



## Meeting of the Board of Directors

November 18, 2021  
REGULAR MEETING

Regular Session begins at 9:00 a.m.

Estimated Ending Time 11:30 a.m.

Virtual Meeting via Zoom

<https://sonomacounty.zoom.us/j/92248855470?pwd=OFFVNUIiWVh5Wk5SSzVyWWdWbndjdz09>

Or Telephone: +1 669 900 9128

Webinar ID: 922 4885 5470

Passcode: 157476

Meeting Agenda and Documents

## **ZERO WASTE SONOMA**

### **Meeting of the Board of Directors**

November 18, 2021

REGULAR MEETING

Regular Session begins at 9:00 a.m.

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*Note: This packet is 105 pages total*

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**November 18, 2021**

**REGULAR MEETING**

**Regular Session begins at 9:00 a.m.**

**Estimated Ending Time 11:30 a.m.**

In accordance with Executive Orders N-25-20 and N-29-20 the Board of Directors meeting will be held virtually.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

### **Virtual Meeting via Zoom**

<https://sonomacounty.zoom.us/j/92248855470?pwd=OFFVNULiWVh5Wk5SSzVyWWdWbndjdz09>

Or Telephone: +1 669 900 9128

Webinar ID: 922 4885 5470

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### **PUBLIC COMMENT:**

Public Comment may be submitted via recorded voice message or email. Public comment may also be made by “raising your hand” using the Zoom platform.

Voice recorded public comment: To submit public comment via recorded message, please call 707-565-2722 by 5:00 pm Wednesday, November 17th. State your name and the item number(s) on which you wish to speak. The recordings will be limited to two minutes. These comments may be played or read at the appropriate time during the board meeting.

Email public comment: To submit an emailed public comment to the Board please email [leslie.lukacs@sonoma-county.org](mailto:leslie.lukacs@sonoma-county.org) and provide your name, the number(s) on which you wish to speak, and your comment. These comments will be emailed to all Board members and can be provided anytime leading up to and throughout the meeting.

## **Agenda**

### **Item**

1. Call to Order Regular Meeting
2. Agenda Approval
3. Public Comments (items not on the agenda)

### **Consent** (w/attachments)

- 4.1 Minutes of the October 21, 2021 Regular Meeting
- 4.2 October, November, and December 2021 Outreach Calendar
- 4.3 Approval of FY 2021-22 First Quarter Financials
- 4.4 Third Amendment to E-Waste Handling Agreement with Recology Sonoma Marin
- 4.5 First Amendment to Compostable Materials Transport Services Agreement with Recology Sonoma Marin
- 4.6 Resolution for Authorization of Submittal of CalRecycle Payment Programs and Related Authorizations
- 4.7 Resolution No. 2021-26, Making Findings and Determinations Under AB 361 for the Continuation of Virtual Meetings

### **Regular Calendar**

5. Community Presentation from the Sebastopol Zero Waste Committee [Tan]
6. Special Department Expense Budget Appropriation for Food Recovery Capacity Study and Approval of Contract with Abound Food Care [Tan]
7. Contingency Reserve Fund Budget Appropriation for Compost Rebate Program [Tan]
8. Boardmember Comments – NO ACTION
9. Executive Director Report – VERBAL REPORT
10. Staff Comments – NO ACTION
11. Next ZWS meeting: December 16, 2021
12. Adjourn

**Consent Calendar:** These matters include routine financial and administrative actions and are usually approved by a single majority vote. Any Boardmember may remove an item from the consent calendar.

**Regular Calendar:** These items include significant and administrative actions of special interest and are classified by program area. The regular calendar also includes "Set Matters," which are noticed hearings, work sessions and public hearings.

**Public Comments:** Pursuant to Rule 6, Rules of Governance of the Sonoma County Waste Management Agency/Zero Waste Sonoma, members of the public desiring to speak on items that are within the jurisdiction of the Agency shall have an opportunity at the beginning and during each regular meeting of the Agency. When recognized by the Chair, each person should give his/her name and address and limit comments to 3 minutes. Public comments will follow the staff report and subsequent Boardmember questions on that Agenda item and before Boardmembers propose a motion to vote on any item.

**Disabled Accommodation:** If you have a disability that requires the agenda materials to be in an alternative format or requires an interpreter or other person to assist you while attending this meeting, please contact the Zero Waste Sonoma Office at 2300 County Center Drive, Suite B100, Santa Rosa, (707) 565-3579, at least 72 hours prior to the meeting, to ensure arrangements for accommodation by the Agency.

**Noticing:** This notice is posted 72 hours prior to the meeting on the internet at [www.zerowastesonoma.gov](http://www.zerowastesonoma.gov)



**To:** Zero Waste Sonoma Board Members  
**From:** Leslie Lukacs, Executive Director  
**Subject:** November 18, 2021 Board Meeting Agenda Notes

## Consent Calendar

These items include routine financial, informational and administrative items and **staff recommends that they be approved en masse by a single vote.** Any Board member may remove an item from the consent calendar for further discussion or a separate vote by bringing it to the attention of the Chair.

- 4.1 October 21, 2021 Meeting Minutes
- 4.2 October, November, and December Outreach Calendar
- 4.3 Approval of FY 2021-22 First Quarter Financial Report
- 4.4 Third Amendment to E-Waste Handling Agreement with Recology Sonoma Marin
- 4.5 First Amendment to Compostable Materials Transport Services Agreement with Recology Sonoma Marin
- 4.6 Resolution for Authorization of Submittal of Payment Program and Related Authorizations
- 4.7 Resolution No. 2021-26, Making Findings and Determinations Under AB 361 for the Continuation of Virtual Meetings

## Regular Calendar

### 5. Community Presentation from the Sebastopol Zero Waste Committee

A presentation on SB 1383 will be shared by Argus Brent on behalf of the Sebastopol Zero Waste Committee youth. He and other high school students shall be presenting this PowerPoint to Sebastopol residents specifically through various community groups. **This item is a presentation for informational purposes only and no action is required.**

### 6. Special Department Expense Budget Appropriation for Food Recovery Capacity Study and Approval of Contract with Abound Food Care

Staff released a Request for Qualifications for an Edible Food Recovery Capacity Study on September 29, 2021. Four proposals were received by the October 20, 2021 deadline. Staff scored the proposals using four primary selection criteria (scoring comparison is attached). Abound Food Care was identified as the top contender due to their extensive experience with the food recovery sector, most efficient project timeline, and affordable cost. **Staff recommends increasing the budgetary appropriations for \$31,400 to fund the food recovery capacity study and authorize the Executive Director to enter into contract with Abound Food Care.**

#### **7. Contingency Reserve Fund Budget Appropriation for Compost Rebate Program**

The Senate Bill (SB) 1383 Regulations require jurisdictions to annually procure organic waste products such as compost, mulch, or renewable gas according to targets set by CalRecycle. An allowable alternative under SB 1383 is to directly procuring compost is for jurisdictions to procure compost by proxy, through a “direct service provider”, which can be any person or entity as long as they have a written agreement with the jurisdiction. The Agency and member jurisdictions staff created a rebate program to incentivize farmers and other entities to sign “direct service provider” agreements. **Staff recommends increasing the budgetary appropriations for Contingency Reserve Fund by \$150,000 to fund the compost rebate program.**



## Minutes of the October 21, 2021 Meeting

Zero Waste Sonoma met on October 21, 2021, via Zoom to hold a virtual board meeting.

### Board Members Present:

City of Cloverdale – Marta Cruz  
City of Cotati - Susan Harvey  
City of Healdsburg - Larry Zimmer  
City of Petaluma - Patrick Carter  
City of Rohnert Park - Pam Stafford

City of Santa Rosa - John Sawyer  
City of Sebastopol – Diana Rich  
City of Sonoma - Madolyn Agrimonti  
County of Sonoma – Trish Pisenti  
Town of Windsor - Deb Fudge

### Staff Present:

Executive Director: Leslie Lukacs  
Counsel: Ethan Walsh  
Staff: Xinci Tan, Sloane Pagal, Thora Collard, Courtney Scott, Paige Pedri  
Agency Clerk: Thora Collard

### 1. Call to Order Regular Meeting

Regular session was called to order at 9:01 a.m.  
Introductions

### 2. Agenda Approval

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

None

### 4. Consent (w/attachments)

- 4.1 Minutes of the September 16, 2021 Regular Meeting
- 4.2 September, October, and November 2021 Outreach Calendar
- 4.3 Zero Waste Sonoma FY 2019-20 Audit of Financial Statements
- 4.4 Resolution No. 2021-22, Making Findings and Determinations Under AB 361 for the Continuation of Virtual Meetings

### Action Items:

None

### Public Comments:

None

**Motion:** For approval of all items of the consent calendar.



**First:** City of Petaluma - Patrick Carter

**Second:** City of Cotati - Susan Harvey

**Vote Count:**

City of Cloverdale	AYE	City of Santa Rosa	AYE
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

**Motion passed.**

**Regular Calendar**

**5. Emergency HHW Transportation and Disposal Services [Scott]**

**Board Comments/Action Items:**

**Action Items:**

None

**Public Comments:**

None

**Motion:** The Board authorizes the Executive Director to execute an agreement with ACTenviro for emergency disposal services for the HHW facility.

**First:** City of Cotati - Susan Harvey

**Second:** City of Rohnert Park – Pam Stafford

**Vote Count:**

City of Cloverdale	AYE	City of Santa Rosa	AYE
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

**Motion passed.**

**6. Discussion of Sonoma County Waste Management Agency Surcharge (“ZWS Fee”) Cap Increase [Lukacs]**

**Board Comments/Action Items:**

- Are franchise agreements being modified? If so, is an April 1<sup>st</sup> date realistic?
- Who is ultimately responsible for meeting SB1383 deadlines, the hauler or the jurisdictions?

- The first step in the process in the amendment to the Waste Delivery Agreement (WDA), then the franchise agreements are amended.
- Will smaller communities be more impacted by SB1383?
- Does this action give the Board's consent to the County and Republic implementing a cap within an agreement we are not party to?
- All members should discuss the impacts with their city managers

**Public Comments:**

None

**Motion:** the Board consents to the revised ZWS fee cap increase set by the MOA between Republic Services and the County of Sonoma.

**First:** City of Cotati - Susan Harvey

**Second:** City of Santa Rosa – John Sawyer

**Vote Count:**

City of Cloverdale	AYE	City of Santa Rosa	AYE
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	ABSTAIN	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -9- NOES -0- ABSENT -0- ABSTAIN -1-

**Motion passed.**

## 7. Memorandum of Understanding (MOU) Regarding Implementation of SB1383 Regulations [Tan]

**Board Comments/Action Items:**

- Are all the city attorney's in agreement with this MOU?
- How will resident compliance be monitored?
- Were the haulers involved with this process?

**Public Comments:**

None

**Motion:** the Board votes to approve the SB 1383 Memorandum of Understanding (MOU).

**First:** City of Healdsburg – Larry Zimmer

**Second:** City of Cotati - Susan Harvey

**Vote Count:**

City of Cloverdale	AYE	City of Santa Rosa	AYE
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	ABSENT
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-  
**Motion passed.**

- 8. Board member Comments – NO ACTION**  
None
- 9. Executive Director Report – NO ACTION**  
Executive Director presented verbal report.
- 10. Staff Comments – NO ACTION**  
None
- 11. Next SCWMA meeting:** November 18, 2021
- 12. Adjourn:** 10:18 am

Submitted by: Thora Collard



## ITEM: September, October, and November 2021 Outreach Calendar

Outreach events are open to all Sonoma County residents

### OCTOBER 2021 OUTREACH

Start date	End date	Start time	End time	Event
10/1/2021	10/3/2021	9:00 AM	5:00 PM	E-Waste Recycling Event (Windsor)
10/2/2021	10/2/2021	2:00 PM	5:00 PM	Walnut Park Farmer's Market (Petaluma)
10/5/2021	10/5/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Forestville)
10/5/2021	10/5/2021	9:00 AM	11:30 AM	DMV Outreach (Santa Rosa)
10/7/2021	10/7/2021	10:00 AM	12:00 PM	DMV Outreach (Petaluma)
10/8/2021	10/10/2021	9:00 AM	5:00 PM	E-Waste Recycling Event (Cloverdale)
10/9/2021	10/9/2021	9:00 AM	5:00 PM	Mattress Recycling Event (Cloverdale)
10/11/2021	10/11/2021	10:00 AM	11:00 AM	EDB and Latino leaders group meeting (Santa Rosa)
10/11/2021	10/11/2021	11:00 AM	1:00 PM	DMV Outreach (Petaluma)
10/12/2021	10/12/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Cloverdale)
10/12/2021	10/12/2021	10:00 AM	12:00 PM	DMV Outreach (Santa Rosa)
10/13/2021	10/13/2021	8:00 AM	11:00 AM	DMV Outreach (Santa Rosa)
10/16/2021	10/16/2021	8:00 AM	12:00 PM	Paint Collection Event (Santa Rosa)
10/16/2021	10/16/2021	10:00 AM	4:00 PM	Petaluma Alzheimer's Car Show (Petaluma)
10/17/2021	10/17/2021	9:00 AM	1:00 PM	Farmer's Market (Windsor)
10/19/2021	10/19/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Rincon Valley)
10/23/2021	10/23/2021	10:00 AM	2:00 PM	DEA National Prescription Drug Take Back Day (Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa)
10/26/2021	10/26/2021	2:00 PM	3:30 PM	Zero Waste presentation to Sustainable SRJC by Sloane (Santa Rosa)
10/26/2021	10/26/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Rohnert Park)
10/29/2021	10/1/2021	7:00 AM	11:00 AM	Healdsburg and Fulton Labor Centers (Healdsburg)
10/30/2021	10/30/2021	2:00 PM	6:00 PM	Dia De Los Muertos at Cloverdale Plaza (Cloverdale)

### NOVEMBER 2021 OUTREACH

Start date	End date	Start time	End time	Event
11/2/2021	11/2/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Sonoma)
11/5/2021	11/7/2021	9:00 AM	5:00 PM	E-Waste Recycling Event (Santa Rosa)
11/9/2021	11/9/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Santa Rosa W)
11/16/2021	11/16/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Guerneville)
11/19/2021	11/21/2021	9:00 AM	5:00 PM	E-Waste Recycling Event (Sonoma)
11/19/2021	11/20/2021	9:00 AM	1:00 PM	Household Hazardous Waste Event (Sea Ranch)
11/20/2021	11/20/2021	9:00 AM	5:00 PM	Mattress Recycling Event (Sonoma)

**NOVEMBER 2021 OUTREACH Continued**

Start date	End date	Start time	End time	Event
11/30/2021	11/30/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Windsor)

**December 2021 OUTREACH**

Start date	End date	Start time	End time	Event
12/7/2021	12/7/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Oakmont)
12/10/2021	12/12/2021	9:00 AM	5:00 PM	E-Waste Recycling Event (Petaluma)
12/14/2021	12/14/2021	4:00 PM	8:00 PM	Household Hazardous Waste Event (Petaluma)
12/19/2021	1/4/2022	9:00 AM	5:00 PM	HHW Facility Closed for Maintenance



Agenda Item #: **4.3**  
Cost Center: **All**  
Staff Contact: **Collard**  
Agenda Date: **11/18/2021**  
Approved by: **LL**

ITEM: **Approval of FY 2021-22 First Quarter Financial Report**

**I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

Staff recommends approving the FY 2021-22 First Quarter Financial Report on the Consent Calendar.

**II. BACKGROUND**

In accordance with the requirement in the joint powers agreement the Sonoma County Waste Management Agency, also known as Zero Waste Sonoma, (Agency) staff make quarterly reports to the Board of Directors of Agency operations and of all receipts to and disbursements from the ZWS, this report covers the First Quarter of FY 21-22 (July 1, 2021 - September 30, 2021).

The FY 2021-22 First Quarter Financial Report contains the actual amounts spent or received to date at the end of the quarter. It is important to not draw many conclusions in the year-to-date figures, as very little of the fiscal year has passed. Second and Third Quarter Reports provide a better picture of the Agency's financial position.

**III. DISCUSSION**

Relatively few revenues have been realized in FY 2021/22 First Quarter. With regard to expenditures, all accounts are currently projected to stay within budget limits.

**IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

Staff recommends approving the FY 2021-22 First Quarter Financial Report on the Consent Calendar.

**V. ATTACHMENTS**

FY 2021-22 First Quarter Financial Report

**66000000 All Departments**

Department / Account	Description	Original Budget	Final Budget	Year to Date	Remaining Balance	% Remaining
<b>All Revenues</b>						
42358	State Other Funding	445,521.00	445,521.00	0.00	445,521.00	100.00%
42601	County of Sonoma	9,649,465.00	9,649,465.00	205,502.83	9,443,962.17	97.87%
44002	Interest on Pooled Cash	60,735.00	60,735.00	0.00	60,735.00	100.00%
46029	Donations/Contributions	213,379.00	213,379.00	19,702.05	193,676.95	90.77%
46200	PY Revenue - Miscellaneous	0.00	0.00	1,458.00	(1,458.00)	0.00%
47101	Transfers In - within a Fund	130,000.00	130,000.00	0.00	130,000.00	100.00%
<b>All Revenues</b>		<b>10,499,100.00</b>	<b>10,499,100.00</b>	<b>226,662.88</b>	<b>10,272,437.12</b>	<b>97.84%</b>
<b>All Expense/Expenditure Accts</b>						
51041	Insurance - Liability	11,200.00	11,200.00	0.00	11,200.00	100.00%
51071	Maintenance - Bldg & Improve	8,000.00	8,000.00	0.00	8,000.00	100.00%
51201	Administration Services	1,344,556.00	1,344,556.00	105,909.93	1,238,646.07	92.12%
51205	Advertising/Marketing Svc	25,500.00	25,500.00	724.61	24,775.39	97.16%
51206	Accounting/Auditing Services	18,000.00	18,000.00	0.00	18,000.00	100.00%
51207	Client Accounting Services	23,005.00	23,005.00	0.00	23,005.00	100.00%
51212	Outside Counsel - Legal Advice	79,000.00	79,000.00	2,191.20	76,808.80	97.23%
51214	Agency Extra/Temp Help	6,000.00	6,000.00	0.00	6,000.00	100.00%
51225	Training Services	800.00	800.00	0.00	800.00	100.00%
51229	Hazardous Waste Disposal Svc	28,000.00	28,000.00	1,160.00	26,840.00	95.86%
51241	Outside Printing and Binding	3,000.00	3,000.00	445.90	2,554.10	85.14%
51249	Other Professional Services	397,675.00	397,675.00	82,631.34	315,043.66	79.22%
51401	Rents and Leases - Equipment	3,000.00	3,000.00	699.00	2,301.00	76.70%
51421	Rents and Leases - Bldg/Land	19,482.00	19,482.00	1,666.00	17,816.00	91.45%
51507	Special Departmental Expense	136,784.00	136,784.00	11,432.17	125,351.83	91.64%
51801	Other Services	0.00	0.00	7,265.00	(7,265.00)	0.00%
51803	Other Contract Services	8,080,528.00	8,080,528.00	822,685.85	7,257,842.15	89.82%
51805	Cnty Spor'shp of events/orgs	2,500.00	2,500.00	1,300.00	1,200.00	48.00%
51901	Telecommunication Data Lines	7,337.00	7,337.00	1,385.84	5,951.16	81.11%
51902	Telecommunication Usage	1,367.00	1,367.00	192.88	1,174.12	85.89%
51904	ISD - Baseline Services	38,644.00	38,644.00	5,981.18	32,662.82	84.52%
51909	Telecommunication Wireless Svc	8,076.00	8,076.00	1,144.01	6,931.99	85.83%
51911	Mail Services	850.00	850.00	1.80	848.20	99.79%
51916	County Services Chgs	33,364.00	33,364.00	0.00	33,364.00	100.00%
51922	County Car Expense	1,500.00	1,500.00	32.38	1,467.62	97.84%
51923	Unclaimable county car exp	50.00	50.00	0.00	50.00	100.00%
52091	Memberships/Certifications	39,804.00	39,804.00	33,920.00	5,884.00	14.78%
52111	Office Supplies	14,720.00	14,720.00	11,065.83	3,654.17	24.82%
52114	Freight/Postage	15,000.00	15,000.00	2,066.12	12,933.88	86.23%
52115	Books/Media/Subscriptions	926.00	926.00	697.00	229.00	24.73%
52118	Printing and Binding Supplies	4,400.00	4,400.00	0.00	4,400.00	100.00%
52162	Special Department Expense	151,440.00	151,440.00	0.00	151,440.00	100.00%
52163	Professional Development	28,920.00	28,920.00	2,065.00	26,855.00	92.86%
52191	Utilities Expense	6,132.00	6,132.00	470.74	5,661.26	92.32%
57011	Transfers Out - within a Fund	378,470.00	378,470.00	0.00	378,470.00	100.00%
<b>All Expense/Expenditure Accts</b>		<b>10,918,030.00</b>	<b>10,918,030.00</b>	<b>1,097,133.78</b>	<b>9,820,896.22</b>	<b>89.95%</b>
<b>All Expense/Expenditure Accts</b>						
<b>All Expense/Expenditure Accts</b>		<b>10,918,030.00</b>	<b>10,918,030.00</b>	<b>1,097,133.78</b>	<b>9,820,896.22</b>	
<b>All Revenues</b>		<b>10,499,100.00</b>	<b>10,499,100.00</b>	<b>226,662.88</b>	<b>10,272,437.12</b>	
<b>Net Cost</b>		<b>418,930.00</b>	<b>418,930.00</b>	<b>870,470.90</b>	<b>(451,540.90)</b>	

**66110300 SCWMA - Organics Reserve**

Department / Account	Description	Original Budget	Final Budget	Year to Date	Remaining Balance	% Remaining
<b>All Revenues</b>						
44002	Interest on Pooled Cash	22,307.00	22,307.00	0.00	22,307.00	100.00%
<b>All Revenues</b>		<b>22,307.00</b>	<b>22,307.00</b>	<b>0.00</b>	<b>22,307.00</b>	<b>100.00%</b>
<b>All Expense/Expenditure Accts</b>						
51201	Administration Services	55,999.00	55,999.00	0.00	55,999.00	100.00%
51206	Accounting/Auditing Services	1,000.00	1,000.00	0.00	1,000.00	100.00%
51212	Outside Counsel - Legal Advice	35,000.00	35,000.00	0.00	35,000.00	100.00%
51916	County Services Chgs	379.00	379.00	0.00	379.00	100.00%
52111	Office Supplies	1,000.00	1,000.00	0.00	1,000.00	100.00%
<b>All Expense/Expenditure Accts</b>		<b>93,378.00</b>	<b>93,378.00</b>	<b>0.00</b>	<b>93,378.00</b>	<b>100.00%</b>
<b>All Expense/Expenditure Accts</b>		<b>93,378.00</b>	<b>93,378.00</b>	<b>0.00</b>	<b>93,378.00</b>	
<b>All Revenues</b>		<b>22,307.00</b>	<b>22,307.00</b>	<b>0.00</b>	<b>22,307.00</b>	
<b>Net Cost</b>		<b>71,071.00</b>	<b>71,071.00</b>	<b>0.00</b>	<b>71,071.00</b>	

**66110900 SCWMA - Contingency Fund**

Department / Account	Description	Original Budget	Final Budget	Year to Date	Remaining Balance	% Remaining
<b>All Revenues</b>						
44002	Interest on Pooled Cash	18,485.00	18,485.00	0.00	18,485.00	100.00%
47101	Transfers In - within a Fund	65,000.00	65,000.00	0.00	65,000.00	100.00%
<b>All Revenues</b>		<b>83,485.00</b>	<b>83,485.00</b>	<b>0.00</b>	<b>83,485.00</b>	<b>100.00%</b>
<b>All Expense/Expenditure Accts</b>						
51201	Administration Services	87,849.00	87,849.00	0.00	87,849.00	100.00%
51206	Accounting/Auditing Services	1,000.00	1,000.00	0.00	1,000.00	100.00%
51212	Outside Counsel - Legal Advice	20,000.00	20,000.00	0.00	20,000.00	100.00%
51801	Other Services	0.00	0.00	7,265.00	(7,265.00)	0.00%
51803	Other Contract Services	115,000.00	115,000.00	0.00	115,000.00	100.00%
51916	County Services Chgs	217.00	217.00	0.00	217.00	100.00%
52111	Office Supplies	1,000.00	1,000.00	0.00	1,000.00	100.00%
52162	Special Department Expense	150,000.00	150,000.00	0.00	150,000.00	100.00%
57011	Transfers Out - within a Fund	65,000.00	65,000.00	0.00	65,000.00	100.00%
<b>All Expense/Expenditure Accts</b>		<b>440,066.00</b>	<b>440,066.00</b>	<b>7,265.00</b>	<b>432,801.00</b>	<b>98.35%</b>
<b>All Expense/Expenditure Accts</b>		<b>440,066.00</b>	<b>440,066.00</b>	<b>7,265.00</b>	<b>432,801.00</b>	
<b>All Revenues</b>		<b>83,485.00</b>	<b>83,485.00</b>	<b>0.00</b>	<b>83,485.00</b>	
<b>Net Cost</b>		<b>356,581.00</b>	<b>356,581.00</b>	<b>7,265.00</b>	<b>349,316.00</b>	



**66110400 SCWMA - HHW**

Department / Account	Description	Original Budget	Final Budget	Year to Date	Remaining Balance	% Remaining
<b>All Revenues</b>						
42358	State Other Funding	78,349.00	78,349.00	0.00	78,349.00	100.00%
42601	County of Sonoma	1,938,054.00	1,938,054.00	159,264.69	1,778,789.31	91.78%
44002	Interest on Pooled Cash	13,357.00	13,357.00	0.00	13,357.00	100.00%
46029	Donations/Contributions	167,394.00	167,394.00	15,830.13	151,563.87	90.54%
46200	PY Revenue - Miscellaneous	0.00	0.00	1,458.00	(1,458.00)	0.00%
<b>All Revenues</b>		<b>2,197,154.00</b>	<b>2,197,154.00</b>	<b>176,552.82</b>	<b>2,020,601.18</b>	<b>91.96%</b>
<b>All Expense/Expenditure Accts</b>						
51041	Insurance - Liability	2,016.00	2,016.00	0.00	2,016.00	100.00%
51071	Maintenance - Bldg & Improve	8,000.00	8,000.00	0.00	8,000.00	100.00%
51201	Administration Services	289,197.00	289,197.00	18,405.39	270,791.61	93.64%
51205	Advertising/Marketing Svc	15,500.00	15,500.00	709.61	14,790.39	95.42%
51206	Accounting/Auditing Services	2,700.00	2,700.00	0.00	2,700.00	100.00%
51207	Client Accounting Services	4,141.00	4,141.00	0.00	4,141.00	100.00%
51212	Outside Counsel - Legal Advice	4,000.00	4,000.00	249.00	3,751.00	93.78%
51225	Training Services	800.00	800.00	0.00	800.00	100.00%
51229	Hazardous Waste Disposal Svc	28,000.00	28,000.00	1,160.00	26,840.00	95.86%
51249	Other Professional Services	52,022.00	52,022.00	9,305.22	42,716.78	82.11%
51401	Rents and Leases - Equipment	540.00	540.00	0.00	540.00	100.00%
51421	Rents and Leases - Bldg/Land	14,583.00	14,583.00	1,090.00	13,493.00	92.53%
51507	Special Departmental Expense	136,784.00	136,784.00	11,432.17	125,351.83	91.64%
51803	Other Contract Services	1,280,000.00	1,280,000.00	8,000.00	1,272,000.00	99.38%
51901	Telecommunication Data Lines	489.00	489.00	81.52	407.48	83.33%
51902	Telecommunication Usage	156.00	156.00	0.34	155.66	99.78%
51904	ISD - Baseline Services	10,627.00	10,627.00	906.96	9,720.04	91.47%
51909	Telecommunication Wireless Svc	2,040.00	2,040.00	325.76	1,714.24	84.03%
51911	Mail Services	100.00	100.00	1.80	98.20	98.20%
51916	County Services Chgs	8,679.00	8,679.00	0.00	8,679.00	100.00%
51922	County Car Expense	270.00	270.00	0.00	270.00	100.00%
52091	Memberships/Certifications	5,683.00	5,683.00	4,650.00	1,033.00	18.18%
52111	Office Supplies	2,500.00	2,500.00	520.83	1,979.17	79.17%
52115	Books/Media/Subscriptions	167.00	167.00	0.00	167.00	100.00%
52162	Special Department Expense	259.00	259.00	0.00	259.00	100.00%
52163	Professional Development	8,300.00	8,300.00	2,065.00	6,235.00	75.12%
52191	Utilities Expense	6,132.00	6,132.00	470.74	5,661.26	92.32%
57011	Transfers Out - within a Fund	313,470.00	313,470.00	0.00	313,470.00	100.00%
<b>All Expense/Expenditure Accts</b>		<b>2,197,155.00</b>	<b>2,197,155.00</b>	<b>59,374.34</b>	<b>2,137,780.66</b>	<b>97.30%</b>
<b>All Expense/Expenditure Accts</b>						
<b>All Expense/Expenditure Accts</b>		<b>2,197,155.00</b>	<b>2,197,155.00</b>	<b>59,374.34</b>	<b>2,137,780.66</b>	
<b>All Revenues</b>		<b>2,197,154.00</b>	<b>2,197,154.00</b>	<b>176,552.82</b>	<b>2,020,601.18</b>	
<b>Net Cost</b>		<b>1.00</b>	<b>1.00</b>	<b>(117,178.48)</b>	<b>117,179.48</b>	

**66111000 Education & Outreach**

Department / Account	Description	Original Budget	Final Budget	Year to Date	Remaining Balance	% Remaining
<b>All Revenues</b>						
42358	State Other Funding	167,172.00	167,172.00	0.00	167,172.00	100.00%
42601	County of Sonoma	562,661.00	562,661.00	46,238.14	516,422.86	91.78%
46029	Donations/Contributions	45,985.00	45,985.00	3,871.92	42,113.08	91.58%
47101	Transfers In - within a Fund	65,000.00	65,000.00	0.00	65,000.00	100.00%
<b>All Revenues</b>		<b>840,818.00</b>	<b>840,818.00</b>	<b>50,110.06</b>	<b>790,707.94</b>	<b>94.04%</b>
<b>All Expense/Expenditure Accts</b>						
51041	Insurance - Liability	1,568.00	1,568.00	0.00	1,568.00	100.00%
51201	Administration Services	532,651.00	532,651.00	72,034.72	460,616.28	86.48%
51205	Advertising/Marketing Svc	10,000.00	10,000.00	15.00	9,985.00	99.85%
51206	Accounting/Auditing Services	2,100.00	2,100.00	0.00	2,100.00	100.00%
51207	Client Accounting Services	3,221.00	3,221.00	0.00	3,221.00	100.00%
51212	Outside Counsel - Legal Advice	15,000.00	15,000.00	298.80	14,701.20	98.01%
51214	Agency Extra/Temp Help	6,000.00	6,000.00	0.00	6,000.00	100.00%
51241	Outside Printing and Binding	3,000.00	3,000.00	445.90	2,554.10	85.14%
51249	Other Professional Services	140,653.00	140,653.00	73,326.12	67,326.88	47.87%
51401	Rents and Leases - Equipment	420.00	420.00	699.00	(279.00)	-66.43%
51421	Rents and Leases - Bldg/Land	2,696.00	2,696.00	576.00	2,120.00	78.64%
51803	Other Contract Services	30,000.00	30,000.00	7,060.26	22,939.74	76.47%
51805	Cnty Spor'shp of events/orgs	2,500.00	2,500.00	1,300.00	1,200.00	48.00%
51901	Telecommunication Data Lines	6,359.00	6,359.00	978.24	5,380.76	84.62%
51902	Telecommunication Usage	1,185.00	1,185.00	186.97	998.03	84.22%
51904	ISD - Baseline Services	11,326.00	11,326.00	3,150.06	8,175.94	72.19%
51909	Telecommunication Wireless Svc	6,036.00	6,036.00	818.25	5,217.75	86.44%
51911	Mail Services	500.00	500.00	0.00	500.00	100.00%
51916	County Services Chgs	7,308.00	7,308.00	0.00	7,308.00	100.00%
51922	County Car Expense	210.00	210.00	32.38	177.62	84.58%
51923	Unclaimable county car exp	50.00	50.00	0.00	50.00	100.00%
52091	Memberships/Certifications	21,566.00	21,566.00	17,405.00	4,161.00	19.29%
52111	Office Supplies	8,220.00	8,220.00	366.55	7,853.45	95.54%
52114	Freight/Postage	4,000.00	4,000.00	2,066.12	1,933.88	48.35%
52115	Books/Media/Subscriptions	130.00	130.00	697.00	(567.00)	-436.15%
52118	Printing and Binding Supplies	4,400.00	4,400.00	0.00	4,400.00	100.00%
52162	Special Department Expense	202.00	202.00	0.00	202.00	100.00%
52163	Professional Development	19,520.00	19,520.00	0.00	19,520.00	100.00%
<b>All Expense/Expenditure Accts</b>		<b>840,821.00</b>	<b>840,821.00</b>	<b>181,456.37</b>	<b>659,364.63</b>	<b>78.42%</b>
<b>All Expense/Expenditure Accts</b>						
<b>All Expense/Expenditure Accts</b>		<b>840,821.00</b>	<b>840,821.00</b>	<b>181,456.37</b>	<b>659,364.63</b>	
<b>All Revenues</b>		<b>840,818.00</b>	<b>840,818.00</b>	<b>50,110.06</b>	<b>790,707.94</b>	
<b>Net Cost</b>		<b>3.00</b>	<b>3.00</b>	<b>131,346.31</b>	<b>(131,343.31)</b>	

**66111100 Organics**

Department / Account	Description	Original Budget	Final Budget	Year to Date	Remaining Balance	% Remaining
<b>All Revenues</b>						
42358	State Other Funding	200,000.00	200,000.00	0.00	200,000.00	100.00%
42601	County of Sonoma	7,148,750.00	7,148,750.00	0.00	7,148,750.00	100.00%
<b>All Revenues</b>		<b>7,348,750.00</b>	<b>7,348,750.00</b>	<b>0.00</b>	<b>7,348,750.00</b>	<b>100.00%</b>
<b>All Expense/Expenditure Accts</b>						
51041	Insurance - Liability	7,616.00	7,616.00	0.00	7,616.00	100.00%
51201	Administration Services	378,860.00	378,860.00	15,469.82	363,390.18	95.92%
51206	Accounting/Auditing Services	10,200.00	10,200.00	0.00	10,200.00	100.00%
51207	Client Accounting Services	15,643.00	15,643.00	0.00	15,643.00	100.00%
51212	Outside Counsel - Legal Advice	5,000.00	5,000.00	1,643.40	3,356.60	67.13%
51249	Other Professional Services	205,000.00	205,000.00	0.00	205,000.00	100.00%
51401	Rents and Leases - Equipment	2,040.00	2,040.00	0.00	2,040.00	100.00%
51421	Rents and Leases - Bldg/Land	2,203.00	2,203.00	0.00	2,203.00	100.00%
51803	Other Contract Services	6,655,528.00	6,655,528.00	807,625.59	5,847,902.41	87.87%
51901	Telecommunication Data Lines	489.00	489.00	326.08	162.92	33.32%
51902	Telecommunication Usage	26.00	26.00	5.57	20.43	78.58%
51904	ISD - Baseline Services	16,691.00	16,691.00	1,924.16	14,766.84	88.47%
51911	Mail Services	250.00	250.00	0.00	250.00	100.00%
51916	County Services Chgs	16,781.00	16,781.00	0.00	16,781.00	100.00%
51922	County Car Expense	1,020.00	1,020.00	0.00	1,020.00	100.00%
52091	Memberships/Certifications	12,555.00	12,555.00	11,865.00	690.00	5.50%
52111	Office Supplies	2,000.00	2,000.00	10,178.45	(8,178.45)	-408.92%
52114	Freight/Postage	11,000.00	11,000.00	0.00	11,000.00	100.00%
52115	Books/Media/Subscriptions	629.00	629.00	0.00	629.00	100.00%
52162	Special Department Expense	979.00	979.00	0.00	979.00	100.00%
52163	Professional Development	1,100.00	1,100.00	0.00	1,100.00	100.00%
<b>All Expense/Expenditure Accts</b>		<b>7,345,610.00</b>	<b>7,345,610.00</b>	<b>849,038.07</b>	<b>6,496,571.93</b>	<b>88.44%</b>
<b>All Expense/Expenditure Accts</b>		<b>7,345,610.00</b>	<b>7,345,610.00</b>	<b>849,038.07</b>	<b>6,496,571.93</b>	
<b>All Revenues</b>		<b>7,348,750.00</b>	<b>7,348,750.00</b>	<b>0.00</b>	<b>7,348,750.00</b>	
<b>Net Cost</b>		<b>(3,140.00)</b>	<b>(3,140.00)</b>	<b>849,038.07</b>	<b>(852,178.07)</b>	

**66111200 Unfunded Pension Liability Rsv**

Department / Account	Description	Original Budget	Final Budget	Year to Date	Remaining Balance	% Remaining
<b>All Revenues</b>						
44002	Interest on Pooled Cash	6,586.00	6,586.00	0.00	6,586.00	100.00%
<b>All Revenues</b>		<b>6,586.00</b>	<b>6,586.00</b>	<b>0.00</b>	<b>6,586.00</b>	<b>100.00%</b>
<b>All Expense/Expenditure Accts</b>						
51206	Accounting/Auditing Services	1,000.00	1,000.00	0.00	1,000.00	100.00%
<b>All Expense/Expenditure Accts</b>		<b>1,000.00</b>	<b>1,000.00</b>	<b>0.00</b>	<b>1,000.00</b>	<b>100.00%</b>
<b>All Expense/Expenditure Accts</b>		<b>1,000.00</b>	<b>1,000.00</b>	<b>0.00</b>	<b>1,000.00</b>	
<b>All Revenues</b>		<b>6,586.00</b>	<b>6,586.00</b>	<b>0.00</b>	<b>6,586.00</b>	
<b>Net Cost</b>		<b>(5,586.00)</b>	<b>(5,586.00)</b>	<b>0.00</b>	<b>(5,586.00)</b>	

## 1st Quarter Fund Balances FY 21/22

Fund		Beginning Balance	9/30/2021	Projected Fund Balance	Fund Balance Goal
Organics Reserve	78103	2,264,678	2,264,678	2,159,603	1,836,403
HHW	78104	1,771,878	1,889,056	1,335,747	470,921
Contingency Reserve	78109	1,875,346	1,868,081	1,491,906	877,205
Education & Outreach	78110	706,983	575,637	544,939	84,082
Organics	78111	1,800,572	951,534	1,578,044	1,101,842
Unfunded Pension Liability Rsv	78112	669,626	669,626	665,183	
<b>Total</b>			<b>8,218,613</b>	<b>7,775,422</b>	



Agenda Item #: **4.4**  
Staff Contact: **Scott**  
Agenda Date: **11/18/2021**  
Approved By: **LL**

**ITEM: Third Amendment to E-Waste Handling Agreement with Recology Sonoma Marin**

**I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

Staff recommends the Board authorize the Executive Director to execute the Third Amendment to the Agreement for E-Waste Handling Services.

**II. BACKGROUND**

Recology Sonoma-Marin ("Recology") acquired the E-Waste Handling Agreement in November 2017 when they entered into an assignment and assumption agreement with Zero Waste Sonoma ("ZWS") and The Ratto Group. The agreement had an original expiration date of February 11, 2018 and the assignment extended the expiration date to February 11, 2019.

In December 2018, ZWS entered into a Second Amendment to the E-Waste Handling Agreement with some notable changes. The scope of work changed from providing all handling services including internal transportation between transfer stations, sorting, packaging, and loading to only providing roll-offs for collection and internal transportation between the transfer stations and the e-waste consolidation area. Based on this, the Second Amendment also adjusted the pricing structure and extended the term of the agreement to December 31, 2021.

**III. DISCUSSION**

Recology is considered to be the sole source option for this contract based on equipment, access, and existing contracts. Recology has agreed to extend the contract by five years with no additional changes. Staff suggests extending the term of the agreement to expire on December 31, 2026 through the execution of the Third Amendment.

**IV. FUNDING IMPACT**

In FY 20-21, ZWS spent a total of \$42,107.46 on Recology's e-waste transportation services. The Second Amendment allowed for an annual CPI increase not to exceed 3% for the truck and labor component and also allowed for a bi-annual recalculation of the fuel component based on California diesel retail prices.

**V. ATTACHMENTS**

Third Amendment to E-Waste Handling Agreement  
Resolution

### **THIRD AMENDMENT TO AGREEMENT FOR E-WASTE HANDLING SERVICES AT SONOMA COUNTY DISPOSAL SITES**

This Third Amendment to Agreement for E-Waste Handling Services ("Third Amendment") is made as of the 18<sup>th</sup> day of November, 2021, by the Sonoma County Waste Management Agency, also known as Zero Waste Sonoma, ("Agency") and Recology Sonoma Marin ("Contractor").

#### **RECITALS**

- A. Agency and The Ratto Group of Companies, Inc. ("TRG") entered into that certain Agreement for E-Waste Handling Services (the "Agreement") dated November 18, 2015; and
- B. Agency and TRG entered into a First Amendment of the Agreement for E-Waste Handling Services ("First Amendment") on November 16, 2016 to extend the term of the Agreement to February 11, 2018; and
- C. Agency, TRG and Contractor entered into an Assignment and Assumption Agreement ("Assignment") on November 15, 2017 in which Contractor accepted the Agreement as amended by the First Amendment and extended the term of the Agreement to February 11, 2019; and
- D. Agency and Contractor entered into a Second Amendment of the Agreement for E-Waste Handling Services ("Second Amendment") on December 19, 2018 that changed the scope of work, compensation, and extended the term of the Agreement to December 31, 2021; and
- E. The parties wish to extend the Agreement as set forth herein.

#### **AMENDMENT**

1. Amendment to Section 3. Section 3 of the Agreement is hereby amended in its entirety to read as follows:

"3. Term of Agreement. The term of this Agreement shall commence on the Effective Date and terminate on December 31, 2026, unless terminated earlier in accordance with the provisions of Article 4 below or Exhibit A, and provided that Contractor may terminate this Agreement without cause upon ninety (90) days prior written notice to Agency."

2. No Other Changes. Except as amended by this Third Amendment, all other terms and conditions in the Agreement shall remain unchanged and shall continue on in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Third Amendment to Agreement for E-Waste Handling Services on the day and year first above written.

**AGENCY:**

**CONTRACTOR:**

SONOMA COUNTY WASTE MANAGEMENT  
AGENCY

RECOLOGY SONOMA MARIN

By: \_\_\_\_\_  
Leslie Lukacs, Executive Director

By: \_\_\_\_\_  
Salvatore M. Coniglio, CEO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Ethan Walsh, Agency Counsel

RESOLUTION NO.: 2021-23

DATED: November 18, 2021

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY, ALSO KNOWN AS ZERO WASTE SONOMA, ("AGENCY") AUTHORIZING THE THIRD AMENDMENT TO THE AGREEMENT WITH RECOLOGY SONOMA MARIN FOR E-WASTE HANDLING SERVICES

WHEREAS, the Agency and The Ratto Group of Companies, Inc. ("TRG") entered into that certain Agreement for E-Waste Handling Services (the "Agreement") dated November 18, 2015; and

WHEREAS, the Agency and TRG entered into a First Amendment of the Agreement for E-Waste Handling Services ("First Amendment") on November 16, 2016 to extend the term of the Agreement to February 11, 2018; and

WHEREAS, the Agency, TRG and Contractor entered into an Assignment and Assumption Agreement ("Assignment") on November 15, 2017 in which Contractor accepted the Agreement as amended by the First Amendment and extended the term of the Agreement to February 11, 2019; and

WHEREAS, the Agency and Contractor entered into a Second Amendment of the Agreement for E-Waste Handling Services ("Second Amendment") on December 19, 2018 that changed the scope of work, compensation, and extended the term of the Agreement to December 31, 2021; and

WHEREAS, the Agency desires to extend the term of this agreement to December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED that the Zero Waste Sonoma Board hereby authorizes the Agency's Executive Director to execute the Third Amendment to this Agreement with Recology Sonoma Marin.

MEMBERS:

-- Cloverdale	-- Cotati	-- County	-- Healdsburg	-- Petaluma
-- Rohnert Park	-- Santa Rosa	-- Sebastopol	-- Sonoma	-- Windsor

AYES: --                      NOES: --                      ABSENT: --                      ABSTAIN: --



SO ORDERED

The within instrument is a correct copy  
of the original on file with this office.

ATTEST:

DATE: November 18, 2021

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Clerk of Zero Waste Sonoma of the State of California  
in and for the County of Sonoma  
County of Sonoma



Agenda Item #: 4.5  
Staff Contact: Tan  
Agenda Date: 11/18/2021  
Approved By: LL

## **ITEM: First Amendment to Compostable Materials Transport Services Agreement with Recology Sonoma Marin**

### **I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

Staff recommends the Board authorize the Executive Director to execute the First Amendment to the Agreement for Compostable Materials Transport Services with Recology Sonoma Marin.

### **II. BACKGROUND**

In December 2018, the Sonoma County Waste Management Agency (Agency) also known as Zero Waste Sonoma, entered into the Compostable Materials Transport Services agreement with Recology Sonoma Marin (Recology). The agreement has an expiration date of December 31, 2021 and allows for one additional two-year extension upon mutual agreement. The Agency and Recology desire to utilize the extension permitted by the Agreement for the term of January 1, 2022 to December 31, 2023

### **III. DISCUSSION**

Recology has agreed to extend the agreement. The Agency and Recology desire to make certain clarifying amendments to the Agreement.

- Amendments to Section 1 to read as follows:
  - “Adjustment Date” to mean January 1st of each year, commencing January 1, 2022.
  - “Contractor” is to mean Recology Sonoma Marin and its officers, directors, employees, agents, companies and contractors.
  - “Wood Waste” is to mean a subset of Compostable Materials delivered to Disposal Site(s) consisting of wood materials (excluding unprocessed logs) which have no paint, varnish, finishes, glues, or treatments, and which have been source separated by the generator and set out for Collection and Processing.
- Amendment to Section 5.1 to read as follows:
  - “5.1. The term of this Agreement shall be from December 19, 2018 to December 31, 2023, unless terminated earlier in accordance with the provisions of Section 6 below.”
- Amendments to Section 14.4. to read as follows:
  - Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices,

bills and payments shall be made in writing and shall be given by personal delivery, U.S. Mail, courier service or email. Notices, bills, and payments shall be addressed as follows:

#### **IV. FUNDING IMPACT**

In FY 20-21, ZWS spent a total of \$1,906,529 on Recology's compostable materials transport services. The First Amendment allowed for an annual CPI increase not to exceed 3% for the truck and labor component and also allowed for a bi-annual recalculation of the fuel component based on California diesel retail prices.

#### **V. ATTACHMENTS**

First Amendment to Compostable Materials Transport Services Agreement  
Resolution

RESOLUTION NO.: 2021-24

DATED: November 18, 2021

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY, ALSO KNOWN AS ZERO WASTE SONOMA, ("AGENCY") AUTHORIZING THE FIRST AMENDMENT TO THE AGREEMENT WITH RECOLOGY SONOMA MARIN (RECOLOGY) FOR COMPOSTABLE MATERIALS TRANSPORT SERVICES

WHEREAS, the Agency and Contractor entered into that certain Agreement for Compostable Materials Transport Services (the "Agreement"), dated December 19, 2018, pursuant to which Contractor agreed to the collection and transport of organic material; and

WHEREAS, the Agreement allows for one additional two-year extension upon mutual agreement and allows the Agency's Executive Director to authorize the extension; and

WHEREAS, the Agency and Contractor desire to utilize the extension permitted by the Agreement for the term of January 1, 2022 to December 31, 2023; and

WHEREAS, the Agency and Contractor desire to make certain clarifying amendments to the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Zero Waste Sonoma Board hereby authorizes the Agency's Executive Director to execute the First Amendment to this Agreement with Recology Sonoma Marin.

MEMBERS:

-- Cloverdale	-- Cotati	-- County	-- Healdsburg	-- Petaluma
-- Rohnert Park	-- Santa Rosa	-- Sebastopol	-- Sonoma	-- Windsor

AYES: --                      NOES: --                      ABSENT: --                      ABSTAIN: --  
SO ORDERED

The within instrument is a correct copy  
of the original on file with this office.

ATTEST:

DATE: November 18, 2021

---

Clerk of Zero Waste Sonoma of the State of California  
in and for the County of Sonoma  
County of Sonoma

**FIRST AMENDMENT TO AGREEMENT FOR COMPOSTABLE MATERIALS TRANSPORT SERVICES  
BETWEEN SONOMA COUNTY WASTE MANAGEMENT AGENCY, ALSO KNOWN AS ZERO WASTE  
SONOMA ("SCWMA") AND RECOLOGY SONOMA MARIN.**

This First Amendment to Agreement for Compostable Materials Transport Services ("First Amendment") is made as of the 18<sup>th</sup> day of November, 2021, by the Sonoma County Waste Management Agency ("SCWMA") and Recology Sonoma Marin ("Contractor").

**RECITALS**

A. SCWMA and Contractor entered into that certain Agreement for Compostable Materials Transport Services (the "Agreement"), dated December 19, 2018, pursuant to which Contractor agreed to the collection and transport of organic material; and

B. The Agreement allows for one additional two-year extension upon mutual agreement and allows the SCWMA Executive Director to authorize the extension; and

C. SCWMA and Contractor desire to utilize the extension permitted by the Agreement for the term of January 1, 2022 to December 31, 2023; and

D. SCWMA and Contractor desire to make certain clarifying amendments to the Agreement.

**AMENDMENT**

1. Amendments to Section 1. Section 1 of the Agreement is hereby amended to make the following amendments to the following definitions as set forth therein:

"Adjustment Date" is hereby amended to mean January 1<sup>st</sup> of each year, commencing January 1, 2022.

"Contractor" is hereby amended to mean Recology Sonoma Marin and its officers, directors, employees, agents, companies and contractors.

"Wood Waste" is hereby added to mean a subset of Compostable Materials consisting of wood materials (excluding unprocessed logs) which have no paint, varnish, finishes, glues, or treatments, and which have been dropped off at the Sonoma County Transfer Stations or recovered through floor sorting at such facilities.

2. Amendments to Section 5. Section 5.1 of the Agreement is hereby amended in its entirety to read as follows:

“5.1. The term of this Agreement shall be from December 19, 2018 to December 31, 2023, unless terminated earlier in accordance with the provisions of Section 6 below.”

3. Amendments to Section 14.4. Section 14.4 of the Agreement is hereby amended in its entirety to read as follows:

14.4. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills and payments shall be made in writing and shall be given by personal delivery, U.S. Mail, or courier service (or if bills or payments, by email). Notices, bills, and payments shall be addressed as follows:

SCWMA: Sonoma County Waste Management Agency  
Attention: Executive Director  
2300 County Center Drive, Suite B 100  
Santa Rosa, CA 95403  
Phone: (707) 565-3687  
Email: [Leslie.Lukacs@sonoma-county.org](mailto:Leslie.Lukacs@sonoma-county.org)

Contractor: Bills/Payments:  
Recology Sonoma Marin  
Attention: Jeanette Hickox  
3400 Standish Avenue  
Santa Rosa, CA 95407  
Email: [jhickox@recology.com](mailto:jhickox@recology.com)

Notices:  
Recology Inc.  
Attention: Legal Department  
50 California Street, 24<sup>th</sup> Floor  
San Francisco, CA 94111

4. Amendments to Exhibit C. Exhibit C is hereby amended to add the following to the List of Approved Disposal Sites:

- Napa Recycling and Composting Facility (For Compostable Material from the Sonoma Transfer Station only)  
820 Levitin Way, Napa, CA 94558
- Windsor Material Recovery Facility (For Wood Waste only)  
590 Caletti Ave, Windsor, CA 95492

5. No Other Changes. Except as amended by this First Amendment, all other terms and conditions in the Agreement shall remain unchanged and shall continue on in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Agreement for Compostable Materials Transport Services on the day and year first above written.

AGENCY:

CONTRACTOR:

SONOMA COUNTY WASTE MANAGEMENT AGENCY

RECOLOGY SONOMA MARIN

By: \_\_\_\_\_  
Leslie Lukacs, Executive Director

By: \_\_\_\_\_  
Salvatore M. Coniglio, CEO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Ethan Walsh, Agency Counsel





Agenda Item #: 4.6  
Staff Contact: Pagal  
Agenda Date: 11/18/2021  
Approved by: LL

## **ITEM: Resolution for Authorization of Submittal of CalRecycle Payment Programs and Related Authorizations**

### **I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

Staff recommends the Zero Waste Sonoma (ZWS) Board approve the proposed resolution as part of the requirement of the CalRecycle Grant Unit, so that ZWS may be authorized to apply for grants and receive payment to administer waste reduction programs on behalf of member jurisdictions.

### **II. BACKGROUND**

ZWS frequently applies for and is often successful in receiving grants to expand the services offered to Sonoma County's residents and businesses. The majority of these grant funds originate from the California Department of Resources Recycling and Recovery (CalRecycle). CalRecycle requires resolutions from their grantees which identify the grantee's authority to submit grant applications and enter into a grant agreement with CalRecycle for the purpose of the grant.

At the September 21, 2016 meeting, the Agency Board passed Resolution 2016-10 which authorized the Executive Director to submit grant application to and execute grant agreements with CalRecycle. That resolutions expired on September 21, 2021.

### **III. DISCUSSION**

The attached resolution authorization will be effective indefinitely, allowing for grant submissions until rescinded by the signature authority.

### **IV. FUNDING IMPACT**

There is no funding impact adopting this resolution.

### **V. ATTACHMENTS**

Resolution Authorizing Zero Waste Sonoma to submit Applications for CalRecycle Payment Program and Related Authorizations.

DATED: November 18, 2021

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY, ALSO KNOWN AS ZERO WASTE SONOMA, ("AGENCY") AUTHORIZING SUBMITTAL OF APPLICATION FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS

WHEREAS, pursuant to Public Resources Code section 48000 et seq. the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

WHEREAS, pursuant to Public Resources Code section 42023.1(g) CalRecycle is authorized to make payments to local governing bodies within a recycling market zone for services related to the promotion of the zone; and

NOW, THEREFORE, BE IT RESOLVED that the Agency is authorized to submit an application to CalRecycle for any and all payment programs offered; and

BE IT FURTHER RESOLVED that the Executive Director, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this Governing Body.

MEMBERS:

-- Cloverdale	-- Cotati	-- County	-- Healdsburg	-- Petaluma
-- Rohnert Park	-- Santa Rosa	-- Sebastopol	-- Sonoma	-- Windsor

AYES: --

NOES: --

ABSENT: --

ABSTAIN: --

SO ORDERED

The within instrument is a correct copy  
of the original on file with this office.

ATTEST:

DATE: November 18, 2021

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Clerk of Zero Waste Sonoma/Sonoma County Waste Management Agency  
Agency of the State of California in and for the  
County of Sonoma



Agenda Item #: 4.7  
Staff Contact: Walsh  
Agenda Date: 11/18/2021  
Approved By: LL

## **ITEM: Resolution No. 2021-26, Making Findings and Determinations Under AB 361 for the Continuation of Virtual Meetings**

### **I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

Staff recommends that the Board adopt Resolution No. 2021-26, making findings and determinations under AB 361 for the continuation of virtual meetings.

### **II. BACKGROUND**

On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained in Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public
- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended, allowing councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum in the jurisdiction. As the Board is aware, this allowed the Board meetings to be conducted by Zoom with Board members, staff, and the public all joining from remote locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21, which continued to allow for complete virtual meetings until September 30, 2021.

On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and

either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees. As a result, if Zero Waste Sonoma desires to have virtual meetings on or after October 1, 2021, it must do so consistent with the requirements of AB 361.

### **III. DISCUSSION**

AB 361 preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation. Zero Waste Sonoma already complies with this requirement, so it presents no change to our current practice.
2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Board must, within thirty (30) days of its first meeting under AB 361, and every thirty (30) days thereafter, make findings that (a) state or local officials recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees. State officials at Cal-OSHA have, through the adoption of certain regulations, recommend measures to promote social distancing throughout the State. Additionally, on September 22, 2021, Sonoma County Health Officer Dr. Sundari Mase has issued a recommendation to continue online meetings (teleconference meetings) as those meetings promote social distancing, and "present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19." Dr. Mase recommended that if an agency holds in person meetings, a written safety protocol be developed and followed, requiring social distancing and that face masks be

worn. Dr. Mase also recommended that for in person meetings, an agency consider holding meetings outdoors to reduce the risk of COVID-19 transmission.

The enclosed resolution makes the necessary findings for the Board, which is subject to the Brown Act, to continue with virtual meetings for the time being. As the Board meets on the third Thursday of every month, it is possible that more than 30 days may elapse between consecutive meetings. AB 361 is silent as to whether special meetings are required on a more frequent basis to keep up with the 30-day renewal of findings requirement, although scheduling such meetings would ensure strict compliance. Alternatively, if the Board does not meet within thirty days after its prior meeting, the Board should make its renewed findings at the beginning of its next meeting prior to any other action or discussion. Board staff will return to the Board with a resolution every meeting to allow for the continuance of virtual meetings for so long as the Board and staff believes that virtual meetings are necessary.

It is important to that AB 361 does not require Zero Waste Sonoma to continue with virtual meetings, but simply gives the Board that option. If at any time the Board desires to return to in person meetings, the Board can agendize that topic for discussion and direct staff to initiate the transition back to in-person or hybrid meetings. However, at this time, Board staff is recommending adoption of the resolution to allow the Board to continue to be held remotely in order to ensure social distancing consistent with the recommendations of state and local officials.

#### **IV. FUNDING IMPACT**

There is no fiscal impact for this item

#### **V. CONCLUSION**

Staff recommends that the Board adopt Resolution No. 2021-26, making findings and determinations under AB 361 for the continuation of virtual meetings.

#### **VI. ATTACHMENTS**

1. Resolution Making Findings and Determinations under AB 361
2. 9/22/2021 Recommendation of the Health Officer: Public Meetings

**A RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY (ALSO KNOWN AS ZERO WASTE SONOMA) MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR CONTINUED VIRTUAL MEETINGS**

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361, Chapter 165, Statutes of 2021 (“AB 361”), which amended Government Code section 54953 to allow local agencies to meet fully virtually during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, the Board of the Sonoma County Waste Management Agency (also known as Zero Waste Sonoma) has considered the circumstances of the state of emergency; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing; and

WHEREAS, according to the Sonoma County Health Officer, the grounds for the social distancing recommendation include that online meetings (teleconference meetings) “present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19”; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public until social distancing recommendations are lifted; and

WHEREAS, the Board of the Sonoma County Waste Management Agency desires to continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW THEREFORE, BE IT RESOLVED, the Board of Directors of the Sonoma County Waste Management Agency hereby finds, determines, and resolves as follows:

1. The above recitals and true and correct and shall be the findings of the Board of Directors of the Sonoma County Waste Management Agency.
2. The Board of Directors the Sonoma County Waste Management Agency shall continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3) based upon the findings and determinations hereby made by the Board.

PASSED, APPROVED, and ADOPTED, by the Board of Directors of the Sonoma County Waste Management Agency, on this 18th day of November, 2021, by the following vote:

MEMBERS:

-- Cloverdale	-- Cotati	-- County	-- Healdsburg	-- Petaluma
- - Rohnert Park	-- Santa Rosa	-- Sebastopol	-- Sonoma	-- Windsor

AYES: --      NOES: --      ABSENT: --      ABSTAIN: --

SO ORDERED

The within instrument is a correct copy of the original on file with this office

ATTEST:                      DATE: November 18, 2021

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Clerk of the Sonoma County Waste Management Agency  
In and for the County of Sonoma





## County of Sonoma

Emergency Readiness, Response and Recovery



Emergency

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September 24, 2021 10:38 AM

# Recommendation of the Health Officer: Public Meetings

En Español [<https://socoemergency.org/recomendacion-del-funcionario-de-salud-reuniones-publicas/>]

# Sonoma County Public Health Recommendations for Safely Holding Public Meetings

September 22, 2021

**Each local government agency is authorized to determine whether to hold public meetings in person, online (teleconferencing only), or via a combination of methods. The following are recommendations from Sonoma County Public Health to minimize the risk of COVID-19 transmission during a public meeting of a legislative body held in compliance with Government Code section 54953(e):**

1. Online meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. If a local agency holds in person meetings, a written safety protocol should be developed and followed. It is recommended that the

protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees in compliance with [Order of the Health Officer of the County of Sonoma C19-25](#).

4. If a local agency holds in person meetings, seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least six feet apart.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with symptoms but no fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Dr. Sundari R. Mase, MD MPH

Health Officer of the County of Sonoma



Agenda Item #: 5  
Cost Center: Organics  
Staff Contact: Tan  
Agenda Date: 11/18/21  
Approved By: LL

## **ITEM: Community Presentation from the Sebastopol Zero Waste Committee**

### **I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

This item is a presentation for informational purposes only and no action is required.

### **II. BACKGROUND**

Since the Senate Bill (SB) 1383 Regulations will become effective on January 1, 2022, there has been significant interest from the community about the law and its repercussions on local residents and businesses. The Sebastopol Zero Waste Committee has taken it upon themselves to help educate the public about the law and associated requirements. They have reached out to Agency staff for help to ensure the information disseminated is accurate and easy to understand by a layman.

### **III. DISCUSSION**

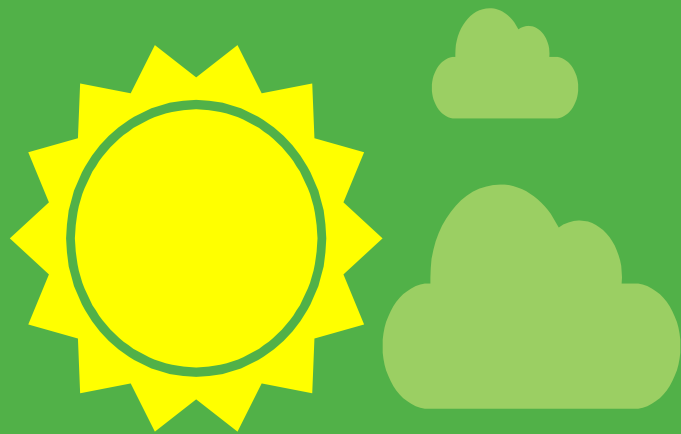
This presentation was put together by the Sebastopol Zero Waste Committee youth representative, Argus Brent. He and other high school students shall be presenting this PowerPoint to Sebastopol residents specifically through various community groups.

### **IV. FUNDING IMPACT**

None.

### **V. ATTACHMENTS**

Presentation.



# SB 1383

Short Lived Climate Pollutants



CA law passed in 2016

Regulations Taking Effect

Jan 1, 2022

# What does this bill mandate?


🌱 By 2025, reduce the amount of organic material disposed in landfills by 75% from the 2014 level.

🌱 By 2025, no less than 20% of edible food currently disposed must also be recovered for human consumption.


**Organics materials** are yard debris, food scraps, and wet or soiled paper/ cardboard (example: paper towels)



# What does this bill mandate? (continued)

 SB 1383 expands on bills that were previously passed (AB 341 and AB 1826) in order to better our recycling practices.

- Requires sign-up for compost collection services for businesses, schools, and residents
- Fines may be issued for non-compliance. (Previous laws solely relied on education and voluntary compliance without fines)

 → Some businesses will be asked to donate excess edible food to those in need



# WHO IS IMPACTED?

The SB 1383 regulations apply to all persons and entities that generate organic materials, such as food scraps and plant trimmings. Everyone is required to divert their organic materials from the garbage. In addition, certain entities that provide food will be required to donate their excess food to feed people.



**RESIDENTS** including those living in single-family homes or multi-family buildings



**COMMERCIAL ENTITIES** such as for-profit and non-profit organizations, government offices and agencies, and industrial facilities



**NON-LOCAL ENTITIES** such as special districts, state/federal facilities, and prisons

**EDUCATION AGENCIES** such as schools, community colleges, and universities

# PENALTIES FOR NON-COMPLIANCE

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Non-compliance with any of the requirements may result in enforcement action, including the issuance of monetary penalties. Penalty amounts may vary depending on the jurisdiction and extent of non-compliance, but the base penalties shall fall within the ranges listed below.

- First violation: \$50-100
- Second violation: \$100-200
- Third and subsequent violations: \$250-500

In addition, jurisdictions may revoke, suspend, or deny a permit, registration, license, or other authorization.

- The priority is to assist businesses, educational agencies, and other commercial entities come into compliance since they produce large amounts of food. Penalties will only be issued for recurring violations.<sup>48</sup>

# What happens when food and other organic waste (ex: yard clippings) are sent to landfills?

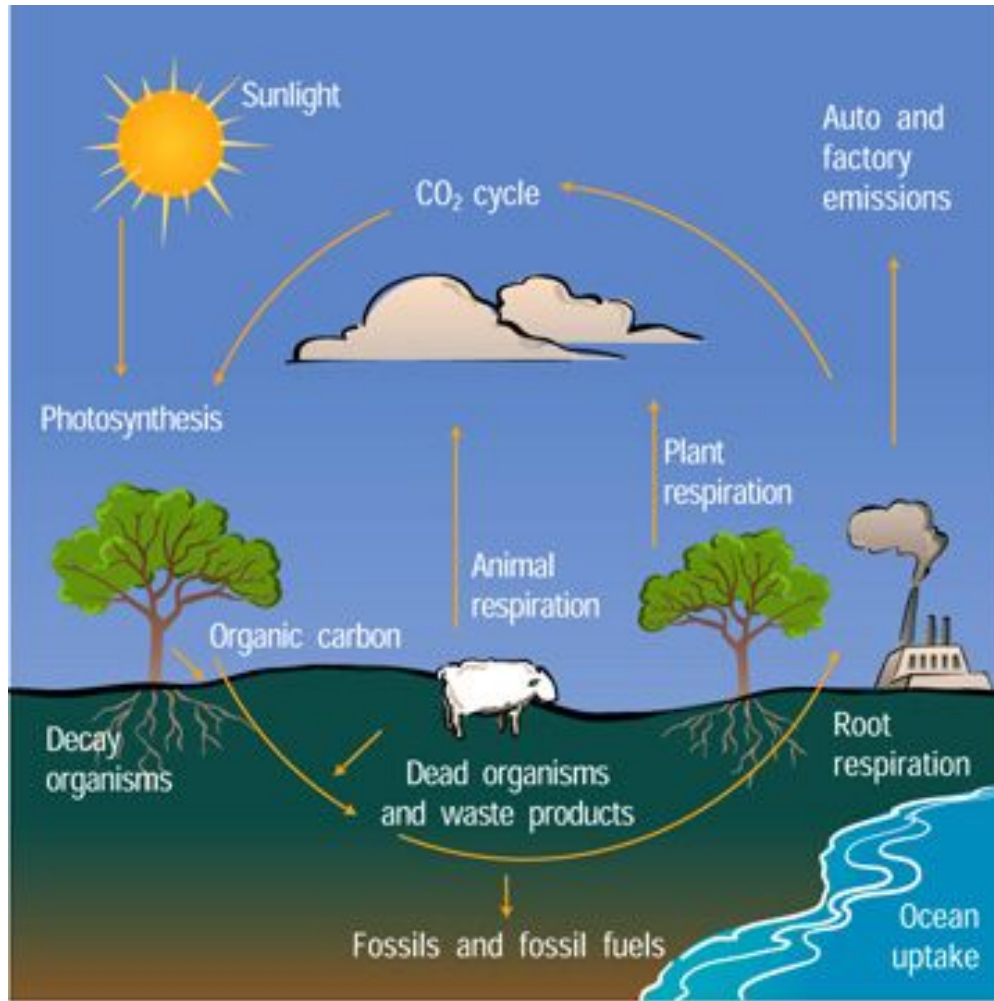
- The food/ organic debris rots without oxygen
- It releases methane ( $\text{CH}_4$ )  
... a **dangerous, heat-trapping greenhouse gas** that has 23x the global warming potential of  $\text{CO}_2^*$
- Nutrients from the food and other organic debris can never return to the soil



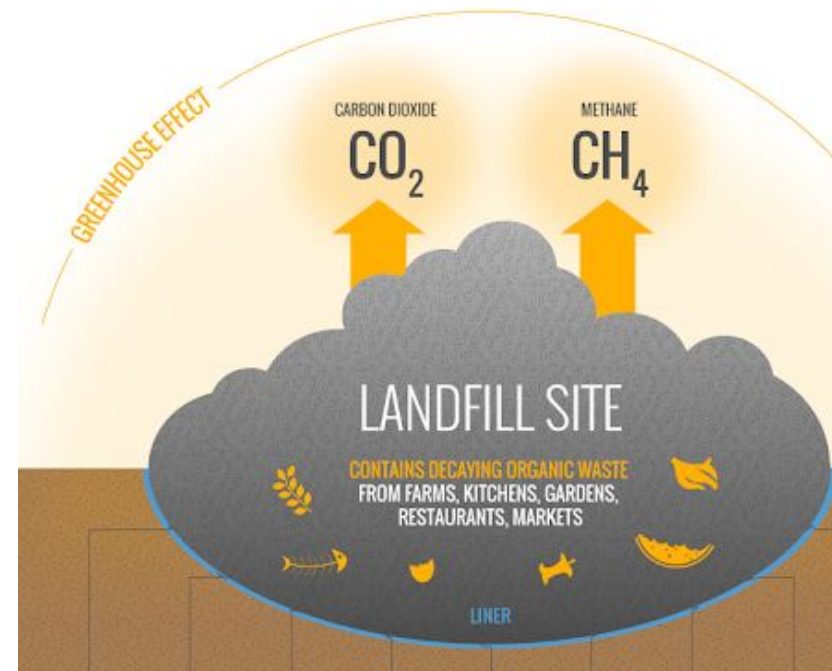
Composting reduces and prevents the methane emissions that result from organic materials rotting in landfills. It also allows nutrients to return to the soil, enriching it and resulting in higher yields of agricultural crops.



# The Carbon Cycle: currently out of balance.



Too much carbon, in the form of carbon dioxide and methane, is in the atmosphere compared to what is sequestered in the ocean, living things, and soil/ rocks



When organic materials end up in the landfill, they decompose anaerobically (without oxygen) and produce greenhouse gases: methane ( $\text{CH}_4$ ) and carbon dioxide ( $\text{CO}_2$ )



Methane is

80x more potent a greenhouse gas  
than CO<sub>2</sub> over a 20 year period.



In 2018...

only 4%\*  
of wasted food was composted



35,277,543 tons\*  
of food waste went to landfills



Greenhouse gases equivalent to...

**13.4 million tons**

Of CO<sub>2</sub> would be created without  
SB 1383

If we meet the SB 1383 goals:

**3.1 million tons**

of CO<sub>2</sub> removed from the  
atmosphere by composting organics

**+ 16.2 million tons**

of CO<sub>2</sub> sequestered in soil  
amended by compost

**= 19.3 million tons**

Total CO<sub>2</sub> removed from the  
atmosphere<sup>52</sup> with SB 1383

We can all be part of the solution by correctly sorting our waste at home so that no organics go into the landfill.

Time for a quiz:

Do you know what goes in the  
green bin?

The blue bin?

The gray bin?



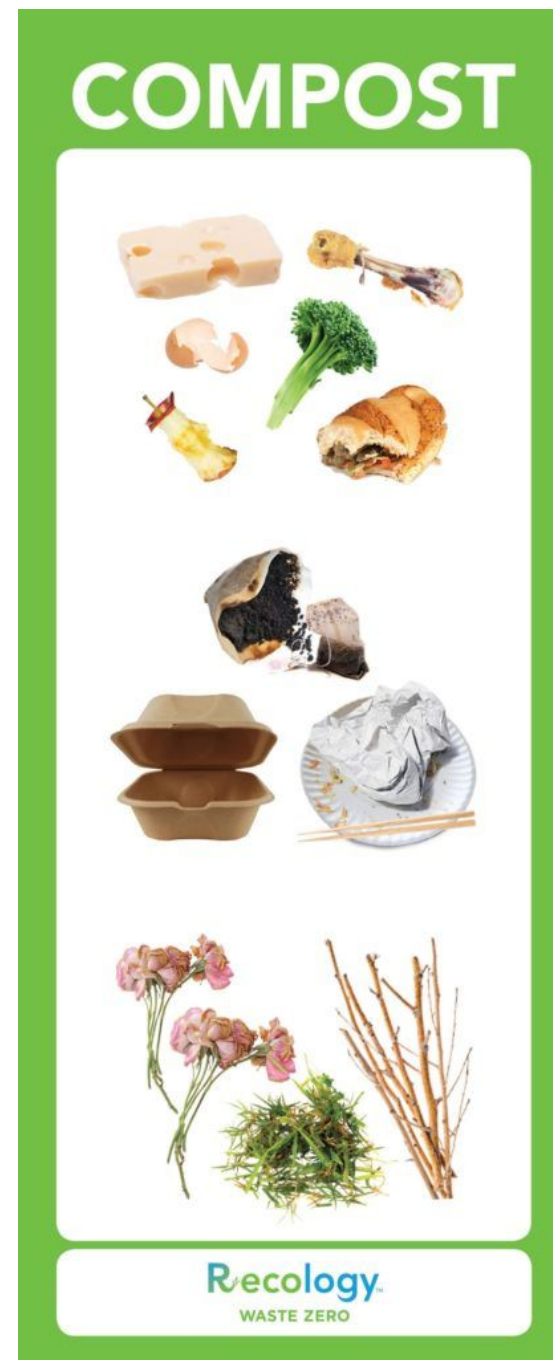
Sorting Guides from Recology:  
[Compost, Recycle, and Trash Sorting  
Guides](#)

# What Goes Where?

## Compost

The Recology Green Bin accepts:

- Food Scraps
- Plant Materials
- Soiled Paper/Cardboard (without shiny coating)
- Wood Scraps and Hair/Fur/Feathers
- **No 'Compostable' Plastics**  
(They take too long to break down so are not accepted by commercial compost facilities in our area)





# What Goes Where?

## Recycling

- Metal
- Paper and Cardboard (unsoiled)
- Plastic Containers (no plastic bags)
- Glass

**Recyclables must be empty and dry!**

(so they can be recycled and so that they do not get the paper or cardboard wet)

...and **not in a bag**. Recyclables in bags get thrown out (workers do not have time to open bags on the sorting line)



No Plastic Bags



# What Goes Where?

## Garbage

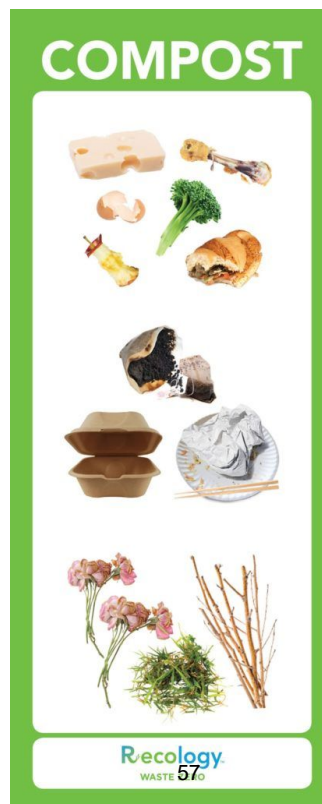
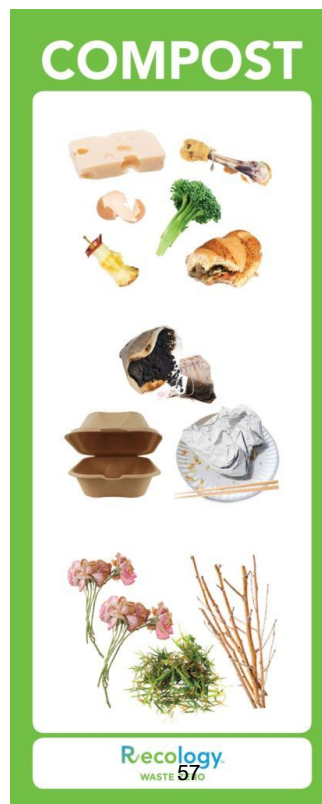
The Recology Garbage Bin accepts:

- Broken Glass/Dishware
- Wrappers and Chip Bags
- Styrofoam, Straws, plastic bags and utensils, coffee cups

**Remember put compostables in the Green Bin!**

## GARBAGE



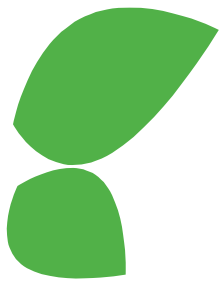


Where do...  
*Paper Towels* go?



- A. Garbage
- B. Recycling
- C. Compost
- D. None

Paper towels are usually wet or food-soiled, so go in the *compost* (green bin)



A. Garbage

B. Recycling



C. Compost

D. None

# Where do... *Fluorescent Light Bulbs* and *Batteries* go?



- A. Garbage
- B. Recycling
- C. Compost
- D. None



# Fluorescent Light bulbs and batteries are *Household Hazardous Items...* meaning they don't go in any of these!



They must be taken to the [household hazardous waste facility](#) at central landfill or other locations, such as Sebastopol Hardware and Lowes.

**New!** You can place your batteries in a plastic bag, taped closed, on top of your recycling cart and Recology will pick up.

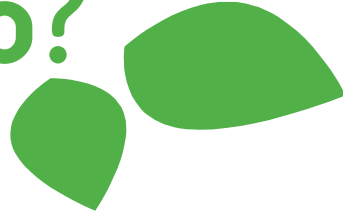


- A. Garbage
- B. Recycling
- C. Compost
- D. None



# Where do...

## *Bones go?*



A. Garbage

B. Recycling

C. Compost

D. None





Bones go in the *compost*  
(green bin)



A. Garbage

B. Recycling



C. Compost

D. None

# Where does...

## *Cheese and Meat go?*



- A. Garbage
- B. Recycling
- C. Compost
- D. None

# *Cheese and meat goes in Compost* (green bin)



While we would not put cheese, meat, or bones in our backyard composts, the commercial compost facilities get the compost to high enough temperatures to handle these items.



**A. Garbage**

**B. Recycling**

**C. Compost**

**D. None**

# Where do...

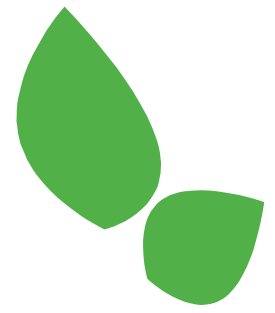


## *Plastic clam shells go?*



- A. Garbage
- B. Recycling
- C. Compost
- D. None

# *Plastic clam shells go in* **Recycling**



Make sure that they are clean and dry (OK if they have a light residue)



**A. Garbage**

**B. Recycling**

**C. Compost**

**D. None**

# Where do...



## *Plastic lids and straws go?*



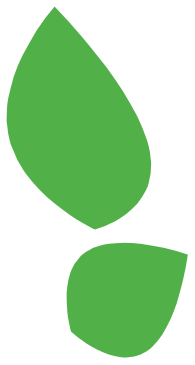
A. Garbage

B. Recycling

C. Compost

D. None

# *Plastic lids and straws go in the* **garbage**



These items are too small and fall through the holes in the the recycling conveyor belt.



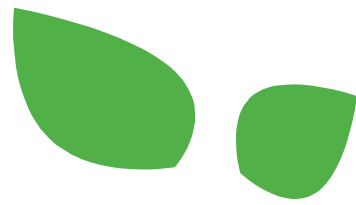
**A. Garbage**

**B. Recycling**

**C. Compost**

**D. None**

Where do...



*Used Pizza Boxes go?*



A. Garbage

B. Recycling

C. Compost

D. None



Used pizza boxes go in the *compost* (green bin).

The oils from food make the cardboard unsuitable for recycling



A. Garbage

B. Recycling



C. Compost

D. None

# Where does... “compostable plastic” go?



- A. Garbage
- B. Recycling
- C. Compost
- D. None

# *“compostable plastic”* go in Garbage.

These items take too long to break down so are not accepted by commercial compost facilities in our area



**A. Garbage**

**B. Recycling**

**C. Compost**

**D. None**

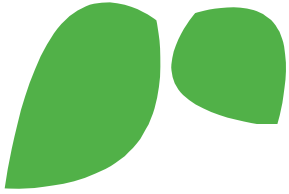
# Where does...

## *Waxed Cardboard* go?



- A. Garbage
- B. Recycling
- C. Compost
- D. None

# Waxed cardboard goes in the *garbage*



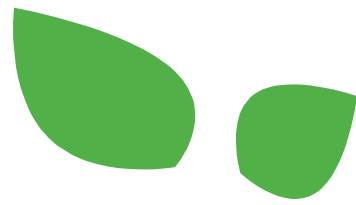
**A. Garbage**

**B. Recycling**

**C. Compost**

**D. None**

Where do...



*Wooden Chopsticks go?*



A. Garbage

B. Recycling

C. Compost

D. None

Chopsticks go in the  
*compost* (green bin)



A. Garbage

B. Recycling



C. Compost

D. None



# Where do...



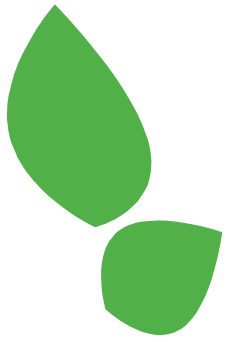
## *Paper Coffee Cups go?*



- A. Garbage
- B. Recycling
- C. Compost
- D. None



# Paper Coffee Cups go in the garbage.



They have a shiny plastic lining, so cannot be composted, even if they say “compostable” (these cups still have a lining not accepted by compost facilities).



**A. Garbage**

**B. Recycling**

**C. Compost**

**D. None**

# Where does...

## *Shredded Paper go?*



- A. Garbage
- B. Recycling
- C. Compost
- D. None

# *Shredded Paper goes in Compost*

When paper is shredded, the fibers become shorter and are less useful in the recycling process.

Also, the tiny shreds can't make it through the recycling sorting process. They fall through the filter screen and recycling centers are unable to retrieve it.

**Recology asks that you put your shredded paper in a paper bag, then place in the green compost bin**



- A. Garbage
- B. Recycling
- C. Compost
- D. None

# Pandemic bonus question: Where do *Gloves and masks* go?



- A. Garbage
- B. Recycling
- C. Compost
- D. None

# *Gloves and masks go in* Garbage



**A. Garbage**

**B. Recycling**

**C. Compost**

**D. None**

# Hooray! How did you do?

## Give thumbs up, thumbs sideways, or thumbs down



Spread the word about what goes where!

Sorting Guides from Recology:

[Compost, Recycle, and Trash Sorting Guides](#)

# Resources for Taking Action

from Zero Waste Sonoma, our county waste management agency

## → [Prevent Food Loss and save money](#)

- ◆ At-home food waste prevention tips from Zero Waste Sonoma

## → [Donate edible food](#)

- ◆ Locations and organizations accepting food donations from individuals and businesses, including gleaning groups that can come pick fruit from backyard fruit trees
- ◆ Volunteer opportunities

## → [Donate food to feed animals](#)

## → [Compost at home](#)

- ◆ Learn how to create a compost bin at home

## → [Sonoma County Food Recovery Coalition](#)

- ◆ Food donation and volunteer opportunities

## → **Share these actions with your community!**



More excellent resources from  
Zero Waste Sonoma!



→ [SB 1383 Brochure from Zero Waste Sonoma](#)

→ [SB 1383 detailed information and resources](#)

- ◆ Full text of the law
- ◆ Template letter for employees or tenants
- ◆ Educational resources
- ◆ List of foods that can be donated + safe food handling instructions
- ◆ Liability protection for food donations

→ Questions? Contact Zero Waste Sonoma:

[zerowastesonoma@sonoma-county.org](mailto:zerowastesonoma@sonoma-county.org)

or by phone at the Eco Desk: (707) 565-DESK (3375)

Sorting Guides from Recology: <sup>86</sup>[Compost, Recycle, and Trash Sorting Guides](#)



# Positive Environmental Impact of SB 1383

## Carbon Sequestration

- More carbon held in soil

## Reduced Methane Outputs

- Composted & gleaned food stays out of the landfill, substantially reducing the amount of methane released into the atmosphere each day

## Waste Reduction









- Better-utilized resources means money is saved for consumers and producers

## Energy Conservation

- Bigger impact with less fossil fuel input



# DISPOSABLE FOOD SERVICE WARE AND POLYSTYRENE FOAM BAN ORDINANCE

Allowed	Not Allowed
<p><b><u>Compostable Items:</u></b></p> <ul style="list-style-type: none"> <li>• Uncoated natural plant fiber &amp; paper products (straws, bowls, deli boats, etc.) including bagasse products (sugar cane fiber)</li> <li>• 100% wood or bamboo products (utensils, chopsticks, stirring sticks, etc.)</li> </ul>  <p><b><u>Recyclable Items:</u></b></p> <ul style="list-style-type: none"> <li>• Plastic containers accepted in recycling</li> <li>• Glass containers</li> <li>• Aluminum containers</li> </ul>  <p><b><u>Paper “hot cups” and paper soup containers</u></b></p> <ul style="list-style-type: none"> <li>• Coated paper cups are not currently accepted in the compost or recycling streams in Sonoma County (even if they are labeled compostable);</li> <li>• however, because there are no compostable or recyclable alternatives commercially available for take-out hot liquids, they are allowed.</li> </ul> 	<p><b><u>Polystyrene foam products</u></b></p> <ul style="list-style-type: none"> <li>• Cups, plates, clamshells, etc.</li> <li>• Coolers/ ice chests, or similar containers</li> <li>• pool or beach toys</li> <li>• packing peanuts or other packaging materials (unless donated by customers to a packaging store for reuse).</li> </ul>  <p><b><u>Non-recyclable, disposable plastic serviceware:</u></b></p> <ul style="list-style-type: none"> <li>• Disposable plastic utensils</li> <li>• Plastic Straws</li> </ul>  <p><b><u>“Compostable” plant/bio-plastic products/ PLA plastics</u></b></p> <p>Although technically compostable in certain facilities, compost facilities serving Sonoma County do not currently accept these items, therefore these products are not compostable in Sonoma County.</p>  <p><b><u>Coated paper food containers</u></b></p> <p>If it has a shiny surface/ moisture barrier, it is likely coated. Exception: paper coffee cups/ containers for hot beverages or soups.</p> 
<p style="text-align: center;"><b>Only Upon Request by Customers:</b> Lids, cutlery, to-go condiment packages, and paper straws</p> 	

# Disposable food service ware and polystyrene foam ban model ordinance from Zero Waste Sonoma



Help us by filling out this short online form for businesses not in compliance:

[ZWS: Report a non-compliant establishment](#)

- To give recognition to a business doing a great job, use this same link and scroll to “Zero Waste Business Shout Out Form”

A Zero Waste Sonoma specialist will then reach out to the business owners and work with them to find compostable and recyclable products that suit their needs



keep the air methane free!



Agenda Item #: 6  
Cost Center: Education  
Staff Contact: Tan  
Agenda Date: 11/18/21  
Approved By: LL

## ITEM: Special Department Expense Budget Appropriation for Food Recovery Capacity Study and Approval of Contract with Abound Food Care

### I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends increasing the budgetary appropriations for **Special Department Expense** by \$31,400 to fund the food recovery capacity study and authorize the Executive Director to enter into contract with Abound Food Care. As this item is an amendment to the budget, it requires a super-majority (8/10) vote for approval.

### II. BACKGROUND

When Senate Bill (SB) 1383 was passed into California state law, the lawmakers' intention was to address and minimize food insecurity in addition to reducing the amount of greenhouse gas emissions from landfilled organic materials. As a result, large food-generating commercial businesses called Tier One and Tier Two Entities are required to donate excess edible food to feed people in addition to separating their food scraps from the garbage to be composted. Tier One Entities must start donating food in 2022 while Tier Two Entities must start in 2024.

Tier One Commercial Entities	Tier Two Commercial Entities
Supermarkets	Restaurants $\geq$ 250 seats, or $\geq$ 5,000 sq. ft.
Grocery stores	Hotels with on-site food facility, and $\geq$ 200 rooms
Food service providers	Health facility with on-site food facility, and $\geq$ 100 beds
Food distributors	Large venues that annually seat or serve $\geq$ 2,000 individuals per day of operation
Wholesale food vendors	Large events that serve $\geq$ 2,000 individuals per day of operation
	State agencies with a cafeteria $\geq$ 250 seats, or $\geq$ 5,000 sq. ft.
	Local education agencies with an on-site food facility

The regulations require jurisdictions to:

- Estimate the amount of edible food that is being disposed by Tier One and Tier Two Commercial Entities located within the jurisdiction(s);
- Identify existing capacity at food recovery organizations located within the jurisdiction(s);

- Identify the amount of new or expanded capacity at food recovery organizations and food recovery services necessary to recover the edible food that is estimated to be disposed by generators; and
- Identify if new or expanded food recovery capacity is needed and, if so, obtain funding to support the expansion of capacity and infrastructure

Staff applied for a CalRecycle Food Waste Prevention and Rescue grant in November 2020 and was successfully awarded \$300,000 in May 2021. Staff have coordinated with partner organization Conservation Corps North Bay (CCNB) to rescue 10,580 pounds of food to date. The refrigerated truck that staff has ordered for CCNB shall be delivered in December 2021, and as CCNB prepares to increase food recovery activities, it is necessary to identify additional outlets for the rescued food.

### **III. DISCUSSION**

In addition to complying with the jurisdictions' SB 1383 requirements, conducting an Edible Food Recovery Capacity Study would be extremely valuable in assisting staff's implementation of the previously awarded CalRecycle Food Recovery grant.

Staff released a Request for Qualifications (RFQ) for an Edible Food Recovery Capacity Study on September 29, 2021. Four proposals were received by the October 20, 2021 deadline. Staff scored the proposals using four primary selection criteria (scoring comparison is attached). Abound Food Care was identified as the top contender due to their extensive experience with the food recovery sector, most efficient project timeline, and affordable cost.

### **IV. FUNDING IMPACT**

Staff originally anticipated that the Edible Food Recovery Capacity Study would be within the Executive Director's \$25,000 signing authority. However, all four proposals received through the RFQ exceeded \$30,000. Contracting with Abound Food Care to conduct the study will cost \$31,400.

### **V. ATTACHMENTS**

Resolution for Budget Appropriation for Special Department Expense  
Short Form Agreement with Abound Food Care  
RFQ Scoring Comparison

Resolution No.: 2021-27

Dated: November 18, 2021

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY, ALSO KNOWN AS ZERO  
WASTE SONOMA, ("Agency") ADOPTING ADJUSTMENTS TO THE FY 2021/22 ANNUAL BUDGET FOR  
SPECIAL DEPARTMENT EXPENSE

WHEREAS, the Board approved the Sonoma County Waste Management Agency Fiscal Year  
2021/22 Budget on April 15, 2021; and

WHEREAS, staff recommends increasing the Fiscal Year 2021-22 budget appropriations for  
Education, 78110, Special Department Expense, 52162, in the amount of \$31,400 to cover the food  
recovery capacity study, which would satisfy the member jurisdictions' requirements to conduct  
such a study under SB 1383, while also providing essential information for staff to implement work  
related to the CalRecycle Food Waste Prevention and Rescue grant, which was awarded to the  
Agency in May 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sonoma County  
Waste Management Agency does hereby approve the budget adjustment to the  
Fiscal Year 2021-22 Budget.

MEMBERS:

-- Cloverdale	-- Cotati	-- County	-- Healdsburg	-- Petaluma
-- Rohnert Park	-- Santa Rosa	-- Sebastopol	-- Sonoma	-- Windsor

AYES: --      NOES: --      ABSENT: --      ABSTAIN: --

SO ORDERED

The within instrument is a correct copy  
of the original on file with this office.

ATTEST:                      DATE: November 18, 2021

\_\_\_\_\_  
Clerk of the Sonoma County Waste Management Agency  
Agency of the State of California in and for the  
County of Sonoma

SONOMA COUNTY WASTE MANAGEMENT AGENCY  
SHORT FORM CONTRACTING AGREEMENT

**Agreement for Edible Food Recovery Capacity Study**

I. **CONTRACTOR INFORMATION**

Contractor: Abound Food Care

Address: 2450-B N Glassell St  
Orange, CA 92865

Telephone: (855) 700-9662

II. **AGENCY INFORMATION**

Agency: Sonoma County Waste Management Agency (Agency)

Address: 2300 County Center Dr, STE B 100  
Santa Rosa, CA 95403

Telephone: (707) 565-1733

Project: Edible Food Recovery Capacity Study

III. **SCOPE OF WORK**

The Edible Food Capacity Study completed on behalf of member jurisdictions within Sonoma County to understand of existing food recovery services per SB 1383 requirements. Data for this study will be separated by member jurisdiction. Below are the tasks to be completed.

Task 1: Estimate the Total Annual Amount of Edible Food That Tier 1 and 2 Generators Are Sending to the Landfill

The Contractor may use the list of Tier 1 and 2 Commercial Edible Food Generators compiled by Zero Waste Sonoma to estimate the total annual amount (in pounds) of edible food that those generators are currently sending to the landfill and could otherwise be recovered for human consumption. Food should be categorized as follows:



- Perishable foods that may be temperature sensitive, such as meats, dairy products, produce, and bakery items. They should be further subcategorized into:
  - Non-prepared foods meaning harvested and whole produce
  - Prepared foods that have been cut, cooked, assembled, or otherwise processed but were never served. Sandwich bread, burger buns, and rolls that are usually eaten as a side or part of a larger meal can be included in this subcategory.
  - Low nutritional value foods such as cakes, cookies, chips, candy, and pastries
- Non-perishable or shelf stable foods that have a long shelf life and do not require refrigeration, such as peanut butter, dried beans, dry pasta, and canned foods.

#### Task 2: Identify and Compile List of Existing Food Recovery and Food Distribution Organizations

The Contractor shall identify and compile a list of food recovery and food distribution organizations that will accept donated food and are operating/serving the 10 jurisdictions of Sonoma County. The two following lists may be useful in compiling the information:

<https://getfood.refb.org/>

<https://socoemergency.org/emergency/novel-coronavirus/food-and-meals/>

- “Food Recovery Organization”, or “FRO” for the purposes of SB 1383, is narrowly defined as an entity that engages in the collection or receipt of edible food from Commercial Edible Food Generators. They then distribute the food to people in need directly or through other food distribution entities, such as food banks or other nonprofit charitable organizations and temporary food facilities.
- “Food Recovery Service” or “FRS” means a person or entity that collects and transports edible food from a Commercial Edible Food Generator to a Food Recovery Organization or other food distribution entity for feeding people

#### Task 3: Identify Remaining Capacity for Edible Food at Existing Food Recovery Organizations

The Contractor shall identify the types of food each food recovery organization or service is willing and able to recover and how much remaining capacity would be available to Tier I and II Commercial Edible Food Generators as they start donating food. Surveys or in-depth

interviews may be used to identify the types and quantities of edible food each recovery organization and service has the capacity to recover.

#### Task 4: Calculate the Minimum Recovery Capacity for Edible Food

The Contractor shall calculate the minimum recovery capacity necessary to collect and recover the total amount of edible food estimated to be disposed annually.

#### Task 5: Calculate Needed Edible Food Capacity and Infrastructure

The Contractor shall calculate how much capacity or infrastructure expansion is needed to adequately serve the community. The most common resource gaps for edible food recovery organizations include funding, labor, transportation, and dry/cold/freezer storage. In calculating the food recovery capacity that currently exists or is needed, it is important to ask each organization what resources they would find most helpful to recover more food. It may also be necessary to investigate what other limitations they face, including hours of operation due to volunteer availability or lack of training in soft and hard skills, such as use of software and organizational management. Some other limitations to investigate are lack of processing capacity (e.g., no access to sink, water, kitchen, or prep areas) or costs to apply for food permits.

#### **Deliverables:**

The Contractor shall prepare a report that includes input and data collected from the unincorporated portion of Sonoma County, each of the nine (9) incorporated cities in Sonoma County, and food recovery organizations located in, or serving, Sonoma County. Capacity projections and recommendations must be made for the period covering January 1, 2022 - December 31, 2024. The report must include the following:

- Excel spreadsheet of estimated annual pounds of edible food, using the categories requested in Task 1 above, available for recovery from Tier 1 and Tier 2 generators.
- Excel spreadsheet identifying edible food recovery organizations and services that can accept donated food and are operating in Sonoma County. This list should also detail what types of food each organization is willing to accept, as well as the amount of remaining capacity they have to accept more food. In addition, please include notes

on what each organization or service would most need in order to recover more food, whether that be more staff, storage, refrigeration, access to training and facilities, etc.

- An estimated calculation of the minimum food recovery capacity necessary to recover the total annual amount of edible food from Tier 1 and Tier 2 generators, and by extension, an estimated calculation of the amount of capacity expansion needed.

V. PAYMENT FOR SERVICES

Payment for professional services provided through this agreement shall not exceed \$31,400. Contract shall invoice Agency monthly for services rendered.

Task	Duration	Cost
Identification of Tier 1 and Tier 2 Food Generators Countywide	3 weeks	\$ 8,630.00
Identify and Compile List of Existing Food Recovery and Food Distribution Organizations	1 week	\$ 2,150.00
Identify Remaining Capacity for Edible Food at Existing Food Recovery Organizations	3 weeks	\$ 8,370.00
Calculate the Minimum Recovery Capacity for Edible Food	1 week	\$ 5,020.00
Calculate the Needed Edible Food Capacity and Infrastructure	1 week	\$ 7,230.00
Implementation Schedule, if Needed	As needed	TBD

VI. INDEPENDENT CONTRACTOR

The Contractor is an independent contractor, working under their own supervision and direction and is not a representative of Agency.

VII. TERMINATION

This agreement will expire on June 31, 2022. Either party may terminate this agreement with or without cause with seven days written notice.

VIII. INSURANCE.

With respect to performance of work under this Agreement, the Contractor shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described below:

8.1 Workers' Compensation Insurance. Workers' compensation insurance with statutory limits as required by the Labor Code of the State of California.

8.2 General Liability Insurance. Commercial general liability insurance covering bodily injury and property damage using an occurrence policy form, in an amount of One Million Dollars (\$1,000,000.00) combined single limit for each occurrence. Said commercial general liability insurance policy shall either be endorsed with the following specific language or contain equivalent language in the policy:

- a. The Sonoma County Waste Management Agency, its officers and employees, is named as additional insured for all liability arising out of the operations by or on behalf of the named insured in the performance of this Agreement.
- b. The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the company's liability.
- c. The insurance provided herein is primary coverage to the Sonoma County Waste Management Agency with respect to any insurance or self-insurance programs maintained by the Agency.
- d. This policy shall not be cancelled without first giving thirty (30) days prior written notice to the Sonoma County Waste Management Agency.

IX. INDEMNIFICATION

The Contractor agrees to accept responsibility for loss or damage to any person or entity, including but not limited to Agency, and to defend, indemnify, hold harmless, reimburse and release Agency, its officers, agents and employees, from and against any and all actions, claims, damages, disabilities, liabilities and expense, including but not limited to attorneys' fees and the cost of litigation incurred in the defense of claims as to which this indemnity applies or incurred in an action by Agency to enforce the indemnity provisions herein, whether arising from personal injury, or property damage, that may be asserted by any person or entity, including Contractor, to the extent arising out of the negligent acts or omissions or willful misconduct in the performance by Contractor hereunder, whether or not there is concurrent negligence on the part of the Agency, but, to the extent required by law, excluding liability due to the sole or active negligence or due to the willful misconduct of the Agency. If there is a possible obligation to indemnify, Contractor's duty to defend exists regardless of whether it is ultimately determined that there is a duty to indemnify. Agency shall have the right to select its own legal counsel at the expense of Contractor, subject to Contractor's approval, which approval shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation

on the amount or type of damages or compensation payable to or for Contractor or its agents under workers' compensation acts, disability benefit acts, or other employee benefit acts.

X. CHANGES TO THE AGREEMENT

Changes to this Agreement must be approved in writing by the Agency's Executive Director.

XI. CONTRACTOR'S STANDARD OF CARE

The Agency has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. The Contractor hereby warrants that all of Contractor's work will be performed in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state, and local laws, it being understood that acceptance of Contractor's work by Agency shall not operate as a waiver of release.

XII. COMPLIANCE WITH LAWS

The Contractor and Agency shall comply with all applicable federal, state, and local laws, rules and regulations.

XIII. APPLICABLE LAW AND FORUM

This Agreement shall be construed and interpreted according to California law and any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in the County of Sonoma.

XV. UNCONTROLLABLE CIRCUMSTANCES. Provided that the requirements of this Section 5 are met, neither party shall be considered in default in the performance of its obligations under this Agreement (not including the obligation to make payments) to the extent that such performance is prevented or impaired by the occurrence of Uncontrollable Circumstances. If, as a result of an event of Uncontrollable Circumstances, either party is wholly or partially unable to meet its obligations under this Agreement, then it shall give the other party prompt written notice of such event, describing it in reasonable detail. The obligations under this Agreement of the affected party shall be suspended, other than for payment of monies due, but only with respect to the particular component of obligations affected by the event and only for the period during which the event of Uncontrollable Circumstances exists; provided, however, that Contractor shall have a reasonable time during which to assess the impacts caused by an event of Uncontrollable Circumstances and sole discretion to determine whether it will make repairs and resume all or part of the operations or whether it will terminate all operations at the Facility.

XVI. TERMINATION; DEFAULT. Either party shall have the right to terminate this Agreement upon giving the other party written notice if the other party: (i) fails to make any payment required hereunder, not disputed in good faith, within thirty (30) days after receiving notice of nonpayment from the non-defaulting party; (ii) materially fails to comply with any federal, state or local laws, rules, orders or ordinances, or regulations that pertain to the handling of the waste hereunder; or (iii) breaches any other material obligation under this Agreement and fails to cure such breach within thirty (30) days after receiving written notice thereof from the non-defaulting party, provided, that in the event the arty shows good cause why it should be entitled to reasonable additional time to cure the breach, the non-breaching party shall allow such reasonable additional time. In addition, Contractor shall have the right to terminate this Agreement upon ninety (90) days' written notice to Agency if the laws, regulations or orders of any governmental body having jurisdiction over Contractor prohibit Contractor from operating the Facility as contemplated in this Agreement.

SONOMA COUNTY WASTE MANAGEMENT AGENCY

By: \_\_\_\_\_  
Leslie Lukacs, SCWMA Executive Director

Date: \_\_\_\_\_

Reviewed as to form:

\_\_\_\_\_  
Ethan Walsh, SCWMA Counsel

ABOUND FOOD CARE

By: \_\_\_\_\_  
Mike Learakos, Abound Food Care Executive Director

Date: \_\_\_\_\_

SCWMA Edible Food Recovery Capacity Study  
Request for Qualifications Scoring Comparison

<b>Primary Selection Criteria</b>	<b>%</b>	<b>Abbe &amp; Associates</b>	<b>Abound Food Care</b>	<b>Blue Strike Environmental</b>	<b>SCS Engineers</b>
Ability to perform services and complete all tasks as specified in RFQ	30%	26.3	26.7	23.7	28.0
Experience with food recovery capacity studies	20%	16.0	16.3	16.0	12.7
Timeline (preference given to those who can complete project sooner)	20%	12.3	21.7	12.3	8.3
Cost	30%	23.0	29.3	23.7	8.3
<b>Total:</b>	100%	77.7	94.0	75.7	57.3





Agenda Item #: 7  
Cost Center: Organics  
Staff Contact: Tan  
Agenda Date: 11/18/21  
Approved By: LL

## ITEM: Contingency Reserve Fund Budget Appropriation for Compost Rebate Program

### I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends increasing the budgetary appropriations for **Contingency Reserve Fund** by \$150,000 to fund the compost rebate program. As this item is an amendment to the budget, it requires a super-majority (8/10) vote for approval.

### II. BACKGROUND

The Senate Bill (SB) 1383 Regulations require jurisdictions to annually procure organic waste products such as compost, mulch, or renewable gas according to targets set by CalRecycle. The targets are calculated based on the member jurisdiction's population, as shown in the table below.

Jurisdiction	Census population data	Annual Compost procurement target (cubic yards)	Annual cost if compost = \$25/cubic yard
Cloverdale	8,754	1,015.46	\$25,386.60
Cotati	7,454	864.66	\$21,616.60
Healdsburg	11,845	1,374.02	\$34,350.50
Petaluma	60,767	7,048.97	\$176,224.30
Rohnert Park	42,902	4,976.63	\$124,415.80
Santa Rosa	176,753	20,503.35	\$512,583.70
Sebastopol	7,760	900.16	\$22,504.00
Sonoma	11,075	1,284.70	\$32,117.50
Windsor	27,447	3,183.85	\$79,596.30
Unincorporated	146,739	17,021.72	\$425,543.10
<b>Total</b>	<b>501,496</b>	<b>58,173.54</b>	<b>\$1,454,338.40</b>

CalRecycle created the procurement requirements in an effort to stimulate market demand for the anticipated increase in supply of organic waste products due to mandated diversion of food scraps, plant trimmings, and other organic materials. However, these requirements do more harm than good in Sonoma County where a robust market for compost already exists. Staff raised concerns about the procurement requirements during CalRecycle's rulemaking process in 2019, and again after the Regulations were finalized. CalRecycle insists that jurisdictions in Sonoma County cannot be excused from procurement requirements despite existing markets.

The only alternative to directly procuring compost is for jurisdictions to procure compost by proxy, through a “direct service provider”, which can be any person or entity as long as they have a written agreement with the jurisdiction. Staff has confirmed with CalRecycle that vineyards or farms can be direct service providers.

### **III. DISCUSSION**

Staff have discussed the SB 1383 procurement requirements with the Directors of the Farm Bureau and the Community Alliance of Family Farmers (CAFF). Farmers can continue purchasing the same amounts of compost every year, and jurisdictions can satisfy their procurement targets if enough farmers are willing to sign agreements giving credit to the jurisdictions for the purchase. The feedback staff received from the Farm Bureau and CAFF is that farmers would be unwilling to complete extra paperwork without any benefit to them.

During the monthly SB 1383 meetings, the Agency and member jurisdictions staff created a rebate program to incentivize farmers and other entities to sign “direct service provider” agreements. However, concerns were raised about the administrative burden of managing a rebate program and recruiting multiple farmers, since it is unlikely any one entity can procure enough material to meet 100% of a jurisdiction’s procurement target. Furthermore, there was significant concern that jurisdictions may be put into competition with one another if they offered different rebate amounts. For these reasons, it made the most sense for the Agency to manage a regional rebate program for all member jurisdictions. Staff has included procurement in the section of Agency responsibilities in the SB 1383 MOU, which the Board approved during the October 2021 meeting.

Staff suggests offering a 10% rebate for any purchase between 30 cubic yards and 1000 cubic yards of compost. The lower limit is to reduce administrative burden so that staff need not provide rebates to small purchasers of compost, such as 1 or 2 cubic yards. The upper limit is to help diversify the recipients and prevent a few large purchasers from claiming all the rebate. Staff suggests offering the rebate only for purchases of compost, at least for the first year of this program, and only consider offering the rebate for purchases of mulch in the future.

### **IV. FUNDING IMPACT**

Since satisfying the SB 1383 procurement requirements was not anticipated to be one of the Agency’s responsibilities when the board approved the FY21-22 budget on April 15, 2021, no funds were allocated for the program. Since a significant amount of compost is purchased in the spring, staff is requesting a \$150,000 increase in appropriations to the Contingency Reserve Fund 78109, Special Department Expense 52162, in order to start offering rebates before the next fiscal year.

### **V. ATTACHMENTS**

Resolution  
Draft rebate agreement

Dated: November 18, 2021

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY, ALSO KNOWN AS ZERO  
WASTE SONOMA, ("AGENCY") ADOPTING ADJUSTMENTS TO THE FY 2021/22 ANNUAL BUDGET FOR  
CONTINGENCY RESERVE FUND

WHEREAS, the Board approved the Sonoma County Waste Management Agency Fiscal Year  
2021/22 Budget on April 15, 2021; and

WHEREAS, staff recommends increasing the Fiscal Year 2021-22 budget appropriations for  
Contingency Reserve Fund (account 52612) in the amount of \$150,000 to cover the newly created  
compost rebate program, which would satisfy the member jurisdictions' SB 1383 procurement  
requirements; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sonoma County  
Waste Management Agency does hereby approve the budget adjustment to the Fiscal Year 2021-22  
Budget.

MEMBERS:

-- Cloverdale	-- Cotati	-- County	-- Healdsburg	-- Petaluma
-- Rohnert Park	-- Santa Rosa	-- Sebastopol	-- Sonoma	-- Windsor

AYES: --      NOES: --      ABSENT: --      ABSTAIN: --

SO ORDERED

The within instrument is a correct copy  
of the original on file with this office.

ATTEST:                      DATE: November 18, 2021

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Clerk of the Sonoma County Waste Management Agency/Zero Waste Sonoma  
Agency of the State of California in and for the  
County of Sonoma