnert Park absent.**

Item 8.2, Christa questioned two items in the legal budget; legislative monitoring and work on AB 1234 training.

Ms. Mangerich said staff monitors state legislation and if Agency Counsel hears of something out of state, she provides insight.

Ms. Coleson said she wrote an opinion as to why the Agency Board was not required to have AB 1234 training. Much of the work she performed over the past year was on unanticipated

projects such as the HHW Lease Agreement, the Agency Program Fee, and document connected to the divestiture. Also the ColWMP update required more legal assistance than had been originally been included in the FY 08-09 Budget.

**Item 8.2 Christa Johnson moved to approve, Marsha Sue Lustig, seconded. Cloverdale and Rohnert Park absent.**

## REGULAR CALENDAR

### ORGANICS

#### **9.1 PRESENTATION BY THE COMPOST CLUB**

Karina Chilcott said at the February 2008 Agency meeting, staff was directed to withhold contributions to the Contingency Reserve from the Education cost center and instead apply those funds (approximately \$9,700) towards a onetime increase in Contract Services for an educational effort targeting 5<sup>th</sup> and 6<sup>th</sup> graders. At the October 2008 meeting, the Board approved splitting the award between the top two ranked proposers, which were the Compost Club and Strawberry School, with the stipulation that the projects be completed by the end of the fiscal year, June 30, 2009.

Ms. Chilcott introduced Rick Kaye, Founder and Boardmember of the nonprofit group the Compost Club. Mr. Kaye gave a summary report of the grant that was received from the Agency using a power point presentation. Mr. Kaye also acknowledged Will Bakx and Alan Siegle, members of their advisory council for the Compost Club.

### DIVERSION

#### **10.1 BEVERAGE CONTAINER UPDATE**

Patrick Carter explained that in January 2000 the California Department of Conservation (DOC) appropriated \$10.5 million annually to be paid to cities and counties to support the recycling of cans and bottles. These funds came from unclaimed deposits on beverage containers purchased in California.

In March 2000, the Agency agreed to accept responsibility for the management of DOC grant money for all Sonoma County jurisdictions.

Each year, from 2000 to 2004, the DOC sent the grant money directly to the Agency. That money was pooled and then used for projects the cities and county proposed, with approval from the Board.

In 2005 the DOC started sending the grant money directly to the cities with the Agency filling out funding requests on behalf of the cities, and then the Agency invoicing the cities. Generally the grant amounts were over \$130,000; last year it was \$133,000. This year there is an 85% reduction in funding and it is expected that approximately a total of \$19,758 will be awarded to the cities. Difficult economic times and more people recycling and reclaiming those deposits could be some factors that are causing the decrease.

Historically, much of the grant funding was used to fund a contract with the Sonoma County Probation Department to service beverage containers in the Regional and State parks throughout the County. With less than \$20,000, there will not be enough money to fund those programs. Staff has been proactive with contacting the parks, and while all of them would be sorry that the servicing of their containers may not continue in the future, they all acknowledge that their internal staff could pick up the slack and provide that service in place of the Probation department.

Staff proposes entering into an agreement with Sonoma County Probation to cover the first quarter of FY 09-10, which will give the parks time to transition into the servicing of their own containers. This new agreement would not exceed September 30, 2009. There is a slight change from the staff report. In the discussion of funding impacts where it says there is approximately \$44,600 available, due to some issues, the number has been decreased to \$4,449.07 (of which \$2,000 has already been spent for beverage container purposes) leaving \$2,249.00. It is estimated that \$19,758 will be available through the grant. The reduction overall affects the ability to execute the agreement as described with the Probation Department. Staff proposes a reduction in the number of collection days from 38 to 34. The cost would be reduced from \$24,700 to \$22,100, which would leave \$107 remaining from the grant.

Ms. Mangerich added this was a historical oversight. When staff discovered there were significant cuts to this program, staff and the accountant from the Auditors-Controller's Office, Mimi Davis, carefully looked at the remaining funds \$44,000 and went back historically to verify the correct amount. Staff found that back in FY 07-08 a mistake was made and the mistake had been rolled forward. Although this is a significant reduction, due to Mr. Carter's change in collection frequency, services will be provided through the month of September and there will be adequate money to cover it.

Chairman Marengo asked if there was a projection for the rest of the fiscal year.

Mr. Carter said the \$19,758 expected from the State would be incorporated into the Technical Adjustments coming to the Board for approval in September.

Ms. Mangerich said the contractual obligations would be covered through the end of September with the Sonoma County Probation Department and then the Probation Department would absorb the collection costs within their budget.

Mr. Carter said that what it would mean is no new projects for the rest of the year. Staff would like to recommend that in the future all the DOC money would go to fund new beverage container purchases, rather than being encumbered with service agreements.

Mr. Kirn, City of Healdsburg, questioned whether staff was certain the 85% reduction in funding was due to increased recycling efforts.

Mr. Carter explained that according to the DOC's official notice, it is the increase in recycling that they attribute to this reduction.

Mr. Tredinnick asked if there was data confirming this information.

Mr. Carter said the DOC still has money, but this isn't the only program they fund. They also fund the Conservation Corps and payments to the actual recyclers.

Ms. Mangerich said the DOC website has a very good accounting of these reductions across the different funding areas, and their prioritization of the cuts, payments to cities and counties took a major hit.

Mr. Kirn confirmed the agreement was for the first three months of the fiscal year; July, August, and September and asked which parks were being provided service by the Probation Department.

Mr. Carter explained the servicing was throughout the county, mostly regional parks and some state parks.

Christa Johnson, Town of Windsor, expressed her support for staff's recommendation and suggested in the event that there is more money available in the future, the Agency have a countywide program, which addresses specific issues such as gas stations, and work with the private sector to develop a program where uniform recycling containers are placed at every gas station.

Jack Griffin, City of Sebastopol, said he was supportive of staff but felt it was important to have a contingency plan in place.

Mr. Demery said it was a real possibility that the State could continue to hold onto the grant funds.

Ms. Mangerich said it was likely that staff would return to the Board with an appropriation transfer from one of the reserves to cover Agency obligations. Simultaneously staff has been problem solving forward to ensure that the services continue. Staff has met with the North Bay Conservation Corp, who is funded by the DOC to provide collection services at multi-families, public events such as recycling containers at Infineon Raceway. The meeting included the auditing of all the cans and as well as locations. Staff will contact them after this Board meeting to share Board comments.

**Dell Tredinnick, moved to approve the agreement with Sonoma County Probation for a term not to exceed September 30,2009 to service recycling containers. Phil Demery, County of Sonoma, seconded. Cloverdale and Rohnert Park, absent.**

## **10.2 CARRYOUT BAG LEGISLATIVE UPDATE**

Mr. Carter reported the City of Palo Alto had enacted a ban under a negative declaration of environmental impacts under CEQA. They were sued for the ban by the 'Save the Plastic Bag' coalition and had settled their lawsuit. Under the terms of that settlement, the City would still be able to implement their plastic bag ban in grocery stores, but they would be required to produce an Environmental Impact Report (EIR) on the subject of banning plastic bags citywide.

The State of California budget issues impacted the California Ocean Protection Council's (COPC) plan to perform a Master Environmental Assessment (MEA) that would enable other local jurisdictions who were considering bans to tier off this overarching CEQA document for their own fees in order to mitigate the need for an expensive EIR process. The COPC was unable to fulfill that contract due to budget issues, but in its place Green Cities California, a non-profit organization, resumed the work with the original selected contractor, ICF Jones & Stokes. The contractor was able to secure enough funding to get the project started, they are requesting additional funds to continue. They've requested contributions of \$2,500 to \$5,000 from organizations interested in using this assessment. Any level of contribution would be appreciated.

Chairman Marengo commented that staff gave an excellent report. He added that it is important to stay proactive on legislation concerning carryout bags. He also recommended that the Agency donate \$5,000 to Green Cities California.

Mr. Demery inquired what cost center would be used for the donation.

Ms. Coleson suggested that staff return to the Board in September with a report and recommendation including financial information.

**Phil Demery moved to direct staff to return to the Board in September with a report and recommendation regarding a donation to Green Cities California. Steven Barbose, seconded. Cloverdale and Rohnert Park, absent.**

## HOUSEHOLD HAZARDOUS WASTE

### **11.1 MOU FOR USED OIL AND FILTER COLLECTION FOR PETALUMA AND WINDSOR**

Lisa Steinman reported the California Integrated Waste Management Board (CIWMB) issues annual block grants to help local governments establish or enhance permanent, sustainable used oil recycling programs. The Agency applies annually for the Used Oil Block grants and has been awarded funding through this grant each year. The members of the Agency Board have authorized the Agency, in a 2005 resolution, to submit applications and manage any Used Oil Block Grants through Fiscal Year 2010/2011.

Prior to 2005, the CIWMB required Memorandum of Understandings (MOU) from the Agency's member jurisdictions in order to receive Used Oil Block Grant funds. Each member jurisdiction had MOUs in place with the Agency, with termination dates of June 30, 2005. Since this is no longer a CIWMB requirement, there are no current MOUs in place.

Both the Town of Windsor and City of Petaluma maintain a used oil and oil filter collection center at their respective corporation yards. The tank contamination at the Petaluma Corporation Yard in 2008 reinforced the need to have MOUs in place for both Windsor and Petaluma.

The purpose of the MOUs is to set forth the terms and conditions of the use of grant funds by Town of Windsor and City of Petaluma of the grant funds. The new MOUs shall commence on August 19, 2009 and shall terminate on the expiration date of the JPA Agreement, February 11, 2017.

The Agency will continue to reimburse the Town of Windsor and City of Petaluma for collection costs for the used oil and filters collected from the public at each site.

Staff recommends Board approval of the MOUs between the Agency and the Town of Windsor and the Agency and the City of Petaluma.

Chairman Marengo requested two modifications to Petaluma's MOU, a signature block page and secondly in Exhibit A, item 3, he would like it modified to read 'agency staff will review and approve, with approval not unreasonably being withheld' all payment requests for completeness before including them in Agency's payment request to the CIWMB.

**Dell Tredinnick, Santa Rosa, moved to approve the motion with modifications. Steve Barbose, Sonoma, seconded. Cloverdale and Rohnert Park, absent.**

### **12. BOARDMEMBER COMMENTS**

Chairman Marengo requested the following items be agendaized for the September meeting.

- MOU for Agency staffing services
- RFP for E waste collection events
- Update on carryout bag legislation including staff report and recommendation on contribution to Green Cities California
- Divestiture Update

### **13. STAFF COMMENTS**

Mr. Carter said the comment period is over on the draft SPEIR and 13 comments were received. Many of the comments focused on greenhouse gases.

- One questioned whether the SCWMA should be the lead agency for the project.
- One required more information on our ability to provide 15 years more capacity, identified in the CoIWMP.
- One questioned how reopening Central would affect C&D collection.

- One questioned whether mitigation measures would include flow control on private haulers.
- One requested more information about Redwood Landfill being included.
- One questioned the dual baseline approach.

An internal draft document should be completed at the end of August and the public hearing could be agendized for October meeting.

Ms. Steinman said staff submitted an application for the Cycle 15 Used Oil Block Grant in July, and is waiting for a response. There has been a decline in revenues for that program and there could be a 55% to 58% reduction in the grant funds.

Ms. Mangerich distributed a letter to the Board from the Sonoma County Resource Recovery Association.

#### **14. ADJOURNMENT**

Meeting adjourned at 10:40 a.m.

Respectfully submitted,  
Elizabeth Koetke

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

- 1) ASL termination letter**
- 2) E waste collection event schedule**
- 3) Letter from Sonoma County Resource Recovery Association to Agency Boardmembers**