



Minutes of September 19, 2012

The Sonoma County Waste Management Agency met on September 19, 2012, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue., Santa Rosa, California

**Present:**

City of Cloverdale	Nina Regor, Chair
City of Cotati	Susan Harvey
City of Healdsburg	Mike Kirn
City of Petaluma	Dan St. John
City of Rohnert Park	John McArthur
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Sue Kelly
City of Sonoma	Steve Barbose
County of Sonoma	Susan Klassen
Town of Windsor	Matt Mullan

**Staff Present:**

Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Henry Mikus
Recorder	Debra Dowdell

**1. Call to Order/Introductions**

The meeting was called to order at 9:03 a.m.

**2. Agenda Approval**

Susan Klassen, County of Sonoma, had questions on Items 4.3, 4.4 and 4.6. Henry Mikus, Executive Director, noted that there were some corrections needed to the July 18, 2012 Minutes.

**Mike Kirn, City of Healdsburg, moved to approve the agenda with the changes noted. Susan Harvey, City of Cotati, seconded. Petaluma absent. Motion carried.**

**3. Public Comments (items not on the agenda)**

None.

*Dan St. John, City of Petaluma arrived at 9:07 a.m.*

**Consent**

- 4.1 Minutes of July 18, 2012**
- 4.2 Minutes of Special Meeting August 23, 2012**
- 4.3 Budget Adjustments for FY 12-13**
- 4.4 FY 11-12 Year-End Financial Report**
- 4.5 2012 Biennial Review of Conflict of Interest**
- 4.6 Facilitator Services: Evaluations of Agency Counsel & Executive Director**

**Sue Kelly, City of Sebastopol moved to approve Items 4.2 and 4.5. Susan Harvey, City of Cotati, seconded. Town of Windsor, County of Sonoma and City of Santa Rosa abstained from Item 4.2. Motion carried.**

Henry Mikus, Executive Director, noted that in Item 4.1, the July 18, 2012 Minutes, Paragraph 1 indicated a Special meeting but it was not and in Paragraph 3 the motion by Susan Harvey should indicate City of Cotati not City of Sonoma.

**Susan Klassen, County of Sonoma, moved to approve the July Minutes as amended. Matt Mullan, Town of Windsor, seconded. Motion carried.**

Susan Klassen, County of Sonoma, asked for some explanation on Items 4.3. and 4.4. Mr. Carter addressed and clarified her concerns.

**Susan Klassen, County of Sonoma, moved to approve Item 4.3. Susan Harvey, City of Cotati, seconded. Motion carried unanimously.**

**Susan Harvey, City of Cotati, moved to approve Item 4.4. Mike Kirn, City of Healdsburg, seconded. Motion carried.**

Susan Klassen, County of Sonoma, asked why Item 4.6 did not include input from contractors outside the Agency in the scope of work. Mr. Mikus explained that it was brought up to the perspective facilitator's and both thought it was not appropriate for the type of evaluation needed.

**Susan Harvey, City of Cotati, moved to approve Item 4.6. Sue Kelly, City of Sebastopol, seconded. Motion carried.**

### **Regular Calendar**

#### **5. Compost Relocation Update**

Patrick Carter reported that the Admin Draft EIR had been reviewed and feedback was provided to the consultant's to ready it for publishing. It will be presented at the October Agency meeting. There will then be a 45 day comment period which will end in late October or early November. All comments should be addressed in time to schedule consideration of the Final EIR in January.

#### **Board Discussion**

Sue Kelly, City of Sebastopol, asked when jurisdiction presentations would be made. Mr. Carter replied that presentations would be made sometime between late January and early March.

Dan St. John, City of Petaluma, asked if the comments the City of Petaluma provided would be addressed. Mr. Carter responded that they would be addressed in the Final EIR.

#### **Public Comment**

None.

#### **6. Multi-Family Recycling Education Project Grant Cycle 2**

Henry Mikus, Executive Director, announced that as per the direction of the Board he met with the Ratto Group to discuss assisting the Agency with education outreach and they agreed to provide Spanish language help. This would be an approximate \$9,000 savings to the Agency.

### **Board Discussion**

Susan Harvey, City of Cotati, asked what the plan was for the schools. Mr. Mikus answered that there has been a problem getting through to the right people at the schools but he hopes to do at least 25 school visits. Ms. Harvey thanked the Ratto Group for partnering with the Agency.

Matt Mullan, Town of Windsor, said he appreciated the Ratto Group stepping forward and assisting the Agency and he'd like to see more of that.

### **Public Comment**

None.

### **Board Comment**

None.

**Matt Mullan, Town of Windsor, moved to approve the reduced project budget. Susan Harvey, City of Cotati, seconded. Motion carried.**

## **7. Carryout Bags Ordinance Report**

Patrick Carter announced that the Agency met with each City Council and the Board of Supervisors and the preferred method for implementing an ordinance would be a countywide SCWMA Ordinance. There was some feedback about having a set fee of 10 cents per paper carryout bag. It was suggested that warnings be built into the ordinance rather than heading straight into penalties. There was some concern about the reporting requirements and enforcement. Rincon Consultants was the top consulting firm that a proposal was received from. They believe they can do this EIR under the schedule proposed, which would finish up in March 2013 and then the ordinance adoption would be considered after that. Staff recommended proceeding with the carryout bag waste reduction ordinance under the countywide Agency implementation method.

### **Board Discussion**

Susan Harvey, City of Cotati, asked for more clarification on the enforcement responsibility of the Agency Board. Mr. Carter explained that one jurisdiction wanted to have administrative penalties come before the Agency Board for consideration rather than the Agency Board delegating that task to the staff.

Steve Barbose, City of Sonoma, asked for a reminder on the record keeping reporting requirements. Mr. Carter responded that stores would be required to retain the records of carryout bags for three years.

Matt Mullan, Town of Windsor, said that having every levy come before the Board would be overwhelming with everything else they do. He suggested giving the authority to the Executive Director with the ability to be able to appeal to the Board. Janet Coleson, Agency Counsel, added that is what she would recommend. Mr. Mullan noted previous issues with moving forward with a regional approach and asked if those had been resolved. Ms. Coleson replied that they may not be fully resolved but it's been decided to move forward. One recommendation was to do some type of indemnification agreement between the Agency and the individual members to ensure Agency responsibility should there be any litigation.

Dan St. John, City of Petaluma, had questions about the appeal process. Janet Coleson, Agency Counsel, explained that the first step would be a warning letter then if the problem continued an administrative citation would be issued. If an appeal was requested then it would go to the Agency Board.

Chair Regor suggested that Agency Counsel take a look at the administrative ordinances for each city and possibly incorporate some of that language into the Agency Administrative Ordinance.

Mike Kirn, City of Healdsburg, said it's his understanding that there would be two ordinances that would be coming before the Board in the future, one for an administrative ordinance and a separate one for the bag ordinance.

#### **Public Comment**

None.

**Matt Mullan, Town of Windsor, motioned to direct staff to proceed with the carryout bag waste reduction ordinance under the countywide agency implementation method. Steve Barbose, City of Sonoma, seconded. Motion carried.**

#### **8. Carryout Bags RFP for EIR Consultant**

Patrick Carter announced that four proposals were received for the EIR Consultant. The proposals were reviewed and scored. The top ranked firm was Rincon Consultants. The proposed cost for the project was significantly lower than staff anticipated. The projected cost was \$41,740 and they are able to meet the Agency schedule. They have done this type of work for many other cities/counties and they have the CEQA process down. Staff recommends entering into an agreement for consulting services with Rincon Consultants to prepare a CEQA documentation with regard to a carryout bag waste reduction ordinance.

Susan Klassen, County of Sonoma, suggested changing the term date of the agreement. Mr. Carter explained that Item 3.1 of the agreement gives the option of extending the agreement up to six months.

Chair Regor asked for a summary of the criteria used to rank the proposals. Mr. Carter replied the level of CEQA analysis, experience, scope of work and budget were used to rank the proposals. Ms. Regor questioned why this would be a unanimous vote item when the amount is less than \$50,000. Mr. Carter responded that it is a majority vote.

#### **Public Comment**

None.

**Steve Barbose, City of Sonoma moved to direct staff to enter into an agreement for consulting services with Rincon Consultants to prepare the CEQA documentation in regard to the carryout bag ordinance. Dell Tredinnick, City of Santa Rosa, seconded. Motion carried.**

Matt Mullan, Town of Windsor, complimented the staff for their work on the RFP.

#### **9. Spud Point Oil Collection Project**

Henry Mikus, Executive Director, stated he would be reporting on this item instead of Ms. Steinman because she was asked to be a featured speaker at the North American Hazardous Materials Management Association (NAHMMA) today. A brief recap of the project discussion from the last Board meeting was given. At the July 18, 2012 SCWMA meeting, there was concern about the strength of the liability language in the contract with Sonoma County Regional Parks. With the aid of Counsel the language in the contract has been revised to be stronger and protect the Agency on liability issues on the Spud Point Project.

Chair Regor asked Susan Klassen if there were any outstanding issues on this with the Board of Supervisor's. Ms. Klassen was not aware of any.

## **Public Comment**

None.

**Susan Harvey, City of Cotati motioned to approve the Memorandum of Understanding (MOU) with the County and to delegate the signing authority to the Executive Director for expenses related to the development of Spud Point Arena as a public used oil and filter collection site not to exceed \$15,210. Sue Kelly, City of Sebastopol seconded. Motion carried.**

Susan Klassen, County of Sonoma, asked if Regional Parks had already scheduled this on the Board of Supervisor's agenda. Mr. Mikus responded he did not know if it had been scheduled.

## **10. Sonoma County/City Solid Waste Advisory (SWAG)**

Steve Barbose, City of Sonoma and SWAG liaison, gave an update on what the SWAG has been doing. Minutes of the SWAG meetings can be found on the TPW website at [http://www.sonoma-county.org/tpw/divisions/integrated\\_waste/solid\\_waste\\_adv\\_group.htm](http://www.sonoma-county.org/tpw/divisions/integrated_waste/solid_waste_adv_group.htm)

Rick Downey, Operations Manager for Republic Services, added that they are still discussing how they are going to answer all the questions that are coming to them from the Water Board and that they hope to have draft permit by October and approval sometime in January.

## **Board Discussion**

Matt Mullan, Town of Windsor, was concerned that the SWAG went into a detailed discussion about transferring the compost facility to Republic's responsibility without it coming to the Agency and Board. He feels like control of the Agency is being lost because everybody else is telling them how to do their business. The fact that they don't invite the expertise of the staff or engage the Board in a discussion about the future and how things might be done better is very frustrating to him.

Susan Harvey, City of Cotati, said she asked that question at the SWAG meeting and didn't really get an answer.

Mr. Barbose commented that without a unanimous consent the agreement cannot be amended. Every jurisdiction is going to have to buy into it or it's going to grind to a halt. He didn't know when the idea of folding compost into Republic was conceived but his sense is that it's a relatively new idea.

Ms. Harvey remarked that if there are discussions around the Agency and its Board those individuals should be included in them.

Chair Regor mentioned that an alternative the County and Republic may want to consider in regard to compost is to look at having the composting handled through an agreement between Republic and the JPA. That would respect the structure of the JPA. There will be discussions about the future of the JPA because it's set to expire in 2017 but to accelerate that discussion beyond what all 10 jurisdiction's have had a chance to thoughtfully consider is unfair.

## **Public Comment**

Anne Hancock, Climate Protection Campaign, thanked Mr. Barbose for the SWAG report. She said that in order to give good comment in both city and community perspective we need to be able to see the draft agreement. She believes that organics need to be kept out of the landfill and captured through a Material Recovery Facility (MRF) then turned into energy.

## **Board Comment**

Susan Klassen, County of Sonoma, suggested that the Agency Board invite the folks involved in the discussion to come make a presentation and give an overview of what's being discussed.

Steve Barbose, City of Sonoma, said at the Special Meeting in August he brought that topic up and thinks it would be helpful to have a presentation before this Board. The contract will be available on October 18, 2012 which is after the scheduled October Agency Board meeting. He suggested rescheduling the next meeting to sometime after the SWAG meeting.

**11. Climate Protection Campaign's Sebastopol Project**

Ken Wells, Guiding Sustainability, reported on the results of the education and outreach project to enhance diversion of organic materials in the City of Sebastopol. The residences were divided into three groups. Group one was contacted directly by an education team, group two was given organics diversion information through direct mail delivery, and group three was used as the control for the study. Researchers tracked waste collection for four months. Data for this period showed no discernible increase in organics diversion in the two tests groups, when compared with the control group.

**Board Discussion**

Steve Barbose, City of Sonoma, commented that Sebastopol probably has a much higher organics rate than most cities. He asked Mr. Wells if he was aware of the diversion rates in San Francisco where food scrap recycling is mandatory. Mr. Wells did not know.

Mike Kirn, City of Healdsburg, commented that if this report is being utilized to make a final conclusion he would caution that this was a very limited study so it shouldn't be the basis for potentially expensive capital investments.

**Public Comment**

None.

**12. Attachments/Correspondence**

Chair Regor called attention to the Director's Agenda Notes, Reports by Staff and Others; September and October 2012 Outreach Events, EPR Update and Letters of Support.

**13. On File with the Clerk**

Chair Regor noted resolutions approved in July and August 2012, on file with the Clerk.

**14. Boardmember Comments**

Mike Kirn, City of Healdsburg, congratulated Patrick Carter on his promotion.

Chair Regor, commented that Lisa Steinman's ability to provide a presentation to a regional or even state board is a wonderful opportunity for employee development and to highlight some of the things the SCWMA is doing. She asked staff to pass along the Board's appreciation. Mr. Mikus added that he was able to see Lisa's presentation and she was quite complimentary and inclusive in recognizing the Agency's efforts.

**15. Staff Comments**

Henry Mikus, Executive Director, announced Patrick Carter's promotion to the SCWMA Department Analyst position which became vacant when Charlotte Fisher retired.

Patrick Carter announced that the allocations for the compost material were available and a copy was given to each Boardmember. Mr. Mullan requested to get the information electronically.

Karina Chilcott noted that the first Agency Goodwill E-waste/Styrofoam event took place this past weekend at the Cotati Park and Ride and she personally attended the event. About 200 cubic feet of mostly cleaned formed packaging material was collected and there were no problems. The next event will be October 20<sup>th</sup> and 21<sup>st</sup> at the Windsor Wal-Mart.

**16. Next SCWMA Meeting, October 17, 2012.**

**17. Adjournment**

Meeting adjourned at 10:56 a.m.

Respectfully submitted,  
Debra Dowdell

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

Packet that was sent to Sebastopol residents from the Climate Protection Campaign