



MINUTES OF SEPTEMBER 17, 2008

The Sonoma County Waste Management Agency met on September 17, 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	Marsha Sue Lustig
City of Cloverdale	Gus Wolter
City of Healdsburg	Marjie Pettus
City of Petaluma	Vince Marengo
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Dave Brennan
City of Sonoma	Steve Barbose
Town of Windsor	Christa Johnson
County of Sonoma	Phil Demery

STAFF PRESENT:

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

1 CALL TO ORDER SPECIAL MEETING

The special meeting was called to order at 8:40 a.m. by Chairman Tim Smith.

2. OPEN CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 500 Mecham Road, Petaluma, California
Agency Negotiator: Executive Director
Negotiating Party: County of Sonoma
Under Negotiation: PRICE _____
TERMS _____
BOTH ____X____

3. ADJOURN CLOSED SESSION

No report.

4. CALL TO ORDER REGULAR MEETING/INTRODUCTIONS

The regular meeting was called to order at 9:18 a.m.

5. ATTACHMENTS/CORRESPONDENCE

Chairman Smith, called attention to the Director's Agenda Notes.

6. ON FILE WITH CLERK

Chair Smith, noted the resolutions from the August 20, 2008 meeting on file with the clerk.

7. PUBLIC COMMENTS (items not on the agenda)

There were no public comments.

CONSENT

8.1 Minutes of August 20, 2008

8.2 Amendment to VBN Architects Contract

8.3 Compost Monthly Reports for April, May, June 2008

8.4 Compost Relocation Update

Vince Marengo, Petaluma, moved to approve the consent calendar.

Christa Johnson, Town of Windsor, seconded. Consent calendar approved.

REGULAR CALENDAR

ADMINISTRATION

9.1 FY 08-09 TECHNICAL ADJUSTMENTS

Charlotte Fisher explained that in March 2008, the budget for FY 08-09 was unanimously approved by the Agency Board. The budgeting process includes an opportunity to make changes (Technical Adjustments) to the budget after the fiscal year-end to reflect information more current than was available at the time of budget approval in June.

The basic changes are due to the reduction of the interest rate, a 4% interest rate was budgeted in the spring and the County has recalculated the anticipated interest rate for the coming year, given the economic conditions and it's currently at 2.2%. The interest rate on the calculations for pooled cash changed. Those are 10 of the 26 adjustments.

As the Reserve Policy has been implemented, some undesignated funds left in the working cost centers (Yard, Wood, HHW, Education, Diversion and Planning) would provide a cushion in case of an unanticipated occurrence. The Agency's approved budget is a conservative budget and this action, if approved, would make it more so. In conferring with staff, the retention of funds suggested was 10% of operating expenses.

Some of the proposed technical adjustments are the result of the undesignated funds for the cost centers being transferred into the reserves, which is the implementation of the reserve policy.

Dave Brennan, Sebastopol, commented that the issue of reserving 10% was referred to as a cash flow issue, but asked if it wasn't actually a budget issue and a change to budget policy. If the cash is available, even though it's invested, the Agency has access to all invested funds.

Charlotte Fisher answered that this is a change to the policy but in speaking with the Auditor Controllers office it was suggested that because the JPA only meets monthly we could potentially find ourselves in a cash flow crunch, in the middle of the month.

Dave Brennan asked if there were restrictions to the access of reserve funds.

Charlotte Fisher said using the reserves would require the Agency Board's approval.

The remaining adjustments are needed because of estimating that was done on the grant monies, such as what would come in from the Department of Conservation (DOC) for our beverage containers and some of the HD grants. The HHW Facility Roof Extension Project was re-budgeted into current (FY08-09) because staff had anticipated that it would have been completed in the previous fiscal year, but it was not.

Vince Marengo, Petaluma, moved to approve the FY 08-09 Technical Adjustments. Dell Tredinnick, Santa Rosa, seconded. Motion unanimously approved.

HOUSEHOLD HAZARDOUS WASTE

10.1 CLEAN HARBORS CONTRACT EXTENSION

Lisa Steinman said the Agency has a contract with Clean Harbors Environmental Services to operate the HHW Facility and Mobile Collection Programs. The term of this Agreement will end on January 6, 2009. At the August 20, 2008 Agency Board meeting, staff was given direction to distribute the HHW Operations RFP.

At this time the County of Sonoma is involved with a divestiture process. Currently the County is in the middle of the RFP process to solicit proposals from parties interested in purchasing the Central landfill and the transfer stations. A potential divestiture would affect HHW Operations since the Household Toxics Facility is located at the site and hazardous waste is collected from each transfer station's load check program and brought to the facility by the HHW Contractor. An additional scope of work would need to be included in the future contract for operation of the load check program should the divestiture go through. This would then be a separate Agreement between the new owner and the Contractor.

Another issue is that the County and the Agency are negotiating a ground lease agreement for the HHW building. With the absence of a ground lease and the uncertainty of whether the divestiture will go through, the RFP process has become negatively impacted. Ideally it would be advantageous for the RFP to be distributed after the ground lease agreement is in place and there is more information available concerning the divestiture. In addition, it is expected that the Agency will see increased costs with a new contract, based on staff's analysis of current pricing received by other jurisdictions for similar HHW operations. Staff also expects labor costs to increase.

Clean Harbors has expressed their willingness to extend the current agreement for an additional four months (until May 6, 2009), without any changes to the current terms and conditions. The Fifth Amendment currently in place, approved by the Agency Board on August 21, 2007 allows for a one year extension to the agreement until January 6, 2010.

Staff received a letter dated September 15, 2008 offering a one year extension to the current contract, with the current contract's terms and conditions. Staff anticipates the cost to the Agency from future proposals will be increased over what is currently paid by the Agency for HHW services.

Tim Smith, Rohnert Park, moved to approve the 6th Amendment to the Clean Harbors Contract Extension for a one year term. Vince Marengo, Petaluma, seconded. Motion unanimously approved.

10.2 HHW EPOXY COATING AGREEMENT

Lisa Steinman said at the January 17, 2007 Agency meeting, the Sonoma County Household Hazardous Waste Program Benchmarking and Program Evaluation was accepted by the Agency Board. The evaluation included a list of suggestions for a number of operational and infrastructure improvements to the HHW building including

applying a chemically-resistant containment coating to the facility floor and containment sumps.

The current operation relies heavily on the use of tarps and plastic sheeting taped to the floor for spill containment. This method of spill containment is used because the original construction did not include a chemically resistant coating over the concrete containment structure. The current method is cumbersome, creates tripping hazards, and does not meet the intent of containment for chemical spills.

The proposed work will be scheduled to be completed during the two week closure of the HHW Facility between December 21, 2008 and January 5, 2009.

There will be a cost to the Agency for the work performed. As requested by the Agency Counsel, all quotes will include prevailing wage pricing. Staff estimates that the job will cost \$25,000 to \$35,000. \$35,000 is available in the HHW Operating Reserve Fund for this project.

Vince Marengo, Petaluma, said he would view this as somewhat urgent in nature. He's fully supportive.

Lisa Steinman said it was scheduled for the two weeks the facility is closed because all the floor space is needed, which would interfere with operations if the facility is open.

Executive Director Mollie Mangerich commented that this is a layered process, shipments would have to be coordinated and barrels and storage containers will have to be moved outside so the floor can be accessed. It's an industry standard coating, staff recommends it, as it will enhance the clean-up of spills and is extremely durable. It's a two-part process for that bonding to occur.

Dell Tredinnick, Santa Rosa, moved to approve the HHW Epoxy Coating Agreement. Christa Johnson, Town of Windsor, seconded. Motion approved.

Chairman Smith confirmed that the motion authorized staff to spend the money required to get the epoxy coating completed and that staff will return to the Board before the epoxy coating is completed.

Vince Marengo, Petaluma, said that he views it as urgent and should be done sooner rather than later.

Phil Demery, County of Sonoma, reiterated that if staff is of the opinion that this is an emergency and needs to be done, there's an exemption in the Public Contract Code that allows staff to bid this much quicker or even to call potential bidders. It's up to staff to determine if it's that kind of emergency.

Janet Coleson, Agency Counsel, said there is an exemption, but staff has not made the findings for an emergency situation.

DIVERSION

11.1 PLASTIC BAG UPDATE

Patrick Carter has been examining the action in the California Legislature regarding the progress of bill AB 2058, which is the fee on carryout bags. It did not pass through the legislature, possibly because of the Governor's threat of veto.

The City of Oakland relied upon a categorical exemption from CEQA to justify their ban on plastic bags, which was challenged in court and the City of Oakland lost that ruling.

The City of Manhattan Beach used a negative declaration in their ban on plastic bags and that was also challenged, but staff is unaware of any ruling or settlement of that case.

Staff presented three possible options to the Board; the Agency could look at some type of ban of plastic bags, or wait to see what happens with Manhattan Beach. Another option is to increase education and outreach of reusable bags. A third option is for staff to continue to monitor bills in the next legislative session.

Stephen Barbose, Sonoma, asked what happened with the City of San Francisco.

Janet Coleson said that San Francisco was able to get their ban through without being challenged. Fairfax has an initiative on the ballot for the upcoming November election and they did a ban as well. They did it in spite of threat of litigation and they were sued, then they rescinded that because they didn't have the funds to defend that suit. A citizens group got together an initiative, which is on the November ballot. The City of Oakland passed a ban using the categorical exemption, they were challenged, they lost, and they didn't appeal. Malibu used a mitigated negative declaration and no one has challenged it yet. Manhattan Beach used a negative declaration or a mitigated negative declaration and they have been sued.

Phil Demery, County of Sonoma, confirmed with Agency Counsel that there is a 6 month to 1 year statute of limitations if an exemption is not filed.

Janet Coleson commented that they may have filed a notice of exemption, but the time for suing them has passed and no one threatened to sue them.

Dell Tredinnick, Santa Rosa, asked if there is an existing EIR that's been done?

Janet Coleson said no one has done it. Someone is going to have to fund doing the EIR and at the same time have money for a legal defense. Even with an EIR there could be a lawsuit. It's possible there will be a legislative solution.

Chairman Smith requested that this item be continued to the November 19, 2008 Agency meeting.

Executive Director, Mollie Mangerich clarified that the Agency has already budgeted \$3,000 to BayRoc for their advertising, and asked if staff should continue to monitor legislation.

Chairman Smith concurred.

PLANNING

12.1 LARGE VENUE AND C&D PLANNING POLICY RFP

Patrick Carter said that during the preparation of the FY 08-09 Budget, staff identified a project to establish a uniform construction and demolition, debris reduction policy throughout the County and implement a consistent Countywide large event, large venue policy for all the Cities and the County. Staff is limited in their resources so the decision was made to use \$20,000 in funds to hire a consultant to do the research and the outreach to all the cities in the County to get these policies in place.

The justification is that construction and demolition debris is the second largest waste type identified in the Waste Characterization Study at approximately 27% of Sonoma County's waste. As the infrastructure exists to recycle much of that waste, staff was directed to reduce it where possible.

AB 2176 requires all events and venues with an average of at least 2,000 people in daily attendance create a recycling plan, set diversion goals, and track their progress. Staff reports to the State what that progress is, it's become clear through the Annual Reporting process that most large events and venues do not have a formal recycling plan.

Although the two issues seem unrelated, the idea is that there will be some type of use permit for both of these. The people that are involved with these two issues will both interface with permitting staff in getting these policies in place in a uniform fashion.

Dell Tredinnick, Santa Rosa, said he preferred the word deconstruction to demolition. He said he'd like the materials to be given to folks who will reuse it, like Habitat for Humanity.

Stephen Barbose, Sonoma, said he understood that there was going to be a State Green Building Code effective in 2010 and that would mandate C & D.

Janet Coleson said it is supposed to be revisions to the State Building Code.

Vince Marengo, Petaluma, pointed out that in the Scope of Services, one could qualify under the 75 points without giving any consideration to cost. In other words they could qualify with Proposal Completeness and Detail, Qualifications/Experience Developing Policy, Qualifications/Experience with C&D and Large Event/Venue Subject Matter, without regards to cost, he asked if Project Costs could have a higher ranking?

Phil Demery, County of Sonoma, asked if this was a Professional Services Agreement, and said if it was, costs can't be included. It should be qualifications based.

Janet Coleson, Agency Counsel said she would review the contract.

Christa Johnson, Town of Windsor, requested that the consultant look at existing debris box license agreements and franchise agreements. The Town of Windsor's agreements started in January and they have a mandatory diversion requirement from those.
Chairman Smith asked the Board for a consensus to release the RFP. The Board agreed to release the RFP to interested parties after the Scope of Services was reviewed by Agency Counsel, Janet Coleson.

13. BOARDMEMBER COMMENTS

Christa Johnson distributed reusable bags from the Town of Windsor.

Stephen Barbose said Green Mary will handle the recycling at the Sonoma Vintage Festival this year in Sonoma.

Dell Tredinnick distributed reusable bags with reusable water bottles to Board members and mentioned that Solar Sonoma County has their kick-off on September 18, 2008.

Chairman Smith shared that he's reading a book titled 'Cradle to Cradle' which is very interesting.

14. STAFF COMMENTS

Charlotte Fisher announced that Compost Allocations for the 2nd Quarter were distributed.

Patrick Carter brought a request from the AB 939 Local Task Force to add a link on the www.recyclenow.org website and the Agency agendas, to the AB 939 LTF minutes.
The Board members didn't object.

Patrick Carter mentioned Green Purchasing, and requested permission to include Green Purchasing as an agenda item on the October agenda.

Approval to add that item to the October agenda was given by Chairman Smith.

And lastly, Patrick mentioned that the beverage container invoices had been sent to each city and about half have been returned.

Lisa Steinman discussed the Mercury Fever Thermometer Exchange Flyer that was distributed at the meeting.

15. ADJOURNMENT

Meeting adjourned at 10:07 a.m.

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

Compost Allocations for 2nd Quarter

Letter from Clean Harbors Environmental Services

Mercury Fever Thermometer Exchange Flyer

Letter from Cold Creek Compost Inc., w/Statement of Qualifications

Respectfully submitted,
Elizabeth Koetke