



Meeting of the Board of Directors

November 19, 2014

SPECIAL MEETING

CLOSED SESSION PRIOR TO REGULAR MEETING 8:00 a.m.

Regular Meeting at 9:00 a.m.

(or immediately following closed session)

City of Santa Rosa Council Chambers

100 Santa Rosa Avenue

Santa Rosa, CA

Meeting Agenda and Documents

SONOMA COUNTY WASTE MANAGEMENT AGENCY

Meeting of the Board of Directors

November 19, 2014

SPECIAL MEETING

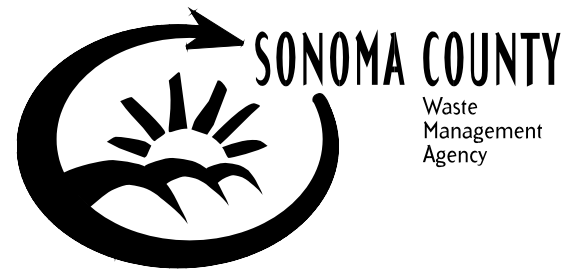
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Note: This packet is 131 pages total



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CLOSED SESSION PRIOR TO REGULAR MEETING 8:00 a.m.

Regular Meeting at 9:00 a.m. (or immediately following closed session)

Estimated Ending Time 11:30 a.m.

City of Santa Rosa Council Chambers
100 Santa Rosa Avenue
Santa Rosa, CA

Agenda

***** UNANIMOUS VOTE ON ITEM #7.3, 9 *****

- | <u>Item</u> | <u>Action</u> |
|---|---------------|
| 1. Call to Order Regular Meeting | |
| 2. Agenda Approval | |
| 3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
GOVERNMENT CODE SECTION 54956.9(d)(1)

Renewed Efforts of Neighbors Against Landfill Expansion vs. County of Sonoma,
Sonoma Compost Company, Sonoma County Waste Management Agency
Case 3:14-cv-03804-TEH | |
| 4. Adjourn Closed Session | |
| 5. Agenda Approval | |

6. Public Comments (items not on the agenda)

Consent (w/attachments)

Discussion/Action

- 7.1 Minutes of September 17, 2014 Regular Meeting
- 7.2 Minutes of October 15, 2014 Regular Meeting
- 7.3 Legal Services Budget Appropriation **Unanimous Vote**
- 7.4 First Quarter Financial Report
- 7.5 Proposal for Facilitating Evaluations, Executive Director and Agency Counsel

Regular Calendar

- 8. Compost Zero Discharge Plan Update
[Mikus](Attachments) **Discussion/Action
Organics**
- 9. New Compost Site EIR Review/Recirculation Appropriation
[Mikus, Carter](Attachments) **Unanimous Vote
Organics**
- 10. Update Report JPA 3rd Amendment Approvals
[Coleson, Mikus](Attachments) **Discussion/Action
All**
- 11. Executive Director Monetary Signing Authority
[Mikus](Attachments) **Discussion/Action
All**
- 12. AB 939 Local Task Force Planning Request
[Mikus](Attachments) **Discussion/Action
Planning**
- 13. December Meeting Discussion
[Mikus](Attachments) **Discussion/Action
All**
- 14. **Attachments/Correspondence:**
 - 14.1 Reports by Staff and Others:
 - 14.1.a November and December 2014 Outreach Events
 - 14.1.b 2015 List of Meetings
 - 14.1.c MCR-3 Survey Results
 - 14.1.d MCR-3 Final Report
 - 14.1.e CPSC Pharmaceutical Ordinance Fact Sheet
 - 14.1.f Human Services "Thank You" letter
 - 14.1.g CalRecycle Letter re: Electronic Annual Report
- 15. Boardmember Comments
- 16. Staff Comments
- 17. Next SCWMA meeting: December 17, 2014 or January 21, 2015

18. 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, 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 Sonoma County Waste Management Agency 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 at The Board of Supervisors, 575 Administration Drive, Santa Rosa, and at the meeting site the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa. It is also available on the internet at www.recyclenow.org



Date: October 16, 2014

To: SCWMA Board Members

From: Henry J. Mikus, SCWMA Executive Director

Executive Summary Report for the SCWMA Board Meeting of October 15, 2014

Item 3: The Board met in Closed Session to discuss “Anticipated Litigation”, at its conclusion the Board reported it gave direction to its attorneys.

Item 7: Consent: Item 7.1 September 17, 2014 Minutes was pulled to be put on the November 19, 2014 agenda; not enough attending members/alternates at this October meeting were at the September meeting for sufficient approving votes. Item 7.3 Petaluma Surcharge Agreement 9th Amendment was pulled to be placed on the November 19, 2014 agenda to allow further review. Items 7.2 Tip Fee Surcharge Adjustment and Item 7.4 Consultant Contract Extension were approved.

Item 8: Sonoma Compost Amendment: This item was continued from the September meeting. The issue of a math error that had been inadvertently built into the revenue sharing formula for the new Sonoma Compost Company Contract from February 2013 was presented for correction. As part of the new contract, the balance between processing fees paid to SCC and the revenue sharing was altered to provide more stability in forecasting and budget; the Agency paid less up front but earned less after sales with the changes on both ends of the equation supposed to be in balance. SCC lowered their per ton costs to the Agency in return for a decrease in the revenue sharing level. Revenue sharing had been on an even, split basis, with the mistake a factor of two in the new revenue sharing threshold. In effect the mistake resulted in the Agency getting the cost savings up front, then also the revenue sharing at an elevated level. An amendment to the contract was proposed to set the revenue sharing threshold at the correct level plus make an appropriate and fair adjustment for the recent year. The year adjustment was for \$183,773.50. The amendment was passed by a unanimous vote.

Item 9: Compost Zero Discharge Plan Update: The second monthly progress report on the Zero Discharge Plan work was compiled and sent to the NCRWQCB Friday October 10, 2014. The two minor rain storms of the recent month did not result in any discharge of compost storm contact water. The work on implementing the Zero Discharge Plan “Interim Measures” continued. The 18% footprint reduction for the compost working area is complete. Partial outhaul to other compost sites is being reduced as the compost site ramps its operations back up as it adjusts to its smaller work area. The pond combination project is about half complete; the pond excavation and grading is done with the liner set to be installed. Sonoma Compost Company has completed implementing the required winter rain season measures, such as all the sedimentation traps/basins. There was no formal action required for this item.

Item 10: Central Proposed Site Engineering Report: In May 2014 the Board asked for an independent engineering consultant evaluation of the potential Central site with three main areas: verify the site’s capacity to process 200,000 tons of material per year, do a preliminary design of sufficient detail to provide for an accurate construction project cost estimate, and determine whether the 29 MG large pond proposed as a “zero discharge” measure for the current compost site might have use or value for the proposed new site. The engineer’s report indicated that the proposed site was verified as having the required capacity. The report also indicated although the possible large pond could be used for the new site it would not be necessary if the new site was constructed with roofing to keep rain water from becoming compost contact water; the roof option was shown to be an overall lower cost solution. The project cost estimate was given, and analyzed to show what the potential per-ton cost using the

construction costs amortized over 25 years added to annual operating and transport costs. The per-ton range was determined to be between \$36 and \$51 per ton exclusive of contractor profit. Given that the new site would have greatly enhanced environmental features, be capable of double the current capacity, and be capable of adding food waste to the current green waste stream, the cost was considered affordable. The Board voted to accept the report.

Item 11: New Compost Site Selection: As a companion item to the engineer's report on the proposed Central new compost site, and to continue adherence to the Zero Discharge Plan timeline, the Board was asked to consider making a site selection. Given that some time had passed since the final EIR was presented, that the engineer report for the Central proposed site included new pertinent technical information, and the quickest path to actually building a new site would be aided by updates to the EIR, the Board directed staff to exercise urgency to review, update, and recirculate the EIR as quickly as possible. The action was approved on a unanimous vote.

Item 12: Attachments/Correspondence: The attachments were the October & November 2014 Outreach Calendar, news articles regarding the Alameda County Meds Ordinance, new legislation regarding organics materials (AB 1594 & AB 1826), a "Sharps" Flier on Proper Disposal, and a summary report comparing the California reusable bags ban with our own regional ordinance. ***It is worth noting that the state legislation is structured so that our ordinance takes precedence.***



To: Sonoma County Waste Management Agency Board Members

From: Henry Mikus, Executive Director

Subject: November 19, 2014 Board Meeting Agenda Notes

Please Note: There is a "Closed Session" discussion scheduled for 8:00 AM with the regular meeting to follow at the normal 9:00 AM start time.

Consent Calendar

These items include routine financial 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.

- 7.1 **Minutes of the September 17, 2014 Board Meeting:** regular approval, this was tabled from the previous meeting.
- 7.2 **Minutes of the October 15, 2014 Board Meeting:** regular approval.
- 7.3 **Legal Services Budget Appropriation:** This item provides for a budget adjustment to reflect ongoing and potential future legal expenses, and removes the "not to exceed" limit from the agreement for Special Counsel services with BB&K. This item requires a unanimous vote for approval.
- 7.4 **First Quarter Financial Report:** This a routine report; there are no unusual items to report.
- 7.5 **Proposal for Facilitating Evaluations:** It is proposed for the Board to do performance evaluations for the Executive Director and Agency Counsel; these were last done two years previously. Sherry L. Lund Associates facilitated the evaluations two years ago and provided a similar proposal for this time.

Regular Calendar

- 8. **Compost Zero Discharge Plan Update:** The work on implementing the Zero Discharge Plan has continued, with the focus on the interim measures required to prepare for this year's winter rain season. Despite some smaller rain storms, no compost contact water was discharged, and 12,000 gallons of this water was reused on site. The pond construction project, to make the two small ponds into a single, larger capacity pond, was completed October 30. The Board is being asked to approve an extra expenditure of \$10,000 which is chiefly related to encountering unexpected rock during pond excavation. Also, the compost site is operating in the reduced working area footprint.
- 9. **New Compost Site EIR Review/Recirculation Appropriation:** As a result of last month's engineering report for the proposed new compost site at Central, which included new environmental improvements, the Board directed staff to have the EIR reviewed and possibly recirculated to include these measures. The engineering report identified roofing all work areas as the most effective way to

manage storm water and meet zero discharge requirements for compost contact water. The engineering report also discussed enclosed processing buildings in order to reduce odor impacts. CH2M Hill was the firm that was selected to do the EIR review and recirculation for a fee of \$80,461. The CH2M Hill proposal gave the greatest flexibility for the appropriate pathway to incorporate the required changes into the EIR. This item requires a unanimous vote for approval.

10. **Update Report JPA 3rd Amendment Approvals:** At the June 2014 Strategic Planning Work Session the Board put together a framework for the proposed Third Amendment to the JPA Agreement; a key element was extending the SCWMA existence beyond 2017. Staff was asked to distribute the draft Amendment to all member jurisdictions for review and approval. Since then the members have had varying levels of discussion regarding the proposed amendment. Three member jurisdictions have approved the amendment at least in concept while others are either examining the SCWMA costs and functions as further “due diligence”, have asked numerous questions, or have initiated legal review. The legal review has resulted in a letter with questions and concerns from several of the members’ attorneys. The update report addresses the various comments and suggests some alternate next steps, including limiting the immediate discussions to extending SCWMA while allowing time for the other issues to be settled.
11. **Executive Director Monetary Signing Authority:** The SCWMA Executive Director’s financial expenditure signing authority has had a maximum amount set at \$5,000 since 1992. At the October Board meeting staff was directed to bring back for discussion raising this maximum amount more in keeping with today’s typical costs. The new proposed maximum is \$25,000, with the caveat this be limited to budgeted expenses.
12. **AB 939 Local Task Force Planning Request:** The AB 939 Local Task Force (LTF) is an advisory group to both the SCWMA Board and the Sonoma County Board of Supervisors on solid waste matters. The LTF is presenting a letter to the Board that as part of the County Integrated Waste Management Plan five-year review set for the upcoming year, the planning horizon be extended to include addressing the solid waste system beyond the current projected life of the Central landfill.
13. **December Meeting Discussion:** The Board often cancels the December meeting due to the Holiday Season. This year, the Board is asked to either cancel the meeting, or reserve the meeting date to hold the performance evaluation reviews for the Executive Director and Agency Counsel. Alternative choices would be to hold the performance reviews in January as a separate meeting, or hold a regular December meeting.
14. **Attachments/Correspondence:** The items this month are the Outreach Events Calendar, a list of the projected 2015 Board meetings with information on likely subjects, two items related to the ongoing Mandatory Commercial Recycling (MCR) Outreach Project, a fact sheet from CPSC about pharmaceutical ordinances, a “thank you” letter from the County Human Services Department, and the letter from CalRecycle accepting our Electronic Annual Report.



Minutes of September 17, 2014 Meeting

The Sonoma County Waste Management Agency met on September 17, 2014, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California

Present:

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

Bob Cox
Susan Harvey (via teleconference)
Jim Wood
Dan St. John
Don Schwartz
Jake Ours
Larry McLaughlin
Steve Barbose
Shirlee Zane
Debora Fudge

Staff Present:

Counsel
Staff

Janet Coleson
Henry Mikus
Patrick Carter
Lisa Steinmann
Karina Chilcott

Acting Clerk

Patrick Carter

1. Call to Order

The meeting was called to order at 9:01 a.m.

2. Open Closed Session

3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Government Code Section 54956.9(d)(2) and (e)(5)
Two cases

Direction was given to Agency Counsel.

4. Adjourn Closed Session

5. Agenda Approval

There were no changes to the Agenda.

6. Public Comments (items not on the agenda)

Margaret Kullberg objected to Site 40 being considered in the compost relocation EIR. Site 40 would cost millions of dollars, it is prime agricultural land under the Williamson Act, and the roads to the site are very busy, and Adobe Road has plenty of potholes already. Leaving the compost facility at the present site with a new basin built to contain the problem water has good roads and would be the obvious place to keep the site.

7. Consent (w/attachments)

7.1 Minutes of the August 20, 2014 SCWMA meeting

7.2 Annual Budget Adjustments

7.3 Construction Management Services, Pond Combination Project

7.4 Agreement for Special Counsel Services

Shirlee Zane, County of Sonoma, asked whether Item 7.4 required a unanimous vote. After some discussion, Item 7.4 was pulled from the consent calendar.

Bob Cox, City of Cloverdale, moved to approve the Consent Calendar, Jake Ours, City of Santa Rosa, seconded the motion.

Don Schwartz, City of Rohnert Park, and Jake Ours, City of Santa Rosa abstained from the vote of Item 7.1 the Minutes of July 16, 2014, due to their absences.

The motion passed with the noted abstentions.

7.1 Vote Count:

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

7.2 and 7.3 Vote Count:

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

AYES -8- NOES -0- ABSENT -0- ABSTAIN -2-

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

7.4 Agreement for Special Counsel Services

Ms. Zane requested to know whether this item required a unanimous vote.

Janet Coleson, Agency Counsel, replied that the services of Mr. Gene Tanaka would be provided on an hourly basis, and that there are not typically not-to-exceed amounts on these types of contracts.

Chair Wood suggested that until the agreement is signed, perhaps it would be helpful to have a not to exceed amount. Ms. Zane agreed.

Ms. Coleson replied that because attorney agreements are based upon an hourly rate and can be terminated at any time, the structure allows them to continue by a majority vote without potential delays caused by unanimous votes. If the Board sets a not-to-exceed amount, the next time the item is up for review, it could cause the item to be a unanimous vote item.

Chair Wood stated that he doubted the Board would have an issue with needing to pay for the services of special counsel, but that they were reluctant to move forward with an unlimited amount.

Ms. Zane agreed and said that if special counsel needed an additional amount, the Board could consider the request, but that an amount needed to be established.

Steve Barbose, City of Sonoma, stated that as an attorney, any estimate the Board would receive would be a range of estimates depending on the complexities of the case.

Mr. Barbose motioned approval of the Agreement for Special Counsel Services with the law firm, Best, Best, and Krieger LLP, in an amount not-to-exceed \$45,000 until staff returns for authorization of additional funds. Mr. Ours seconded the motion.

The motion passed unanimously.

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

AYES -10-	NOES -0-	ABSENT -0-	ABSTAIN -0-
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Regular Calendar

8. Compost Zero Discharge Plan Update

Mr. Mikus reported that the Agency promised to give monthly reports to the North Coast Regional Water Quality Control Board (NCRWQCB), and that was sent the previous week. The report followed the structure and nomenclature of the Zero Discharge Plan. The focus of the last month has been on the interim measures in the plan, including the footprint reduction and increasing the capacity of the existing ponds. Mr. Mikus reported that Sonoma Compost has created a plan for movement of materials from the 4.25 acres. The stakeholders have been meeting weekly to discuss the issues and ensure all tasks are being completed.

The other interim measure is the increased capacity of the ponds. Magnus Pacific was selected for the work and was scheduled to begin work on September 15, which they did. The schedule was to complete the work by October 23, which has the potential to be in the rainy season, but there was a plan to deal with potential runoff from a potential rain event which had been reviewed by both the County and the NCRWQCB staff.

Mr. Mikus stated that as it related to the pumping and trucking of water collected during the rainy season, the Agency has been receiving the services of Environmental Pollution Solutions when meeting with waste water treatment plant operators.

Mr. Mikus reported that the engineering analysis for the site selection is expected to be presented to the Board at the October Board Meeting.

Mr. Mikus also reported that the cities of Petaluma and Sonoma have directed their haulers to directly outhaul compostable material to other compost facilities to make it easier for Sonoma

Compost to achieve the footprint reduction in time. The City of Petaluma also committed to receiving some compost water.

Board Questions

Don Schwartz, City of Rohnert Park, asked what percentage of compostable material was attributable to Petaluma and Sonoma.

Mr. Mikus replied that Petaluma was approximately twelve to fourteen percent and Sonoma was approximately three percent.

Dan St. John asked which other treatment plants had committed to receive compost waters in Sonoma County.

Stu Clark, DEI, responded that the Laguna Waste Water Treatment Plant has agreed to maximize the amount of water they can receive from Central. Staff has reached out to the Sonoma County Water Agency, specifically the Sonoma Valley plant, which had declined to take the water this year, but would be willing to revisit the issue next year. Beyond Sonoma County, the Novato Sanitary District as well as the Marin District considered the requests, but declined for various reasons. The East Bay Municipal Utilities District has agreed to take a minimum of 60,000 gallons of water per day at their Oakland facility.

Mr. St. John responded that the Agency would be receiving an official commitment to receive the 5,000 gallons per day from the Agency's compost facility.

Deb Fudge, Town of Windsor, asked whether the Windsor facility had been contacted.

Mr. Clark responded that they had not been contacted, but he would do so after this meeting.

Ms. Zane requested additional detail regarding how much water would be trucked to each facility and how it relates to the eighteen percent footprint reduction.

Public Comments

Roger Larsen said he was happy to hear the cities were working together on the issues. Mr. Larsen asked whether the permit for the small pond was done through County's PRMD.

Mr. Mikus responded that the issue was complex and that staff would get back to him on that.

Allan Tose asserted that on an average year approximately 6 million gallons would be discharged into Stemple Creek. He also asserted that East Bay MUD would take as much water as the Agency would give them because they processed the water differently, and because they had the capacity to accept it.

Board Discussion

Ms. Zane requested the contingency plan for rainfall be delivered to the Board for the next meeting.

9. Waste Characterization Study Report

Patrick Carter, Agency staff, introduced the Waste Characterization Study (WCS) final report and gave a brief description of the history of waste characterization studies performed by the Agency

in the past. Mr. Carter introduced Michelle Leonard of SCS Engineers, the firm hired by the Agency to perform the study.

Ms. Leonard gave an overview of the purpose of the study being to compare the composition of waste between this study and past studies, to identify specific generators of divertible waste, and to identify household hazardous waste. Based on information from the hauler, the sampling plan was put together to study residential, commercial, and self-hauled waste. There was an approximately 30% decrease in waste from the 2007 Waste Characterization Study, due to the economic conditions as well as diversion programs.

Organics, paper, and Construction and Demolition materials made up the top three categories of waste in the overall waste composition. Food waste was about 17% of the overall waste. About 65% of the current waste stream is divertible or compostable. While most of the categories decreased in terms of tons disposed, however, plastics increased when compared to the previous WCS. Additional information about the residential, commercial, and self-hauled materials was discussed.

With regard to specific generator types, offices and healthcare facility generated and disposed of a significant amount of paper. There was a significant amount of glass in the lodging sector. Restaurants, health clubs, and golf courses produce a large amount of organics.

Board Questions

Mr. Barbose asked about the analysis of food waste with regard to vegetative vs. non-vegetative food waste.

Ms. Leonard replied that the detailed tables in the report did analyze food waste in greater detail, and that the tables dealing with whether the material was divertible lumped all food waste together.

Mr. Barbose asked why plastic waste was increasing.

Ms. Leonard replied plastic packaging has been increasing, both in product packaging, and film to cover the products.

Ms. Zane asked about how the data should be applied. What recommendations should be made to meet the 90% diversion rate goals?

Ms. Leonard responded that there were opportunities to increase the diversion of organics as well as plastics.

Ms. Zane asked for more specifics on whether the programs should be broad or targeted to specific commercial generators.

Ms. Leonard said that with regard to organics there are programs around the country that are tailored to specific generators, like restaurants, that have been effective. With regard to plastic, extended producer responsibility may be an option. Trade groups may be good organizations to partner with for increase diversion.

Ms. Zane requested that additional policy recommendations be brought back by staff at a future meeting. Ms. Zane requested the tourism industry be targeted as well for increasing their diversion. Ms. Zane suggested that construction and demolition debris be targeted as well.

Ms. Fudge said that she felt this was an opportunity to improve programs for specific generator types.

Susan Harvey, City of Cotati, asked whether there were other successful program throughout the country targeting paper.

Ms. Leonard replied that many of the paper programs involved source reduction.

Mr. Schwartz stated that the Environmental Health Department inspects and provides resources to the facilities they inspect and asked whether there was partnership potential with that department.

Mr. Carter replied the mandatory commercial recycling program accomplishes the very targeted, pragmatic, easily implemented activities, and that working with the Environmental Health Department would be a great suggestion to incorporate with the mandatory commercial recycling program.

Mr. St. John asked what we might expect in terms of increased diversion once this county has a compost program that can accept meat, dairy, and fish.

Ms. Leonard responded that just having the facility does not necessarily result in increased diversion, it will also depend on how well the program is marketed and supported. Ms. Leonard believed another 5-10% diversion could be achieved.

Public Comments

Steve McCaffrey, the Ratto Group, acknowledge the amount of work that took place to accomplish this program. Mr. McCaffrey asserted that the findings from this study backed up what was predicted by the SWAG Research Committee several years ago. A comprehensive food waste program and a dirty MRF were recommended by the SWAG, and both programs are in the process of being implemented through the MOA.

Nea Bradford expressed a frustration with lodging facilities and the lack of recycling options, but also with stores not having appropriate signage for people to make a quick decision on whether an item is recyclable or not.

Rick Downey, Republic Services, echoed the comments of Steve McCaffrey, in that the WCS mirrored the SWAG Research Committee report. The food waste program from the MOA will be taken to the Republic compost facility in Richmond, until capacity is available in Sonoma County. There will also be a wet/dry system for waste when the MOA is effective. Mr. Downey expects October 7, 2014 to be the date of the final approval of the MOA by all the cities except Petaluma.

Ernie Carpenter suggested that the education is paying off, and that the Board should consider the Agency's Third Amendment sooner than later. Mr. Carpenter informed that Board that Former Supervisor Mike Reilly works for the tourism bureau and would be a good contact for talking about increasing diversion in the tourism sector.

Mr. Clark said he was impressed by the study and echoed earlier comments about this study reinforcing the diversion programs that resulted from the SWAG process.

Ken Wells suggested that this WCS is a wealth of information. Mr. Wells suggested that there are many programs out there that could be beneficial to staff in providing policy recommendations. Mr. Wells suggested the shortcoming with implementing these programs in having enough staff at the Agency. As tipping fee increases and the work plan are considered, Mr. Wells suggested the Board consider increasing staff.

Board Discussion

Ms. Zane requested staff return to the Board with policy recommendations and examine the MOA programs.

Ms. Zane moved acceptance of the Waste Characterization Study. The motion was seconded by Mr. Cox.

The motion passed unanimously.

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

AYES -10-	NOES -0-	ABSENT -0-	ABSTAIN -0-
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10. Compost Outhaul Agreement

Mr. Carter gave an update on the outhaul agreement with the Ratto Group. There was direction from the Board at the August Board Meeting to approve the agreement with the Ratto Group as long as the agreement didn't materially differ from what was presented at that meeting. The result of further negotiations was materially different from what was presented, so staff is asking the Board for direction at this meeting. The major differences were the Ratto Group wishing to only use the Redwood Landfill and Jepson Prairie Organics for the regular hauling, with the reasoning given being the longer operating hours and different equipment that would be more advantageous to the Ratto Group. One outstanding issue relates to pressure treated wood, and staff expects that issue can be resolved in the next couple of months.

The financial implications of this agreement compared to the one presented previously are an annual cost of \$5.2 million for full outhaul compared to \$4.9 million with the previous agreement, and partial outhaul would be about \$115,000 over the current costs with Sonoma Compost. The Agency would cover the costs of hauling from the City of Sonoma to the Napa Compost facility, at about \$8/ton. The outhaul from the City of Petaluma to the Redwood Landfill would not have a financial impact on the Agency.

Board Questions

Ms. Zane asked the Ratto Group to address the significant unresolved issues.

Mr. McCaffrey stated the outstanding issues have been resolved with the language in the agreement.

Mr. Barbose asked what was happening to the treated wood in the interim.

Mr. McCaffrey stated that the Sonoma Compost was loading the wood into debris boxes and the Ratto Group was hauling it to the proper disposal locations.

Mr. St. John asked about the WCC Republic facility.

Mr. Carter responded that the WCC Republic facility is more of an emergency backup if there is no capacity at Redwood Landfill or Jepson Prairie Organics.

Public Comments

Sean O'Rourke, Cold Creek Compost, reported that the elimination of Cold Creek Compost and the City of Napa Compost Facility would come at greater expense to the ratepayers. Mr. O'Rourke stated that Cold Creek Compost was prepared to accept 10,000 tons per year of food, wood, and green materials at a rate of \$22.40/ton. Approximately \$190,000 would be saved by bringing material from the Healdsburg transfer station to Cold Creek Compost, as well as reducing traffic, and immediately allow additional compost material.

Mr. Barbose asked Mr. O'Rourke to respond to the comments on hours of operation.

Mr. O'Rourke responded that the facility is open and willing to accommodate any hours.

Roger Larsen stated that outhaul is only necessary because the Board insists on composting at the Central Landfill. If you moved the compost facility elsewhere no outhaul or ponds would be necessary.

Board Discussion

Mr. Ours asked whether there is a rebuttal to the comments made by Cold Creek Compost.

Mr. Mikus replied that Cold Creek's comments were reflected in the Agency staff report last month. However, the hauler does not wish to bring material to that facility due to hours and efficiency of operations. The efficiency relates to the equipment the Ratto Group has available as opposed to what can be received at the other facilities.

Mr. Schwartz recalled that the Board approved an amendment with Sonoma Compost to purchase a piece of equipment that would assist in the reduction of the footprint, and wanted to know about the implications of the changes due to Petaluma and Cotati.

Mr. Mikus responded that the changes from Petaluma made the purchase of that equipment not making financial sense.

Mr. Barbose expressed his displeasure in the hauler not providing for the most cost effective option and asked whether all the changes proposed by the Ratto Group were reflected in the staff report.

Mr. Carter replied affirmatively.

Ms. Fudge asked about the difference in mileage from going to Jepson Prairie and Cold Creek.

Mr. Carter replied that the difference in tip fee was approximately \$4/ton so the rest of the difference was in the hauling cost. Mr. Carter stated that he believed the Ratto Group had more possum belly trucks available for hauling.

Mr. Mikus stated that staff does not like the situation the Agency has been put in but with the Ratto Group as the only bidder, he's focused on how do we move forward and get where we need to be.

Ms. Harvey stated that she remembered that Cold Creek could not accommodate all of the Healdsburg Transfer Station material, and that some other outhaul would still be necessary. Ms. Harvey also expressed disappointment that the agreement that was presented at the last meeting seemed almost like a bait-and-switch.

Mr. St. John stated he was surprised that Cold Creek had not had discussion with a different hauler to have material hauled from the Healdsburg Transfer Station to their facility.

Mr. Carter acknowledged that Cold Creek had done exactly that and sent that information to staff, but the complexity lies with the Ratto Group's operation of the transfer stations. When the Agency originally released the RFP, the scope of work was to haul from the transfer stations to the other compost facilities. However the Ratto Group stated the Agency did not have authority to do so, specifically for outside haulers to be loaded by the transfer station operator. Regardless of whether Agency staff agreed with that assertion, staff did change the scope of the RFP to only haul from the Central Compost Site to other compost facilities. The Ratto Group responded with a proposal which met the requirements of the RFP and included an alternate proposal to haul from the transfer stations to other facilities directly. Mr. Carter stated that he believed it would be a difficult situation for another hauler to bring material from the transfer stations to other compost facilities.

Ms. Zane felt that the process was uncomfortable, but that we need to move forward now. Staff did what was requested of them.

Mr. Barbose asked staff to confirm whether the RFP process generated the rates presented in the previous report or the current report.

Mr. Carter responded that the rates included in the current proposal were the rate originally proposed by the Ratto Group. The Ratto Group originally did not include rates to bring material to Cold Creek or the City of Napa. Agency staff negotiated with the Ratto Group to include those facilities due to the cost savings. Staff believed there was agreement on the costs to go to those facilities, but ultimately the negotiations resulting in what is before the Board currently.

Mr. Ours stated that the contractor's refusal to go to those facilities ties the Agency's hands.

Ms. Zane moved to move forward with the agreement. Mr. Cox seconded the motion.

Mr. Barbose and Chair Wood requested a friendly amendment to include the other staff recommendations from the staff report.

The friendly amendment was accepted by both Ms. Zane and Mr. Cox.

The motion passed unanimously.

Cloverdale- Aye
Petaluma- Aye
Sonoma – Aye

Cotati- Aye
Rohnert Park- Aye
Windsor- Aye

County- Aye
Santa Rosa- Aye

Healdsburg- Aye
Sebastopol- Aye

AYES -10-

NOES -0-

ABSENT -0-

ABSTAIN -0-

11. Tip Fee Surcharge Discussion

Mr. Mikus discussed the funding for the Agency's programs. The surcharge set by this Board is currently \$5.95/ton of garbage. The Master Operation Agreement that appears to be close to implementation contemplates spreading the Agency's surcharge across all inbound materials at the County transfer stations, not just garbage. Without changing the Agency surcharge, the result would be approximately \$500,000 of additional revenue. The MOA suggests the Agency surcharge should be reduced to a lower level to avoid this windfall. Agency staff has calculated that the surcharge should be \$4.85/ton to be approximately revenue neutral to the Agency. A consequence of implementing the surcharge on all material would be that the surcharge would be imposed on the inbound tip fees on wood and yard debris, as well as a convenience fee of \$9.25/ton by the County to cover maintenance of closed landfills not under Republic's responsibility. Staff is seeking direction from the Board on how to proceed.

Board Questions

Mr. St. John requested clarification on the two new fees and the third fee related to assurance of future liabilities.

Mr. Mikus stated that he had been told by County Transportation and Public Works Director Susan Klassen that the third fee would only be assessed on garbage and not the green or wood waste.

Mr. St. John asked whether staff was requesting direction on the other two fees.

Mr. Mikus responded that the convenience fee is not under the control of this Agency, only the tip fee surcharge.

Mr. St. John asked what the difference was between what the Agency receives for income and what the Agency pays Sonoma Compost.

Mr. Mikus replied that the revenue doesn't just pay Sonoma Compost, but it also includes payment for the transfer of materials from the transfer stations to the compost site.

Mr. Carter stated that there is very little room to cushion the rate increase.

Ms. Zane stated that there has been a lot of staff time to vet the MOA and the amount listed in the MOA should be used. She recommends using the \$4.85/ton recommended rate.

Public Comments

Ken Wells stated he was not sure the County has the ability to unilaterally apply the fees to the green waste. He stated the incentives are backwards, as the Agency should not be discouraging the use of the green waste program. Mr. Wells would urge leaving the tip fee at \$6/ton, remove it from the green waste, and use the extra funding for education.

Rick Downey stated that the amount in the MOA was \$4.50.

Mr. St. John asked what the discretion of the Board was to set the surcharge.

Mr. Mikus stated that it is the purview of this board to set the Agency surcharge. It is the County's right to set the fee at the gate at whatever they want to.

Ms. Coleson reiterated what Mr. Mikus stated. The County is obligated to provide the Agency the amount of revenue the Agency is due according to the tip fee surcharge the Agency sets. If the County wishes to include the surcharge amount on other materials, it may do so, as long as the Agency is made whole.

Roger Larsen stated that if the compost site was at Site 40, the County would not be the Agency's landlord and would not have a say on whether the surcharge was applied there.

Ms. Harvey asked for clarification about who sets the surcharge.

Ms. Coleson reiterated that the Agency Board has the sole authority to set the Agency surcharge amount. If the County, as the landlord, decides to apply other fees, that is their purview.

Mr. Barbose asked whether imposing the fee on green waste would create a disincentive on participation in the green waste program.

Mr. Mikus responded that the additional fees on the green waste would have the greatest effect on self hauled material. The impact on the fee at the green can is negligible, but the self hauled material might be a big enough difference to make financial sense for self haulers to go to a different site.

Ms. Zane asked for Mr. Downey to discuss the assumptions made in the MOA. Amendments to the agreement are possible.

Mr. Downey expressed concern that the price listed in the MOA that has been shown to the cities is \$4.50/ton, and is a pass-through cost. Mr. Downey feared that if the price presented to the cities was one amount, and the Board changes that amount, the difference may be a problem to the cities. Mr. Downey suggested that Mr. Mikus was a party to some of the discussions where the \$4.50/ton amount was discussed.

Mr. Mikus suggested that when the \$4.50/ton amount was calculated, there was a math error that didn't take the Petaluma waste into effect and the County was informed a year and a half ago. Mr. Mikus revisited the issue with County staff a few weeks ago, as the MOA is approaching implementation, wishing to resolve this issue. County staff asked him to calculate the fee, and that is what is in the staff report.

Ms. Zane stated that Ms. Klassen also recommended the \$4.85/ton amount and that the Agency should move forward with that surcharge amount.

Mr. Downey said that the amount does not bother him, it's just whether there will be a perception that the costs are increasing by \$0.35/ton more than what was previously presented.

Ms. Fudge did not believe the cities would be concerned with the difference in \$0.35/ton, but she was concerned that by drawing down reserves the actions may put the Agency in a poorer financial situation, and it doesn't make sense to reduce revenue in that situation.

Mr. Barbose stated that the MOA and the JPA don't match up on all items, and that it is the responsibility of all members to make sure the items match up. Mr. Barbose believes the Agency should go forward with the correct number of \$4.85/ton.

Board Discussion

Mr. Barbose moved to direct staff to proceed with the Agency tip fee set at \$4.85/ton on garbage and compost materials.

Ms. Zane seconded the motion.

Mr. Ours agreed the funding at this point should be set at \$4.85/ton.

Mr. Schwartz stated that there is a 33% increase in tonnage and an 18% reduction the surcharge amount and creates an economic disincentive to bring material to this compost facility. Mr. Schwartz asked why the Board would decide to do this.

Mr. Mikus stated that the rationale behind spreading the surcharge over more materials was to provide long term stability for Agency funding. As trash decreases, the Agency receives less revenue, as is less able to fund its programs.

Mr. Schwartz hoped that these issues would be discussed more as the renewal of the Agency is considered, as to his understanding there were no assurances that the County would continue to provide a site as a subsidy after the 2017 normal expiration.

Mr. Mikus replied that, recognizing the compost site selection discussion would take place at the October meeting, he had written a letter to the County on the subject of providing a site with the expectation of a response in time for the October meeting.

Mr. St. John felt that all the information needed to make this decision was not in the staff report, including compost facility costs, why the decision needed to be made now, and the financial information about the current and future surcharge.

Mr. Mikus reiterated that Agency staff had written a letter to the County and spoke in front of the Board of Supervisors about the fee amount being incorrect two years ago and that he and Agency Counsel had met with Ms. Klassen and County Counsel and there was no resolution at the time. As it became clear the MOA was approaching implementation, Agency staff raised the issue again with the County. Regarding compost facility costs, Mr. Mikus reported that the data on how much the site would cost was presented to the Board about one year ago, and that it would be funded through a design/build operator with an agreement that would have a term sufficient to adequately finance the project. Mr. Mikus suggested the information about the surcharge calculation was included in the staff report.

Mr. St. John requested that if the surcharge change was to be made at the October meeting, that the amendment to the agreement with Petaluma be included as well.
After much discussion between Mr. St. John and Agency Counsel, Mr. Barbose suggested the item be voted upon.

Mr. Schwartz and Ms. Harvey abstained as their councils have not yet voted on the MOA.

The motion passed on the following vote.

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

AYES -8-	NOES -0-	ABSENT -0-	ABSTAIN -2-
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Mr. Barbose and Mr. Ours left the meeting at 12:05 PM.

12. Sonoma Compost Amendment

This item was continued to the October 15, 2014 Agency meeting.

13. Attachments/Correspondence:

13.1 Reports by Staff and Others:

13.1.a August 2014 and September 2014 Outreach Events

14. Board Member Comments

None

15. Staff Comments

None

16. Next SCWMA meeting: October 15, 2014

17. Adjourn

The meeting was adjourned at 12:06 PM.

Submitted by
Patrick Carter



Minutes of October 15, 2014 Meeting

The Sonoma County Waste Management Agency met on October 15, 2014, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California

Present:

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

Bob Cox
Susan Harvey
Jim Wood
John Brown
John McArthur
Jake Ours
Sue Kelly
Carol Giovanatto
Susan Klassen
Debora Fudge

Staff Present:

Counsel
Staff

Janet Coleson
Henry Mikus
Patrick Carter
Lisa Steinmann
Karina Chilcott

Acting Clerk

Patrick Carter

1. Call to Order

The meeting was called to order at 9:28 a.m.

2. Open Closed Session

3. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9(d)(1) – One case

ANTICIPATED LITIGATION

Government Code Section 54956.9(d)(2) and (e)(5)

Two cases

Direction was given to Counsel.

4. Adjourn Closed Session

5. Agenda Approval

There were no changes to the Agenda.

6. Public Comments (items not on the agenda)

None

7. Consent (w/attachments)

7.1 Minutes of the September 17, 2014 SCWMA meeting

7.2 Tip Fee Surcharge Adjustment

7.3 Petaluma Surcharge Agreement 9th Amendment

7.4 Consultant Contract Extension

John Brown, City of Petaluma requested item 7.3 be tabled until the Petaluma City Council had a chance to consider the agreement. The item was continued.

Mr. Brown, John McArthur, City of Rohnert Park, Sue Kelly, City of Sebastopol, Carol Giovanatto, City of Sonoma, and Susan Klassen, County of Sonoma abstained from the vote of Item 7.1 the Minutes of September 17, 2014, due to their absences. The item was continued to the next meeting.

Susan Harvey, City of Cotati, moved to approve items 7.2 and 7.4 of the Consent Calendar. Ms. Klassen seconded the motion.

The motion passed unanimously.

7.2 and 7.4 Vote Count:

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

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

Regular Calendar

8. Sonoma Compost Amendment

Patrick Carter, Agency Staff, reported that this item was continued from the previous meeting. Sonoma Compost Company was awarded this agreement when it was competitively bid in 2013. There is a revenue sharing provision in the new agreement; all revenue collected from the sale of finished products after a minimum amount of \$367,547 would be shared equally between the Agency and Sonoma Compost Company. Sonoma Compost Company intended this amount to be double of what was included in the current agreement.

In the previous agreement Sonoma Compost Company had been making revenue sharing payments of approximately \$300,000 per year, and the Agency had been paying Sonoma Compost Company \$2.5-2.6 million per year for their services. When the new agreement began, the revenue sharing dropped at the end of the previous agreement, but increased significantly when the new agreement went into effect. Payments to Sonoma Compost decreased significantly when the new agreement went into effect. The Agency received the benefit of the reduced cost, but also received a relatively higher level of revenue. Sonoma Compost stated they could not afford

that arrangement. Agency staff admits that the goal of the new agreement was to reduce the costs to the Agency and that the increased revenue sharing amount was not the intent of the new agreement, as evidenced by the reduced budget amount for revenue sharing.

Sonoma Compost has requested an amendment to the agreement with the Agency and the amount of revenue sharing listed in the amendment from Sonoma Compost be changed to the amount they originally intended, \$735,094. Increasing the revenue sharing threshold would mean that the Agency would forego \$183,773.50 in revenue due by Sonoma Compost Company. This would not have a financial impact on the Agency budget in the prior or current year because these additional funds were not projected in the Budget.

Board Questions

Mr. Brown stated that the agreement had been in effect for eighteen months and asked when the issue became apparent.

Mr. Carter replied that it was discovered when the first annual revenue sharing payment was due in June 2014.

Mr. Brown asked whether making the agreement retroactive would constitute a gift of funds.

Janet Coleson, Agency Counsel, responded that it would not be structured such that it was retroactive. The amount due would be adjusted going forward.

Public Comments

Martin Mileck, Cold Creek Compost, supports the concept of Sonoma Compost making a product and keeping the revenue. Mr. Mileck claimed that the Agency's facility was funded almost entirely on tip fees rather than the sale of products. Mr. Mileck used Cold Creek Compost as an example of a compost facility that received 15% of its revenue from tip fees and the rest from product sales. Mr. Mileck stated that Cold Creek Compost does not send its material to power plants as it has a greater value as compost.

Board Discussion

Jake Ours, City of Santa Rosa moved to amend the agreement with Sonoma Compost Company to reflect that revenue not be shared between Sonoma Compost Company and the Agency until Sonoma Compost Company receives \$735,094 in revenue from the sale of finished products and that the net effect be as if this amendment were retroactive to the beginning of this agreement. Ms. Harvey seconded the motion.

The motion passed unanimously.

Cloverdale- Aye
Petaluma- Aye
Sonoma – Aye

Cotati- Aye
Rohnert Park- Aye
Windsor- Aye

County- Aye
Santa Rosa- Aye

Healdsburg- Aye
Sebastopol- Aye

AYES -10-

NOES -0-

ABSENT -0-

ABSTAIN -0-

9. Compost Zero Discharge Plan Update

Mr. Mikus reported that there had been a few rainfall events since the last meeting and that there had been no discharge from the compost site, and all water received was managed and did not impact construction activities. The 18% footprint reduction was completed. The amount outhauled to other compost facilities will be reduced in the near future.

Additional contingency costs were used to fund a berm to separate storm water from the cleared area of the site and the operational portion of the site.

The project to combine the two existing storm water ponds has proceeded well, with a slight delay of the liner installation due to rainfall from the previous night. During the course of excavating the pond, some rock was discovered which required extra work and an additional cost to remove the rock. There may need to be an additional budgetary adjustment in November to account for the additional costs incurred for this project.

Board Questions

Mr. Ours asked how much water had been pumped and hauled. Mr. Mikus replied that the water had all been managed on site and no off-site hauling was required.

Ms. Harvey stated that the renewal of the Agency was an item in the report to the North Coast Regional Water Quality Control Board, and she requested that staff update the Board as to the progress. Mr. Mikus reported that staff has been working with staff from member jurisdictions, that three cities had discussed renewal, and that the remaining members were addressing the amendment as appropriate.

Ms. Harvey stated that she had heard concerns from the attorneys and wanted to know what was being done to address their concerns and move this process forward. Mr. Mikus replied that an update on this process was scheduled for the November meeting. Ms. Coleson reported that a meeting of attorneys had taken place and that there were some significant concerns. Ms. Coleson said there may need to be some fundamental issues addressed by the Board.

Public Comments

Steve McCaffrey, the Ratto Group, reported that outhaul of compost material was going very well. Mr. McCaffrey felt that the Sonoma Compost facility looked fantastic.

Board Discussion

None

10. Central Proposed Site Engineering Report

Mr. Mikus reported that the Board had selected TetraTech to perform a fatal flaw analysis of the New Central Compost Site, with a report due by this meeting. The three key items of the analysis were to verify that the Central Site had the capacity to process 200,000 tons per year of feedstock, to perform a site design accurate enough to predict whether the site would be financial feasible, and to evaluate whether the proposed 29 million gallon pond would be necessary for the new site. The result of the analysis was that there was sufficient capacity, that the site would be affordable, and that the pond could be used, but was not necessary.

After giving an overview of the site layout, Mr. Mikus pointed out the processing buildings and described how they had previously been contemplated to be roofed, but not enclosed structures, but a best management practice would be to enclose the buildings, have them kept under

negative pressure, and use biofilters to reduce potential odors. The total project cost was higher than expected, but Mr. Mikus stated that when the capital costs were amortized over 25 years and the annual operating costs were taken into account, the result was costs higher than were realized now. However, when compared to complete outhaul, all of the financial scenarios of building at Central were more cost effective than outhaul. Comparative costs for constructing a compost facility at Site 40 and both the site purchase and site lease scenarios were more expensive than construction at the Central Site.

Some of the items increasing cost over previous estimates were putting a roof over the Central Compost Site since at a cost of seven million dollars, nine million dollars for the two enclosed buildings, and the cost of the GORE cover system.

Stu Clark, DEI, discussed costs to the ratepayer. A \$54 million facility is a large cost but when it is amortized over 25 years and broken down into a per ton cost, and when that impact to the ratepayer is examined, the facility is affordable. Yard waste only represents about 3.5% to 4% of the customer's bill, which would represent a very small increase to the customer's bill. Outhaul of all compost materials would result in at least \$25 per ton in added expense without any of the benefits of the new facility compared to an increase of approximately \$0.30 - \$0.95 per home per month for financing a new site. The new facility is expected to be less expensive than outhaul, would support the SWAG goals, doubles the capacity to handle organics locally, and is more sensitive to the impacts on the landfill neighbors.

Mr. Mikus pointed out that while the cost information is presented at this meeting, the Board is not being asked to commit to that amount at this time; the amount is an estimate. Moving forward with the project, it has been contemplated that the site model would be constructed by the selected operator, and they would be paid a per ton fee which include the operations and the amortization of the costs to build the site.

Board Questions

Ms. Harvey asked for clarification about the buildings. Mr. Mikus replied that both Site 40 scenarios and the Central Enhanced scenario included roofs over the compost area and enclosed buildings. The Central Conventional scenario included a roof but did not include enclosed buildings.

Ms. Harvey stated that the amortization was described as 25 year and questioned whether all the line items had a 25 year life. Mr. Mikus replied that the useful life of equipment was taken into account, with rolling stock as 10 years and infrastructure as 25 years.

Ms. Harvey asked whether the existing equipment is the Agency's equipment. Mr. Mikus replied that it is not and stated that the operator's cost of doing business would be a part of the rate charged to the Agency.

Public Comments

Allan Tose asserted that the material bulk density affects the 200,000 ton per year capacity. Mr. Tose stated that the bulk density of finished compost, 2.24 cubic yards per ton, was used where a density of 3.5 cubic yards per ton should have been used. Mr. Tose claims the capacity is 30% less than it needs to be. Mr. Tose also claimed that the Central site does not allow for seasonal variations in material received and finished compost sold.

Roger Larsen, Happy Acres, stated that this report was a missed opportunity to examine the Central Site and list the problems that make it impractical to compost there. Mr. Larsen asserted that he had been asking the Board for over a year and a half to open the EIR and reexamine the obvious flaw in that document which listed the Central Site as the Environmentally Preferred Site. Mr. Larsen stated he had asked the Board on many occasions to stop the deliberate discharge of compost waters to Stemple Creek but that practice will continue this year unless the courts stop it. Mr. Larsen stated that the laws of physics will cause taller compost piles to increase the fire danger dramatically. Mr. Larsen stated that he believes the Board does not have to build the same facility at Site 40 that it does at the Central Landfill, and that there is no need for a roof or covered buildings at Site 40 and that the composting could be done as open windrows.

Mr. Larsen stated that Agency actions for the past two years have been to dodge the bullet at the Central Site and that the \$100,000 study told the Board exactly what Mr. Larsen said it would – if you have enough money and are willing to take high risks you can do whatever you want at Central. Mr. Larsen questioned the adequacy of fire protection, and claimed that well water, reclaimed water, and pond water would be available at Site 40. Mr. Larsen claimed that new state regulations may not allow the draw from an aquifer without recharge; storm water would need to be discharged from the new Central stormwater pond and would not be available for reuse at the compost operation.

Mr. Larsen questioned the validity of the 200,000 tons per year capacity at Central, but claimed there would be infinite capacity at Site 40. Mr. Larsen reiterated his concern about pile heights at the Central Site but asserted that the pile heights could be lower at Site 40 due to unlimited space. Mr. Larsen noted there were temporary air quality impact at the Site 40 but not at the Central Site and questioned that conclusion. Mr. Larsen claimed that cumulative impacts caused by the expansion of landfill activities and Roblar Quarry were not taken into account in the EIR. Mr. Larsen claimed that zoning issues listed in the EIR for Site 40 were created by the Board of Supervisors over the past year. Mr. Larsen stated that there were over one hundred homes with elderly, disabled, and child residents in Happy Acres and a school and a few hundred more homes on Roblar Road that will all be impacted by this facility, but there is nothing but agriculture and a few scattered ranches around Site 40. Mr. Larsen listed risks of fire, water pollution, public health problems, limited water supply, noise, and lawsuits to stay at Central. Mr. Larsen claimed the Board could build a less expensive facility, compost in windrow, operate at less cost, higher profits, and be responsible to the ratepayers at Site 40.

Martin Mileck, Cold Creek Compost, said that the cost per ton listed in the presentation was based upon 200,000 tons per year of material received. Mr. Mileck stated that at current incoming material rates, those costs per tons would be double.

Board Discussion

Ms. Kelly moved to accept the report. Ms. Harvey seconded the motion.

The motion passed unanimously.

Cloverdale- Aye
Petaluma- Aye
Sonoma – Aye

Cotati- Aye
Rohnert Park- Aye
Windsor- Aye

County- Aye
Santa Rosa- Aye

Healdsburg- Aye
Sebastopol- Aye

AYES -10-

NOES -0-

ABSENT -0-

ABSTAIN -0-

11. New Compost Site Selection

Mr. Mikus stated that the previous item concluded that the Central Site was viable. Mr. Mikus referenced previous staff reports which listed the pros and cons of both Site 40 and the Central Site. Storm water management was an issue with the Central Site, but that has been addressed with the roofing option, Central was listed as the financially advantageous site, and the EIR listed the Central Site as the environmental preferred alternative to a limited extent. Mr. Mikus stated that the infrastructure was in place at the Central Disposal Site and that there would be a rate impact to shift the infrastructure to Site 40 from Central. Site 40 has the advantage of being a large parcel with unlimited potential for expansion, by existing in a different water quality control board with less onerous water regulations, and could allow the Agency independence through ownership instead of renting or leasing.

Mr. Mikus reported that as many of the questions have been answered, the next step would be certification of the EIR and site selection. With the new information provided in the Tetra Tech report, it may be advantageous to review the EIR again before certification to ensure it is the best possible document. Part of the driving force behind site selection is that selection and construction of a new site is part of the Zero Discharge Plan.

Board Questions

None

Public Comments

Margaret Kullberg, Stage Gulch Road, listed the issues she saw as problems for Site 40 to be the cost of the property as \$4-6 million, the cost of the turnout lanes on Stage Gulch Road, traffic along Adobe Road and Lakeville has tripled since 2007, the land is under a Williamson Act agreement which would take a Board of Supervisors action to change, the land is LEA zoned and prime agriculture land, of statewide importance, and grazing land, the debris would cause pathogens and odors to spread onto hundreds of acres of organic dairies and vegetables, and that the facility is too close to the Petaluma Airport. Ms. Kullberg listed the benefits of the Central Site as consistency to the General Plan, movement of dirt would be free because of the landfill operation, and Zero Discharge is now being addressed. Ms. Kullberg concluded that the Central Site meets all the project objectives and is the environmentally preferred site. Ms. Kullberg stated that agriculture was a large part of the economy and that she would hate to see that jeopardized by a compost facility in her area.

Allan Tose, Representative of Site 40, claimed that the new technology at the Central Site is not in the EIR, and that the price was put in to make the Central Site look cheaper. Mr. Tose stated that if the numbers were analyzed, they wouldn't hold up.

Carolyn Watson, Jackson Family Wines, expressed concerns for choosing Site 40. The area around Site 40 is a high value grape growing region and the compost facility would impact the quality of the grapes. Ms. Watson believed that must be other better sites than Site 40.

Roger Larsen, Happy Acres, stated that there were organic dairies and vineyards around the Central Site, as well as 300 people who live right across the street from the Central Site. There are schools on the other side of the hill. Building at Site 40 will impact four or five ranches, but it will impact more people in Happy Acres and around Central.

A resident of Happy Acres who did not identify herself expressed concerns about diesel truck traffic. She expressed concerns about her elderly mother's health with the diesel fumes. She stated that the smells have increased over the past two years. She stated that there are 300 people living in Happy Acres, and while they cannot all attend these meetings but hope that the Board would select Site 40. She discussed other information about her tax bill and the amount she paid for her house, and said that her neighbor tried to sell her house but was unable to do so.

Board Discussion

Ms. Harvey stated her understanding of the goal of this project was to increase diversion of the material already received, so there wouldn't necessarily be an increase in the number of trucks.

Mr. Mikus responded that the previous waste characterization study identified between 60,000 and 80,000 tons per year of organic materials that could be composted.

Ms. Harvey questioned whether there would be more truck traffic as a result of choosing Site 40, as there would then be a need to transport material from the Central Site to Site 40.

Mr. Mikus responded that there would be increased greenhouse gas emissions as a result of choosing Site 40 related to traffic.

Mr. Larsen stated that having twice as much compost material would result in additional traffic when the material left the site. Also if all material is driven to Central first and then delivered to Site 40 that will increase the truck traffic, but if the material is delivered directly to Site 40, there will not be an increased amount of traffic. Mr. Larsen believed staff was being dishonest when the stated that there would be increased greenhouse gas emissions at Site 40 and referred to a chart prepared by staff at a previous meeting.

An audience member questioned whether trucks could be sent directly to Site 40.

Mr. Mikus replied that some trucks could be sent directly to Site 40 and some could not, depending on their type.

Ms. Klassen asked for more clarification about whether the costs were the same for building the facilities at both sites.

Mr. Clark responded that there was a reduction in cost applied to Site 40 due to not all of the facility needing to be covered. Otherwise the facilities were equivalent. Regardless of what site is chosen, the best facility should be built to address water quality, odors, and air emission standards. There were some differences between the sites with examples of water supply, site excavation costs, roof costs, and additional transportation costs.

Ms. Klassen asked whether the traffic mitigations were included in the costs.

Mr. Carter stated that there were traffic mitigations and he believed those costs were include in the budget.

Mr. Mikus stated that the analysis was done to try to compare apples to apples. Items like developing the road to get to the far side of Site 40 and turn lanes to get into the site were included in the site costs.

Chair Wood asked Counsel to give an opinion about the information presented which made the Central Site look like a more desirable site but was not included in the EIR.

Ms. Coleson recommended the Board direct staff to examine the EIR, and, if necessary, have consultants incorporate new information that has become available. That may require recirculation, but is prudent.

Chair Wood asked whether the review would be the entire document or focused around the new information.

Ms. Coleson said the scope could be narrowed, as appropriate.

Mr. Wood asked about time and cost.

Ms. Coleson said that there didn't seem to be any significant new studies required, but if the document required recirculation it could add five to six months to the project.

Mr. McArthur expressed support for Counsel's recommendation.

Ms. Coleson stated the Board should not make a decision on that site until all the information was presented.

Ms. Harvey said review of the document was the prudent measure.

Mr. Mikus reminded the Board that site selection is related to the Zero Discharge Plan and requested direction as to what is communicated to the North Coast Regional Water Quality Control Board on this subject.

Chair Wood, Ms. Fudge, and Mr. Ours expressed frustration about the delay to the project, but that the review of the EIR is the most prudent course of action.

Chair Wood suggested the message that is sent to the Water Board be that there are circumstances that require this review and that the Board is committed to seeing the process through.

Ms. Klassen stated that the County's preference is the Central Site, as the environmentally preferred site and that the EIR should examine the new information.

Ms. Harvey stated that as the current EIR lists the Central Site as the environmentally preferred site and that there is new information regarding that site from the Tetra Tech report, Ms. Harvey moved to direct staff to review the EIR document and bring the information back to the Board at a future date. Mr. Cox seconded the motion.

Mr. Clark suggested that there was an urgency to the measure as it is part of the Zero Discharge Plan.

Chair Wood asked whether there could be a friendly amendment to include direction to staff to engage with a consultant and move forward as expeditiously as possible.

After discussion, Chair Wood summarized the amended motion as follows: there was no site selection at this meeting, the Board has authorized a very narrowly focused review of the EIR related to the Central Site, the Board has assigned the Executive Director to begin the process of engaging a consultant to expedite the process, and bring the Board back a budget and project description at the next meeting.

The motion passed unanimously.

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

AYES -10-	NOES -0-	ABSENT -0-	ABSTAIN -0-
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12. Attachments/Correspondence:

12.1 Reports by Staff and Others:

- 12.1.a October and November 2014 Outreach Events
- 12.1.b News articles regarding the Alameda County Meds Ordinance
- 12.1.c New legislation regarding organics materials: AB 1594 & AB 1826
- 12.1.d Sharps Flier: Proper Disposal
- 12.1.e California reusable bags ban summary report

Mr. Mikus pointed out that the State has passed a carryout bag law in the form SB 270 which was signed on September 30, 2014. The intent of 12.1.e was to share with any members of the public who questioned whether the State law or the local ordinance was in effect.

13. Board Member Comments

Mr. Cox stated that he was involved in the Russian River Cleanup, and he noticed a significant drop in the number of plastic bags collected.

Chair Wood requested that the Board consider bringing back an item at the next meeting to discuss the proper amount of the delegated signing authority of the Executive Director. There was Board consensus to do so. Chair Wood stated that this may be his last meeting if he is elected to higher office.

14. Staff Comments

Mr. Mikus thanked Chair Wood for his service and leadership on the Board.

15. Next SCWMA meeting: November 19, 2014

16. Adjourn

The meeting was adjourned at 11:18 AM.

Submitted by
Patrick Carter



Agenda Item #: **7.3**
Cost Center: **Organics**
Staff Contact: **Carter**
Agenda Date: **11/19/2014**

ITEM: **Legal Services Budget Appropriation**

I. BACKGROUND

The Agency entered into an agreement with the firm Best Best & Krieger (BBK) on September 17, 2014. Part of the Board discussion during that meeting was to set an initial limit on the amount the firm would be paid by the Agency for its services. The initial limit was set at \$45,000 at that meeting with a request being made to the BBK representative to develop an estimated budget for the Agency's defense in Case 3:14-cv-03804-TEH. That cost was set as an initial placeholder, and was expected to increase once more details of the case were known.

The Agency has also received a letter from Lozeau Drury LLP threatening litigation regarding the certification of the Compost Relocation Project Final EIR.

II. DISCUSSION

Given the existing and potential future litigation regarding composting operations, staff believes it is necessary to increase the appropriations limits for legal services in the Organics Reserve. As there was no litigation at the time of budget preparation, the funding allocated to legal services is insufficient for the current and potential future litigation, and must be increased in order to pay Agency Counsel and Special Counsel for their services. Staff recommends allocating \$500,000 to cover existing litigation and potential future litigation.

III. FUNDING IMPACT

Funding for this agreement is drawn from the Organics Reserve. Even with this additional expense, the Organics reserve is estimated to have a fund balance of approximately \$3.5 million at the end of the current fiscal year.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends increasing the budgetary appropriation limit for legal services in the Organics Reserve by \$500,000. As this item is in excess of \$50,000, this item requires a unanimous vote for approval.

Staff recommends the initial \$45,000 limit on the BB&K agreement be removed, with payments for the BB&K work to be drawn from the money appropriated for existing and potential future litigation.

V. ATTACHMENTS

Resolution

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA

RESOLUTION NO.: 2014-

DATED: November 19, 2014

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY ADOPTING
ADJUSTMENTS TO THE FY 2014/15 ANNUAL BUDGET FOR LEGAL SERVICES

WHEREAS, the Agency approved the Sonoma County Waste Management Agency Fiscal Year 2014/15 Budget by unanimous vote on April 16, 2014; and

WHEREAS, additional costs related to legal services have become known to Agency staff that were not reasonably foreseeable at the time of budget adoption; and

WHEREAS, the Agency Board of Directors wishes to increase allocations in the Organics Reserve Legal Services account to compensate for additional costs in the amount of \$500,000 in Fund 78103, Department 66110300, Account 51211.

NOW, THEREFORE BE IT RESOLVED that the Sonoma County Waste Management Agency Board of Directors hereby approves the adjustment to the FY 2014/15 Sonoma County Waste Management Agency 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 19, 2014

Patrick Carter,
Acting Clerk of the Sonoma County Waste Management Agency
Agency of the State of California in and for the
County of Sonoma



Agenda Item #: **7.4**
Cost Center: **All**
Staff Contact: **Carter**
Agenda Date: **11/19/2014**

ITEM: **FY 14-15 First Quarter Financial Report**

I. BACKGROUND

In accordance with the requirement in the joint powers agreement the Sonoma County Waste Management Agency (SCWMA) staff make quarterly reports to the Board of Directors of Agency operations and of all receipts to and disbursements from the SCWMA, this report covers the First Quarter of FY 13-14 (July, August, and September, 2014).

II. DISCUSSION

The First Quarter Financial Report uses information from the County accounting system, Enterprise Financial System (EFS), for expenditures and revenues. The FY 2014-15 First Quarter Financial Report contains the actual amounts spent or received to date at the end of the quarter, the projected revenues and expenses, the adjusted budget, and the difference between the budget and the projections. With limited information (the first quarter of the fiscal year), this financial report is narrow in scope. For example, Tipping Fee Revenue only included two months' payments for the HHW, Education, Planning, Wood Waste and Yard Debris cost centers.

As this is the first financial report generated from information from the County's new EFS data, the report may appear different from previous reports. Instead of Cost Centers, EFS uses Fund names; instead of Sub-Objects, EFS uses accounts.

Revenues are expected to meet Budget targets. With regard to expenditures, Administration Costs are projected to be under budget due to two staff vacancies during the first quarter. There also appear to be significant overages in the Engineer Services and Other Contract Service accounts, which are related to the Zero Discharge Project at the compost facility; these expenditures were include in the September Budget Adjustments, but those adjustments had not been entered into EFS prior to the end of the First Quarter. A better picture of the SCWMA's financial situation will be presented after the end of the 2nd Quarter, in the Mid-Year Financial Report.

III. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends approving the FY 2014-15 First Quarter Financial Report on the Consent Calendar.

IV. ATTACHMENTS

First Quarter Financial Report FY 2014-15 Revenue and Expenditure Comparison Summary

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA

**Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement**

All Funds

	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
Revenues	42358 - State Other Funding	\$ 286,512	\$ -	\$ 286,512	\$ 286,512	\$ -
	42601 - County of Sonoma	\$ 4,850,100	\$ 810,628	\$ 4,039,471	\$ 4,850,100	\$ -
	44002 - Interest on Pooled Cash	\$ 52,961	\$ -	\$ 52,961	\$ 52,961	\$ -
	46003 - Sales - Non Taxable	\$ 15,000	\$ -	\$ 15,000	\$ 15,000	\$ -
	46029 - Donations/Contributions	\$ 369,050	\$ 43,763	\$ 328,894	\$ 372,658	\$ 3,608
	47101 - Transfers In - within a Fund	\$ 630,508	\$ -	\$ 630,508	\$ 630,508	\$ -
	Total Revenues	\$ 6,204,131	\$ 854,392	\$ 5,353,347	\$ 6,207,738	\$ 3,608

	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
Expenditures	51041 - Insurance - Liability	\$ 12,000	\$ 10,177	\$ -	\$ 10,177	\$ (1,823)
	51201 - Administration Services	\$ 816,693	\$ 793	\$ 734,624	\$ 735,417	\$ (81,276)
	51205 - Advertising/Marketing Svc	\$ 34,250	\$ 1,367	\$ 32,883	\$ 34,250	\$ -
	51206 - Accounting/Auditing Services	\$ 22,000	\$ -	\$ 22,000	\$ 22,000	\$ -
	51207 - Client Accounting Services	\$ 10,329	\$ -	\$ 10,329	\$ 10,329	\$ -
	51211 - Legal Services	\$ 70,000	\$ 13,583	\$ 63,543	\$ 77,126	\$ 7,126
	51213 - Engineer Services	\$ 17,500	\$ 2,990	\$ 88,595	\$ 91,585	\$ 74,085
	51225 - Training Services	\$ 2,400	\$ -	\$ 2,400	\$ 2,400	\$ -
	51249 - Other Professional Services	\$ 216,632	\$ 8,608	\$ 208,024	\$ 216,632	\$ -
	51401 - Rents and Leases - Equipment	\$ 2,460	\$ 467	\$ 1,993	\$ 2,460	\$ -
	51421 - Rents and Leases - Bldg/Land	\$ 37,225	\$ 300	\$ 36,925	\$ 37,225	\$ -
	51803 - Other Contract Services	\$ 5,569,188	\$ 627,486	\$ 5,947,705	\$ 6,575,191	\$ 1,006,003
	51901 - Telecommunication Data Lines	\$ -	\$ 1,071	\$ -	\$ 1,071	\$ 1,071
	51902 - Telecommunication Usage	\$ -	\$ 159	\$ -	\$ 159	\$ 159
	51904 - ISD - Baseline Services	\$ 20,141	\$ 3,085	\$ 17,056	\$ 20,141	\$ -
	51906 - ISD - Supplemental Projects	\$ -	\$ 421	\$ -	\$ 421	\$ 421
	51909 - Telecommunication Wireless Svc	\$ -	\$ 2,397	\$ -	\$ 2,397	\$ 2,397
	51911 - Mail Services	\$ -	\$ 4	\$ -	\$ 4	\$ 4
	51915 - ISD - Reprographics Services	\$ -	\$ 2,477	\$ 1,932	\$ 4,409	\$ 4,409
	51916 - County Services Chgs	\$ 19,879	\$ -	\$ 19,879	\$ 19,879	\$ -
	51919 - EFS Charges	\$ 4,192	\$ -	\$ 4,192	\$ 4,192	\$ -
	51922 - County Car Expense	\$ 3,000	\$ 272	\$ 2,728	\$ 3,000	\$ -
	51923 - Unclaimable county car exp	\$ -	\$ 52	\$ -	\$ 52	\$ 52
	52091 - Memberships/Certifications	\$ 10,150	\$ 10,150	\$ -	\$ 10,150	\$ -
	52111 - Office Supplies	\$ 27,730	\$ 8,459	\$ 19,271	\$ 27,730	\$ -
	52162 - Special Department Expense	\$ 122,400	\$ 3,816	\$ 118,584	\$ 122,400	\$ -
	52163 - Professional Development	\$ 1,500	\$ -	\$ 1,500	\$ 1,500	\$ -
	57011 - Transfers Out - within a Fund	\$ 630,508	\$ -	\$ 630,508	\$ 630,508	\$ -
	57015 - Transfers Out - All Others	\$ 2,724	\$ -	\$ 2,724	\$ 2,724	\$ -
	Total Expenditures	\$ 7,652,901	\$ 698,132	\$ 7,967,395	\$ 8,665,527	\$ 1,012,628

Net Cost	\$ 1,448,770	\$ (156,260)	\$ 2,614,048	\$ 2,457,788	\$ 1,009,020
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**Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement**

Wood Waste

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	42601 - County of Sonoma	\$ 170,850	\$ 31,742	\$ 139,108	\$ 170,850	\$ -
	44002 - Interest on Pooled Cash	\$ 1,117	\$ -	\$ 1,117	\$ 1,117	\$ -
	46003 - Sales - Non Taxable	\$ 5,000	\$ -	\$ 5,000	\$ 5,000	\$ -
	46029 - Donations/Contributions	\$ 5,000	\$ -	\$ 5,000	\$ 5,000	\$ -
	Total Revenues	\$ 181,967	\$ 31,742	\$ 150,225	\$ 181,967	\$ -

Expenditures	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	51041 - Insurance - Liability	\$ 360	\$ 305	\$ -	\$ 305	\$ (55)
	51201 - Administration Services	\$ 5,525	\$ -	\$ 5,525	\$ 5,525	\$ -
	51206 - Accounting/Auditing Services	\$ 500	\$ -	\$ 500	\$ 500	\$ -
	51207 - Client Accounting Services	\$ 310	\$ -	\$ 310	\$ 310	\$ -
	51803 - Other Contract Services	\$ 164,130	\$ 25,886	\$ 138,244	\$ 164,130	\$ -
	51904 - ISD - Baseline Services	\$ 3,531	\$ 535	\$ 2,996	\$ 3,531	\$ -
	51916 - County Services Chgs	\$ 596	\$ -	\$ 596	\$ 596	\$ -
	57011 - Transfers Out - within a Fund	\$ 166,445	\$ -	\$ 166,445	\$ 166,445	\$ -
	57015 - Transfers Out - All Others	\$ 454	\$ -	\$ 454	\$ 454	\$ -
	Total Expenditures	\$ 341,851	\$ 26,726	\$ 315,070	\$ 341,796	\$ (55)

Net Cost	\$ 159,884	\$ (5,015)	\$ 164,845	\$ 159,829	\$ (55)
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**Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement**

Yard Debris

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	42601 - County of Sonoma	\$ 3,281,000	\$ 497,696	\$ 2,783,304	\$ 3,281,000	\$ -
	44002 - Interest on Pooled Cash	\$ 7,010	\$ -	\$ 7,010	\$ 7,010	\$ -
	46003 - Sales - Non Taxable	\$ 10,000	\$ -	\$ 10,000	\$ 10,000	\$ -
	46029 - Donations/Contributions	\$ 5,000	\$ -	\$ 5,000	\$ 5,000	\$ -
	Total Revenues	\$ 3,303,010	\$ 497,696	\$ 2,805,314	\$ 3,303,010	\$ -
Expenditures	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	51041 - Insurance - Liability	\$ 7,200	\$ 6,106	\$ -	\$ 6,106	\$ (1,094)
	51201 - Administration Services	\$ 215,209	\$ -	\$ 215,209	\$ 215,209	\$ -
	51206 - Accounting/Auditing Services	\$ 6,000	\$ -	\$ 6,000	\$ 6,000	\$ -
	51207 - Client Accounting Services	\$ 6,197	\$ -	\$ 6,197	\$ 6,197	\$ -
	51211 - Legal Services	\$ 5,000	\$ 2,087	\$ 2,913	\$ 5,000	\$ -
	51213 - Engineer Services	\$ 5,000	\$ -	\$ 5,000	\$ 5,000	\$ -
	51225 - Training Services	\$ 600	\$ -	\$ 600	\$ 600	\$ -
	51401 - Rents and Leases - Equipment	\$ 2,460	\$ 467	\$ 1,993	\$ 2,460	\$ -
	51803 - Other Contract Services	\$ 3,397,964	\$ 418,442	\$ 2,979,522	\$ 3,397,964	\$ -
	51901 - Telecommunication Data Lines	\$ -	\$ 153	\$ -	\$ 153	\$ 153
	51904 - ISD - Baseline Services	\$ 6,017	\$ 912	\$ 5,105	\$ 6,017	\$ -
	51916 - County Services Chgs	\$ 11,928	\$ -	\$ 11,928	\$ 11,928	\$ -
	51919 - EFS Charges	\$ 4,192	\$ -	\$ 4,192	\$ 4,192	\$ -
	51922 - County Car Expense	\$ 3,000	\$ 272	\$ 2,728	\$ 3,000	\$ -
	51923 - Unclaimable county car exp	\$ -	\$ 52	\$ -	\$ 52	\$ 52
	52111 - Office Supplies	\$ 5,000	\$ -	\$ 5,000	\$ 5,000	\$ -
	52162 - Special Department Expense	\$ 82,000	\$ 2,707	\$ 79,293	\$ 82,000	\$ -
	52163 - Professional Development	\$ 1,500	\$ -	\$ 1,500	\$ 1,500	\$ -
	57011 - Transfers Out - within a Fund	\$ 147,272	\$ -	\$ 147,272	\$ 147,272	\$ -
	57015 - Transfers Out - All Others	\$ 908	\$ -	\$ 908	\$ 908	\$ -
	Total Expenditures	\$ 3,907,447	\$ 431,197	\$ 3,475,360	\$ 3,906,557	\$ (890)
Net Cost		\$ 604,437	\$ (66,500)	\$ 670,046	\$ 603,547	\$ (890)

**Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement**

Household Hazardous Waste

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	42358 - State Other Funding	\$ 151,512	\$ -	\$ 151,512	\$ 151,512	\$ -
	42601 - County of Sonoma	\$ 1,100,423	\$ 221,297	\$ 879,126	\$ 1,100,423	\$ -
	44002 - Interest on Pooled Cash	\$ 2,535	\$ -	\$ 2,535	\$ 2,535	\$ -
	46029 - Donations/Contributions	\$ 322,297	\$ 36,453	\$ 285,844	\$ 322,297	\$ -
	Total Revenues	\$ 1,576,767	\$ 257,749	\$ 1,319,018	\$ 1,576,767	\$ -
Expenditures	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	51041 - Insurance - Liability	\$ 3,660	\$ 3,104	\$ -	\$ 3,104	\$ (556)
	51201 - Administration Services	\$ 195,220	\$ -	\$ 195,220	\$ 195,220	\$ -
	51205 - Advertising/Marketing Svc	\$ 12,000	\$ 1,367	\$ 10,633	\$ 12,000	\$ -
	51206 - Accounting/Auditing Services	\$ 7,500	\$ -	\$ 7,500	\$ 7,500	\$ -
	51207 - Client Accounting Services	\$ 3,150	\$ -	\$ 3,150	\$ 3,150	\$ -
	51211 - Legal Services	\$ 10,000	\$ -	\$ 10,000	\$ 10,000	\$ -
	51225 - Training Services	\$ 600	\$ -	\$ 600	\$ 600	\$ -
	51249 - Other Professional Services	\$ 138,158	\$ 3,429	\$ 134,729	\$ 138,158	\$ -
	51421 - Rents and Leases - Bldg/Land	\$ 30,000	\$ 300	\$ 29,700	\$ 30,000	\$ -
	51803 - Other Contract Services	\$ 1,193,800	\$ 13,173	\$ 1,180,627	\$ 1,193,800	\$ -
	51901 - Telecommunication Data Lines	\$ -	\$ 306	\$ -	\$ 306	\$ 306
	51902 - Telecommunication Usage	\$ -	\$ 30	\$ -	\$ 30	\$ 30
	51904 - ISD - Baseline Services	\$ 3,531	\$ 535	\$ 2,996	\$ 3,531	\$ -
	51915 - ISD - Reprographics Services	\$ -	\$ 64	\$ -	\$ 64	\$ 64
	51916 - County Services Chgs	\$ 6,063	\$ -	\$ 6,063	\$ 6,063	\$ -
	52091 - Memberships/Certifications	\$ 10,000	\$ 10,000	\$ -	\$ 10,000	\$ -
	52111 - Office Supplies	\$ 2,000	\$ 950	\$ 1,050	\$ 2,000	\$ -
	52162 - Special Department Expense	\$ 400	\$ -	\$ 400	\$ 400	\$ -
	57011 - Transfers Out - within a Fund	\$ 140,285	\$ -	\$ 140,285	\$ 140,285	\$ -
	57015 - Transfers Out - All Others	\$ 454	\$ -	\$ 454	\$ 454	\$ -
	Total Expenditures	\$ 1,756,821	\$ 33,258	\$ 1,723,407	\$ 1,756,665	\$ (156)
Net Cost		\$ 180,054	\$ (224,491)	\$ 404,389	\$ 179,898	\$ (156)

**Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement**

Education

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	42358 - State Other Funding	\$ 135,000	\$ -	\$ 135,000	\$ 135,000	\$ -
	42601 - County of Sonoma	\$ 262,871	\$ 52,864	\$ 210,007	\$ 262,871	\$ -
	44002 - Interest on Pooled Cash	\$ 1,134	\$ -	\$ 1,134	\$ 1,134	\$ -
	46029 - Donations/Contributions	\$ 32,439	\$ 3,268	\$ 29,171	\$ 32,439	\$ -
	Total Revenues	\$ 431,444	\$ 56,132	\$ 375,312	\$ 431,444	\$ -
Expenditures	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	51041 - Insurance - Liability	\$ 720	\$ 611	\$ -	\$ 611	\$ (109)
	51201 - Administration Services	\$ 242,069	\$ 793	\$ 160,000	\$ 160,793	\$ (81,276)
	51205 - Advertising/Marketing Svc	\$ 22,250	\$ -	\$ 22,250	\$ 22,250	\$ -
	51206 - Accounting/Auditing Services	\$ 3,000	\$ -	\$ 3,000	\$ 3,000	\$ -
	51207 - Client Accounting Services	\$ 620	\$ -	\$ 620	\$ 620	\$ -
	51211 - Legal Services	\$ 25,000	\$ 2,370	\$ 22,630	\$ 25,000	\$ -
	51225 - Training Services	\$ 1,200	\$ -	\$ 1,200	\$ 1,200	\$ -
	51249 - Other Professional Services	\$ 78,474	\$ 5,179	\$ 73,295	\$ 78,474	\$ -
	51421 - Rents and Leases - Bldg/Land	\$ 7,225	\$ -	\$ 7,225	\$ 7,225	\$ -
	51803 - Other Contract Services	\$ 27,414	\$ 1,147	\$ 26,267	\$ 27,414	\$ -
	51901 - Telecommunication Data Lines	\$ -	\$ 612	\$ -	\$ 612	\$ 612
	51902 - Telecommunication Usage	\$ -	\$ 129	\$ -	\$ 129	\$ 129
	51904 - ISD - Baseline Services	\$ 3,531	\$ 568	\$ 2,963	\$ 3,531	\$ -
	51906 - ISD - Supplemental Projects	\$ -	\$ 421	\$ -	\$ 421	\$ 421
	51909 - Telecommunication Wireless Svc	\$ -	\$ 2,397	\$ -	\$ 2,397	\$ 2,397
	51911 - Mail Services	\$ -	\$ 4	\$ -	\$ 4	\$ 4
	51915 - ISD - Reprographics Services	\$ -	\$ 480	\$ -	\$ 480	\$ 480
	51916 - County Services Chgs	\$ 1,193	\$ -	\$ 1,193	\$ 1,193	\$ -
	52091 - Memberships/Certifications	\$ 150	\$ 150	\$ -	\$ 150	\$ -
	52111 - Office Supplies	\$ 17,730	\$ 7,406	\$ 10,324	\$ 17,730	\$ -
	57011 - Transfers Out - within a Fund	\$ 146,429	\$ -	\$ 146,429	\$ 146,429	\$ -
	57015 - Transfers Out - All Others	\$ 454	\$ -	\$ 454	\$ 454	\$ -
	Total Expenditures	\$ 577,459	\$ 22,265	\$ 477,850	\$ 500,115	\$ (77,344)
Net Cost		\$ 146,015	\$ (33,866)	\$ 102,538	\$ 68,672	\$ (77,344)

Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement

Planning

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	42601 - County of Sonoma	\$ 34,956	\$ 7,030	\$ 27,926	\$ 34,956	\$ -
	44002 - Interest on Pooled Cash	\$ 191	\$ -	\$ 191	\$ 191	\$ -
	46029 - Donations/Contributions	\$ 4,314	\$ 435	\$ 3,879	\$ 4,314	\$ -
	Total Revenues	\$ 39,461	\$ 7,465	\$ 31,996	\$ 39,461	\$ -

Expenditures	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	51041 - Insurance - Liability	\$ 60	\$ 51	\$ -	\$ 51	\$ (9)
	51201 - Administration Services	\$ 22,387	\$ -	\$ 22,387	\$ 22,387	\$ -
	51206 - Accounting/Auditing Services	\$ 1,000	\$ -	\$ 1,000	\$ 1,000	\$ -
	51207 - Client Accounting Services	\$ 52	\$ -	\$ 52	\$ 52	\$ -
	51211 - Legal Services	\$ 10,000	\$ -	\$ 1,000	\$ 1,000	\$ (9,000)
	51904 - ISD - Baseline Services	\$ 3,531	\$ 535	\$ 2,996	\$ 3,531	\$ -
	51916 - County Services Chgs	\$ 99	\$ -	\$ 99	\$ 99	\$ -
	57011 - Transfers Out - within a Fund	\$ 30,077	\$ -	\$ 30,077	\$ 30,077	\$ -
	57015 - Transfers Out - All Others	\$ 454	\$ -	\$ 454	\$ 454	\$ -
	Total Expenditures	\$ 67,660	\$ 586	\$ 58,065	\$ 58,651	\$ (9,009)

	Net Cost	\$ 28,199	\$ (6,879)	\$ 26,069	\$ 19,190	\$ (9,009)
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**Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement**

Organics Reserve

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	44002 - Interest on Pooled Cash	\$ 33,208	\$ -	\$ 33,208	\$ 33,208	\$ -
	47101 - Transfers In - within a Fund	\$ 313,717	\$ -	\$ 313,717	\$ 313,717	\$ -
	Total Revenues	\$ 346,925	\$ -	\$ 346,925	\$ 346,925	\$ -

Expenditures	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	51201 - Administration Services	\$ 63,447	\$ -	\$ 63,447	\$ 63,447	\$ -
	51206 - Accounting/Auditing Services	\$ 2,500	\$ -	\$ 2,500	\$ 2,500	\$ -
	51211 - Legal Services	\$ 10,000	\$ 9,126	\$ 25,000	\$ 34,126	\$ 24,126
	51213 - Engineer Services	\$ 12,500	\$ 2,990	\$ 83,595	\$ 86,585	\$ 74,085
	51803 - Other Contract Services	\$ 750,880	\$ 118,290	\$ 1,560,885	\$ 1,679,175	\$ 928,295
	52111 - Office Supplies	\$ 1,000	\$ 103	\$ 897	\$ 1,000	\$ -
	52162 - Special Department Expense	\$ 40,000	\$ 1,109	\$ 38,891	\$ 40,000	\$ -
	Total Expenditures	\$ 880,327	\$ 131,617	\$ 1,775,215	\$ 1,906,832	\$ 1,026,505

Net Cost	\$ 533,402	\$ 131,617	\$ 1,428,290	\$ 1,559,907	\$ 1,026,505
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Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement

HHW Facility Reserve

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	44002 - Interest on Pooled Cash	\$ 412	\$ -	\$ 412	\$ 412	\$ -
	Total Revenues	\$ 412	\$ -	\$ 412	\$ 412	\$ -

	Net Cost	\$ (412)	\$ -	\$ (412)	\$ (412)	\$ -
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Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement

HHW Operating Reserve

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	44002 - Interest on Pooled Cash	\$ 6,201	\$ -	\$ 6,201	\$ 6,201	\$ -
	47101 - Transfers In - within a Fund	\$ 140,285	\$ -	\$ 140,285	\$ 140,285	\$ -
	Total Revenues	\$ 146,486	\$ -	\$ 146,486	\$ 146,486	\$ -

Expenditures	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	51201 - Administration Services	\$ 11,266	\$ -	\$ 11,266	\$ 11,266	\$ -
	51803 - Other Contract Services	\$ 15,000	\$ -	\$ 15,000	\$ 15,000	\$ -
	Total Expenditures	\$ 26,266	\$ -	\$ 26,266	\$ 26,266	\$ -

	Net Cost	\$ (120,220)	\$ -	\$ (120,220)	\$ (120,220)	\$ -
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Sonoma County Waste Management Agency
FY 14-15 First Quarter Financial Statement

Contingency Reserve

Revenues	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	44002 - Interest on Pooled Cash	\$ 1,153	\$ -	\$ 1,153	\$ 1,153	\$ -
	46029 - Donations/Contributions	\$ -	\$ 3,608	\$ -	\$ 3,608	\$ 3,608
	47101 - Transfers In - within a Fund	\$ 176,506	\$ -	\$ 176,506	\$ 176,506	\$ -
	Total Revenues	\$ 177,659	\$ 3,608	\$ 177,659	\$ 181,267	\$ 3,608

Expenditures	Account Description	Budget	Actual	Estimated	Total Estimated	Over/Under Budget
	51201 - Administration Services	\$ 61,570	\$ -	\$ 61,570	\$ 61,570	\$ -
	51206 - Accounting/Auditing Services	\$ 1,500	\$ -	\$ 1,500	\$ 1,500	\$ -
	51211 - Legal Services	\$ 10,000	\$ -	\$ 2,000	\$ 2,000	\$ (8,000)
	51803 - Other Contract Services	\$ 20,000	\$ 50,549	\$ 47,160	\$ 97,709	\$ 77,709
	51915 - ISD - Reprographics Services	\$ -	\$ 1,932	\$ 1,932	\$ 3,864	\$ 3,864
	52111 - Office Supplies	\$ 2,000	\$ -	\$ 2,000	\$ 2,000	\$ -
	Total Expenditures	\$ 95,070	\$ 52,481	\$ 116,162	\$ 168,643	\$ 73,573

Net Cost	\$ (82,589)	\$ 48,873	\$ (61,497)	\$ (12,624)	\$ 69,965
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Agenda Item #: **7.5**
Cost Center: **All**
Staff Contact: **Mikus**
Agenda Date: **11/19/2014**

ITEM: **Proposal for Facilitating Evaluations, Executive Director and Agency Counsel**

I. BACKGROUND

From the SCWMA's beginning in 1992, until 2009, the SCWMA's Executive Director (ED) reported through, and was directly supervised by, the County of Sonoma's Department of Transportation and Public Works (DTPW). Preparatory to the selection of a new ED during 2010, this structure was altered so that the ED would report directly to the SCWMA Board rather than DTPW. As a result the SCWMA Board became responsible for evaluating the performance of the ED. Similarly, the Agency Counsel (AC) serves the SCWMA at the pleasure of the Board.

Until 2012 there had been no process in place for evaluating the performances of either the Executive Director or the Agency Counsel by the Board on an annual basis. Through a competitive process Sherry L. Lund Associates was retained in fall 2012 to provide facilitator services and a framework for conducting such performance evaluations. The process began in October 2012 and finished with separate evaluation sessions held with Board members and the Executive Director, and Board members and Agency Counsel, in January 2013.

No annual evaluations were conducted in the intervening year anniversary during winter 2013/2014, so nearly two years have passed since the initial performance evaluations.

Aside from the passage of time, an additional motivation for conducting these evaluations now is the likelihood that several long serving Board members with their knowledge of SCWMA activities over the last two years are likely to not be serving after the turn of the year either through retirements or election changes; these Board members' input would be invaluable in providing performance evaluations for the Executive Director and Agency Counsel.

II. DISCUSSION

Sherry L. Lund Associates was asked to provide a proposal to provide facilitator services for performance evaluations by the board for both the Executive Director and Agency Counsel in the near future. This proposal is attached, and is for approximately \$14,760 to \$18,470 with some variation depending on some options available to the Board. This proposal is in line with the services provided by Lund two years ago where the actual billed cost for the service was \$16,425.

In addition to set-up efforts such as soliciting and compiling Board member comments into evaluation documents, the proposal provides for either two separate evaluation discussion sessions of two hours each, or a single four-hour session. Also, the proposal provides an option for soliciting and compiling staff feedback (which was used in 2012/2013). Finally, there is post-discussion session work included such as preparing final evaluation documents.

The lowest cost, \$14,760 represents the more efficient single four-hour session without staff feedback while the high end cost, \$18,470 is the price for two separate sessions with inclusion of staff feedback. The single-session price with staff feedback is \$17,410.

III. FUNDING IMPACT

This funding is not included in the regular operating budget and would be provided from the Contingency Reserve. With an additional expenditure of \$18,470, the estimated fund balance at the end of FY 14/15 would be \$164,104.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board authorize expenditure not to exceed \$18,470 for Sherry L. Lund Associates to provide facilitator services for performance evaluations for the SCWMA Executive Director and Agency Counsel.

V. ATTACHMENTS

Lund Proposal
Resolution

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA



247 La Cuesta Drive
Portola Valley, CA 94028
(650) 619-5500 fax (650) 561-8414
sherrylund@aol.com

October 16, 2014

Mr. Henry Mikus
Executive Director
Sonoma County Waste Management Agency
2300 County Center Drive, Suite B-100
Santa Rosa, CA 95403

Dear Mr. Mikus:

As Executive Director, you control the major financial and human resources in executing the Board's vision and priorities. The Agency Attorney advises the Board and staff on critical legal issues. The Sonoma County Waste Management Agency Board last reviewed you both in December of 2012. This Fall, there will be significant Board turnover due to the November election, so now is a prime opportunity to get feedback from Board members who have had significant experience in working with you and Ms. Coleson before new Board members take office in January.

Current, experienced Board members are in the best position to set preliminary 2015 goals with their two executives now. I would suggest that at the midyear, you each have an short, informal closed session discussion with the newly configured Board to update those goals. By then, newer Board members will be oriented and will have a better understand of Agency operations.

Finally, you are close to beginning Year Two of a two-year contract, with a one-year potential renewal clause. It would benefit you and the Board to identify any course correction feedback now that you could address in the coming year before the Board takes up the contract renewal discussion later next year.

Benefits

The primary benefits I bring to the process are as follows:

1. **Solid methodology and technical expertise** in executive evaluation.
2. **Efficiency in helping the Board deliver a quality process and outcome that result in Board/Executive alignment and clear, actionable feedback and goals.**

3. Expert, third-party facilitation among the ten Board members and with each executive to meet your mutual needs. Assurance of a **safe, professional, and mutually respectful** environment for review discussions/ feedback. I serve as **an advocate for all points of view** being heard within a professional and respectful environment.
4. **Specific experience in having consulted on this process previously** and having been engaged in development of the performance criteria.

Project Phases

Feedback for the previous evaluation process was very positive, so I propose a similar process as before, described in the three phases below.

Phase I - Preparation for Review Session:

In preparation for the review session, I do the following steps:

- Work with you or your designee as internal liaison to **schedule project meetings and develop a project schedule and milestones.**
- **Solicit your and the Attorney's self-evaluations**, and provide feedback on those documents, as you request.
- ***Staff Feedback Option:*** Meet individually and in person with your direct reports to gather feedback on your staff leadership skills. I prepare a 2-3 page summary of findings, including representative anonymous quotations. These meetings are best done in person, as gathering this information requires creating good rapport to elicit useful and reliable results. This option was included this in 2012.
- **Send a review packet to the Board electronically** to prepare them for their phone calls with me. This packet typically includes the following for each of the two reviews: The blank review criteria; the self-evaluations; a copy of each employment contract; and, if elected, the summary from the *Staff Feedback Option (the latter applies to you only and not to the Attorney)*.
- **Collect Board feedback.** I meet individually with Board members by telephone to gather feedback. I interview them using the evaluation criteria, capture their feedback and examples, and answer their questions. I anticipate phone meetings to gather input for two employees would take no more than 90 minutes per Board member.
- **Compile Board feedback anonymously**, and send it to the Board for pre-discussion reading. I also send this summary to you a couple of days in advance of the closed session. Even though this document doesn't represent the final agreed-upon review of the entire Board, reading the individual comments will prepare you for the types of questions or discussion that may arise in the review session itself. It may also trigger you to ask some questions of your own.

Phase II - Performance Review Session(s)

During the performance review session(s), I do the following steps:

- **Meet with the Board members in closed session** where I provide facilitation and technical assistance as needed to help them arrive at an agreed-upon review and goals for the following year.

The process that I find works best is as follows:

- I bring a series of draft theme statements that I feel reflects the Board's collective feedback, and that serves as a beginning point for our discussion.
 - I project this on a screen/wall while I facilitate, so that I can make changes in real time and develop a refined document as the Board discussion ensues.
 - When the Board reaches agreement on the review and goals, I am able to format the document in 1-2 minutes, and print it on my portable printer.
 - We invite you into the session where the review is delivered and discussion ensues. This is an opportunity for you and the Board to ask questions of each other and get aligned going forward.
- **I recommend allowing 2 hours for each review** (1.00-1.25 hrs. for the Board to agree on review language and 0.75–1.00 hrs. to present the review and follow with questions and discussion). This proved to be a realistic length of time during the 2012 reviews.

Phase III - Post-Session Wrap-Up

Following the review session(s), I complete the following steps:

- **Meet with you and the Attorney separately by phone to debrief** the evaluation meeting.
- **Prepare final evaluation file copies and obtain necessary signatures.** I provide the file copy to whoever is charged with keeping the official confidential record.
- **Solicit feedback from you and from the Board on any process improvements** that you'd suggest for the future.

Timeframe

- Self-evaluations complete by end of October.
- Conduct interviews in early to mid November; complete evaluation process by December, 2014

Consultant Qualifications

Due to the highly confidential nature of this assignment, I will personally perform all work on this contract. I believe my skills and experience are a good match for this work, as I offer:

- Deep and broad experience in ***performance management (including executive evaluation), interpersonal communication, executive coaching, negotiation, rewards and recognition, and career development*** – all important components of this project.

- Thirty-nine years experience in organizational consulting with twenty-seven years consulting experience in my own firm—for a **broad variety of organizations in the public and private sector:**
 - *Public sector experience examples include:* Cities of Palo Alto, Dublin, Fremont, Novato, Santa Rosa, Fairfield, Larkspur, Mission Viejo, Sausalito, Tracy, Union City, and Vacaville CA; TV-30 (a jointly managed entity of Dublin, Pleasanton, and Livermore); the City of Tualatin, OR; Counties of Santa Clara, San Mateo, Alameda and Riverside, CA, Santa Clara Valley Water District, the Dr. Susan Love Research Foundation, S. H. Cowell Foundation, the Carnegie Mellon University (Provost), and the University of California.
 - *Global private sector examples include:* Intel, HP, Acco Brands, Seagate, The Gap, Levi Strauss, Driscoll's, Xoma, Genelabs), and many others; working for them in the U.S., Europe, Asia, and the Middle East.
- **The ability to be fully objective about the process and relationships** as a third party expert.

This broad experience allows me to collect best practices from many sources and to avoid getting locked into the paradigms and traditions of a single type of organization. It also allows me to understand the point of view of all stakeholders – employees, Board members, and citizens.

Cost and Terms

Consulting fees are based on the following discounted rate structure for public sector projects: Consulting, \$265/hr. Facilitation and/or on-site work: \$2,1200/full day and \$1600/half day with 1/2 day minimum. Pricing assumes local Santa Rosa meeting site. If client changes project scope, cost will be re-forecast, and approval will be sought prior to additional work being performed.

This project, including all expenses, can be completed for a project fee as shown below.

- Option 1:** Both reviews can be accomplished in a single 4-hour closed session -- Project fee is \$ 14,760.00. This was the format elected in 2012.
- Option 2:** Each of the two reviews requires a 2-hour closed session on separate and non-consecutive days -- Project fee is \$15,820.00
- Option 3:** *Staff feedback option* (assumes meeting with each of the direct reports sequentially in a single day onsite) -- Add \$2,650.00 to each project fee above.

Terms: Net:30

Sonoma County WMA (Client) Responsibilities

In order to support the success of the project, Client agrees to:

- Assure involved parties are available for one-on-one and group meetings and complete evaluation interviews in order to meet project milestones.
- Identify an internal liaison that can schedule appointments and provide support in getting evaluation items on Board agendas.
- Provide meeting space and A-V equipment required.
- Commit to a professional and respectful process.

Cancellation/Rescheduling Policy

There is no charge made if process can be mutually rescheduled by Client and Consultant within three weeks of the original date; if the process cannot be rescheduled during this time frame, the cancellation schedule applies. Fees for cancellation (or rescheduling as previously described) for any reason are applied on the following schedule, *which reflects both advance preparation and exclusive holding of consulting time for a client*: 6 weeks in advance - 25% fee; 5 weeks in advance - 50% fee; 4 weeks in advance - 100% fee. A 100% cancellation charge will apply to individual meetings that are not cancelled with 24 hours prior notice. Materials will be charged according to their cost accrued at time of cancellation; there will be no charge for materials that can be re-used if process is rescheduled.

Next Steps

The next steps are to:

1. Execute a purchase order, per your agency requirements;
2. Schedule phone meetings with you and with the agency Attorney to get started on self-evaluations; and
3. Schedule feedback meetings with Board members and agree on the Board closed session date.

Please let me know if I can provide any additional information. I would enjoy the opportunity to work with you and with your Board.

Best regards,

Sherry Lund
Principal

RESOLUTION NO.: 2014-

DATED: November 19, 2014

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY ENTERING INTO AN AGREEMENT WITH SHERRY L. LUND ASSOCIATES FOR PERFORMANCE EVALUATION SERVICES

WHEREAS, the Agency Board of Directors wishes to enter into an agreement with Sherry L. Lund Associates for the purpose of performance evaluations for the Executive Director and Agency Counsel; and

WHEREAS, the Agency approved the Sonoma County Waste Management Agency Fiscal Year 2014/15 Budget by unanimous vote on April 16, 2014; and

WHEREAS, additional costs related to contract services have become known to Agency staff that were not reasonably foreseeable at the time of budget adoption; and

WHEREAS, additional appropriations in the Contingency Reserve are necessary to account for the additional cost of the performance evaluation services in the amount of \$18,470, with the financial system coding as Fund 78109, Department 66110900, Account 51803.

NOW, THEREFORE BE IT RESOLVED that the Sonoma County Waste Management Agency Board of Directors hereby enters into an agreement with Sherry L. Lund Associates and approves the adjustment to the FY 2014/15 Sonoma County Waste Management Agency 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 19, 2014

Patrick Carter,
Acting Clerk of the Sonoma County Waste Management Agency
Agency of the State of California in and for the
County of Sonoma



Agenda Item #: **8**
Cost Center: **Organics**
Staff Contact: **Mikus**
Agenda Date: **11/19/2014**

ITEM: **Compost Zero Discharge Plan Update**

I. BACKGROUND

At the August 20, 2014 meeting the Board decided to continue with implementation work on the Compost Wastewater Zero Discharge Plan that was submitted to the NCRWQCB July 11, 2014, and to not completely shut down the compost facility by beginning total outhaul of compost raw materials.

The emphasis over the past month has been the Plan interim measures that are required to be in place for this winter rain season.

II. DISCUSSION

Recent Rain: Over the most recent 30 day period several rain storms have occurred. However, none resulted in enough water accumulation to cause any discharge of storm contact water from the compost facility.

New Site: At the October Board meeting Tetra Tech BAS submitted their report analyzing several facets of the proposed new compost facility at Central. The report stated that the Central proposed site would have sufficient capacity to meet the goal of processing 200,000 tons of compost materials per year, and gave a preliminary design and cost estimate which showed the site was viable from a cost perspective. The design did incorporate several facets to provide enhanced measures for storm water handling and odor reduction. The report also stated that via the use of roofed work areas the proposed new large storm water detention pond for the current site would not be needed for the new site.

Footprint Reduction: Partial outhaul of incoming raw materials has been reduced to a level that supports the 18% working footprint reduction; this should stabilize at about 60 tons per day as an average. The total amount of material diverted to alternate processing facilities in September 2014 was 3,440 tons.

Combine Existing Ponds: The project to combine the two small sedimentation ponds into a larger single pond with increased holding capacity was completed October 30, 2014. The final inspection was conducted the morning of October 31 with no issues noted. As noted in previous reports, rock was encountered while excavating the pond bottom, which incurred added expense. The Board had previously allocated \$100,000 as contingency expense for Zero Discharge Plan costs, of which about \$36,000 had been used for engineering and storm water analysis, and \$57,000 was allocated for berm construction and drainage improvements related to the footprint reduction. Thus approximately \$9,000 of contingency money remained that could be used to offset some of the expense for removing rock. The cost of rock removal plus placement of some extra gravel resulted in extra costs of \$19,000, leaving a deficit in contingency money of \$10,000.

Pump and Truck Contact Water: 12,000 gallons of contact water have been collected and reused on site during the most recent 30-day period. No discharge of storm contact water from the compost site has occurred.

Interim Water Quality Measures: The sedimentation traps, and straw wattles at the low end of the windrows, were in place during all recent rain events per the Plan provisions.

III. FUNDING IMPACT

Funding for this project is drawn from the Organics Reserve. Even with this additional expense, the Organics reserve is estimated to have a fund balance of approximately \$3.5 million at the end of the current fiscal year.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff requests that the Board acknowledge and approve the expenditure of \$10,000 as required extra expenses from encountering unexpected rock plus placement of extra gravel on perimeter roads and access spots for the combination pond project.

V. ATTACHMENTS

November 2014 Monthly Zero Discharge Report to NCRWQCB
Resolution

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA



Date: November 6, 2014

To: North Coast Regional Water Quality Control Board

From: Henry J. Mikus, SCWMA Executive Director

Monthly Progress Report for the SCWMA Compost Facility Zero Discharge Plan October, 2014

As delineated in the "Compost Wastewater Zero Discharge Plan" (the Plan) submitted to the North Coast Regional Water Quality Control Board (NCRWQCB) on July 11, 2014, SCWMA will submit monthly progress reports about work accomplished in accordance with the Plan.

Section 2 New Compost Site Selection & Development:

- At the recent October 15, 2014 SCWMA Board meeting, the Tetra Tech BAS report for the Central Site including site capacity verification, a detailed preliminary design, and a construction cost estimate was presented to the SCWMA Board. The report determined that the optimum method to manage storm water, and assure compliance with Zero Discharge requirements, was to provide roof structures over all working areas. This would prevent the creation of storm compost contact water as all rain water would be diverted from contact with compost materials. The report also discussed using enclosed buildings for processing inbound materials as an effective way to significantly reduce or eliminate work site odors.
- Since the storm water measures (the roof) and the enclosed buildings for odor mitigation suggested by the Tetra Tech BAS report were not contemplated in previous EIR analysis, the SCWMA Board determined that the best pathway ahead towards building a new site would be to review the Final EIR to include these measures, with recirculation possibly needed. Staff was directed to take the appropriate steps to begin the EIR review as expeditiously as possible.
- SCWMA member jurisdictions have continued deliberations towards adopting an Amendment to the SCWMA JPA Agreement that will extend the Agency term beyond February 2017. An update report and discussion are scheduled for the SCWMA November 19, 2014 Board meeting.

Section 3 Interim Component: Footprint Reduction Measures:

- The compost facility has been operating with the 18% working footprint reduction, as detailed in the Plan. This has reduced the amount of compost contact storm water generated by the facility.
- Partial overhaul of incoming raw materials has continued, to accommodate the lowered throughput capacity from the footprint reconfiguration. Approximately 3,440 tons of raw organics materials were overhauled in September 2014 rather than processed on site to enable the changes required to reduce the site footprint.

Section 4 Interim Component: Increased Interim Storage – Expand Existing Ponds:

- One Plan interim measure was to take the existing two small sedimentation ponds at the compost site, and combine them into a single, larger capacity pond of 2 million gallons storage. The project was completed on October 30, 2014.

Section 5 Interim Component: Pump and Truck Measures:

- There were four rain storms during the last 30 days, each resulted in less than .3 inch

accumulation. No discharge of storm contact water occurred.

- 12,000 gallons of storm contact water were collected and reused on site. This was all the water generated by these small storms.

Section 6 Interim Component: Water Quality Measures:

- The sedimentation traps, and straw wattles at the low end of the windrows, were in place and functioning during all recent rain events.

Section 7 Testing and Reporting:

- Draft recommendations for enhancements to the MRP sampling and testing protocols are done, and are undergoing legal review.

RESOLUTION NO.: 2014-

DATED: November 19, 2014

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY APPROPRIATING
ADDITIONAL FUND IN THE ORGANICS RESERVE

WHEREAS, the Agency approved the Sonoma County Waste Management Agency Fiscal Year 2014/15 Budget by unanimous vote on April 16, 2014; and

WHEREAS, additional costs related to contract services have become known to Agency staff that were not reasonably foreseeable at the time of budget adoption; and

WHEREAS, additional appropriations in the Organics Reserve are necessary to account for the additional cost of the interim measures for the Zero Discharge Plan implementation in the amount of \$10,000, with the financial system coding as Fund 78103, Department 66110300, Account 51803.

NOW, THEREFORE BE IT RESOLVED that the Sonoma County Waste Management Agency Board of Directors hereby approves the adjustment to the FY 2014/15 Sonoma County Waste Management Agency 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 19, 2014

Patrick Carter,
Acting Clerk of the Sonoma County Waste Management Agency
Agency of the State of California in and for the County of Sonoma



Agenda Item #: **9**
Cost Center: **All**
Staff Contact: **Mikus, Carter**
Agenda Date: **11/19/2014**

ITEM: **New Compost Site EIR Review/Recirculation Appropriation**

I. BACKGROUND

The process for evaluating and selecting a site for constructing and operating a new compost facility has been lengthy and detailed. To conform with CEQA requirements, an EIR has been prepared evaluating multiple sites identified during an earlier series of site related studies tasked with identifying suitable and available locations.

The Draft EIR was first presented to the SCWMA Board in January 2012. More work on the Draft EIR was done, and the document was recirculated in October 2012. The Final EIR was presented to the SCWMA Board in April 2013, although the Final EIR has yet to be certified. Among the locations studied, two sites became the choices as most viable: a proposed location at the County's Central Landfill property, and an agricultural parcel east of Petaluma identified as "Site 40". The EIR identified the Central site as the slightly preferred environmental alternative.

Subsequently, the SCWMA Board asked staff to compile data related to financial and practical considerations to aid in evaluating and selecting a site. This evaluative process resulted in a consulting engineering firm doing a preliminary site design to a detailed enough level to verify the site capacity and construction costs for the environmentally preferred site; the engineer's report was presented to the SCWMA Board in October 2014. Based on new information related to the site from the preliminary design the SCWMA Board asked that the EIR be updated to incorporate this information, and possibly be recirculated. Due to related time constraints, the Board wished this work to be done as expeditiously as practical.

II. DISCUSSION

Three firms were furnished a draft scope of work (attached) as a starting point for the preparation of proposals. The proposals were received and evaluated. Prices ranged from \$80,461 to \$109,296, and time frame to perform the review ranged from 5 to 8 months.

Driven by the Board's direction that the EIR review was to begin as quickly as possible, staff selected and entered into an agreement with CH2M Hill to perform the work. The CH2M Hill proposal provided flexibility in that it showed expense and time for the EIR review, with a decision point then to either amend the Final EIR, or recirculate the EIR and prepare a Final EIR. The cost is \$69,301 for just the review, which would be complete by March/April 2015. If recirculation is required, it is expected to take through the middle of July 2015. The project cost would then include \$11,160 for a total of \$80,461.

At the time of transmittal preparation, staff had not fully negotiated the agreement with CH2M Hill Engineers, Inc., so the Short Form agreement included was the draft template. By the time of the meeting, the agreement will be on file with the Clerk.

III. FUNDING IMPACT

Funding for this agreement is drawn from the Organics Reserve. Even with this additional expense, the Organics reserve is estimated to have a fund balance of approximately \$3.5 million at the end of the current fiscal year.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board authorize appropriation of funds from the Organics Reserve to the operating budget of \$80,461, and confirm of staff entering into an agreement with CH2M Hill to perform the Compost Site EIR review, and recirculation if needed. As the budget for this item is in excess of \$50,000, this item requires a unanimous vote for approval.

V. ATTACHMENTS

Scope of Work
Proposal
Short form contract
Resolution

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA



October 27, 2014

Scope of Work
New Compost Facility Review of Final EIR

Background:

SCWMA is a Joint Powers Authority serving the 9 cities plus the unincorporated areas of Sonoma County as a regional entity working on waste diversion plus solid waste planning & reporting. A major program is operation of a large organics material composting facility. For some time, SCWMA has been working to select a site for and construct a new compost facility. To this end an EIR has been prepared. Two possible sites were determined to be most likely, and analyzed to the same full project level.

The Draft EIR was first presented to the SCWMA Board in January 2012. More work on the Draft EIR was done, and the document was recirculated in October 2012. The Final EIR was presented to the SCWMA Board in April 2013.

Subsequently, the SCWMA Board asked staff to compile data related to financial and practical considerations to aid in evaluating and selecting a site. This evaluative process resulted in a consulting engineering firm doing a preliminary site design to a detailed enough level to verify the site capacity and construction costs for the environmentally preferred site; the engineer's report was presented to the SCWMA Board in October 2014. Based on new information related to the site from the preliminary design the SCWMA Board asked that the EIR be updated to incorporate this information, and possibly be recirculated. Due to related time constraints, the Board wishes this work to be done as expeditiously as practical.

Scope of Work:

- A. Incorporate the following new information and factors:
 - 1. A fully roofed work area.
 - 2. Fully enclosed receiving and initial processing buildings, done to work at negative air pressure.
 - 3. Different footprint and elevation of site
 - 4. Addition of retail area
 - 5. Storm contact water discussion
- B. Brief review of other key EIR elements
- C. Recirculation if required



CH2M HILL
155 Grand Ave.
Suite 800
Oakland, CA
94612
Tel 510.251.2426

November 6, 2014

Henry Mikus
Executive Director
Sonoma County Waste Management Agency (SCWMA)
2300 County Center Drive, Suite B 100
Santa Rosa, California 95403

Subject: Letter Proposal for Review of New Compost Facility Final EIR

Dear Mr. Mikus:

CH2M HILL Engineers, Inc. (CH2M HILL) is pleased to provide you our proposal for reviewing and updating the New Compost Facility Final Environmental Impact Report (Final EIR). The scope, budget, schedule, and key staff are included in the attachment. We have also enclosed the Short Form Contracting Agreement with proposed modifications that we would like to review with you at your convenience.

We understand the importance of this project and share your motivation to complete the California Environmental Quality Act (CEQA) process as quickly as possible while still producing a strong Final EIR. We have prepared a proposed scope and schedule using senior staff with extensive CEQA, waste management and composting experience that will enable SCWMA to accomplish their goals. If an alternate level of effort or different schedule is required by SCWMA, we would be happy to discuss options to modify our scope, budget and/or schedule.

Please do not hesitate to contact us if you have any questions. Andrea can be reached at andrea.gardner@ch2m.com or 510.393.5168 (cell). We look forward to the opportunity to work with you.

Sincerely,

CH2M HILL Engineers, Inc.



Andrea Gardner
Project Manager

Vice President

SCWMALetterProposal_CH2M HILL_06November2014.docx

Attachment 1 – Proposal

Scope of Work

Sonoma County Waste Management Agency (SCWMA) has been working to select a site to construct a new compost facility. SCWMA has previously completed a Draft EIR (DEIR) evaluating two potential sites at a project level of detail, and presented the DEIR to the SCWMA Board in January 2012. New information resulted in SCWMA revising the DEIR and recirculating it in October 2012. The Final EIR was prepared and presented to the SCWMA Board in April 2013.

SCWMA is proposing additional changes to the Central Site Alternative as described in the 2012 Recirculated Draft EIR (RDEIR). These changes include a fully roofed working area; fully enclosed receiving and initial processing buildings operating at negative air pressure; changes in footprint and site elevation; and addition of a retail area. SCWMA intends to update the Final EIR to incorporate these changes as well as an expanded discussion of storm water contact. In addition, SCWMA would like a review of other key EIR elements for consistency with recent CEQA court decisions and standard of practice.

CH2M HILL Engineers, Inc. (CH2M HILL) will complete the following tasks to update the Final EIR.

Task 1. Review Key CEQA and Project Documents

CH2M HILL CEQA and waste management experts will review new project information and key documents in the Administrative Record. This review will enable the team to identify the additional analysis needed to update the environmental documentation. The lead planner will review all documents, and identify key sections for technical experts to review. The documents to be reviewed include:

- Preliminary design and description of proposed changes
- *Sonoma County Waste Management Agency Compost Facility Draft Environmental Impact Report, Volumes I, II and III, October 2011*
- *Sonoma County Waste Management Agency Compost Facility Recirculated Draft Environmental Impact Report, October 2012*
- *Sonoma County Waste Management Agency Compost Facility Final Environmental Impact Report, April 2013*
- *Composting Facility Siting Study for Sonoma County, CA. HDR Engineering, Inc. June, 2008.*
- Tetra Tech BAS Central Proposed Site Engineering Report

It is assumed that SCWMA will provide electronic or hard copies of these documents within 2 days of Notice to Proceed (NTP). SCWMA may identify additional documents for review; it is assumed that up to five more documents will be provided to CH2M HILL for detailed review.

Task 2. Analyze Potential Changes in Impacts and Mitigation Measures

CH2M HILL will identify and analyze the potential new or revised impacts from the proposed project changes as compared to the impacts discussed in the DEIR and RDEIR. In some cases, potential impacts may be reduced. Although all potential impacts from the Central Site project in the DEIR and RDEIR will be checked for needed updates, it is anticipated that new or revised impacts will include the following:

- Revised construction and operational emissions of air pollutants and greenhouse gas emissions
- Changes in odor emissions and dispersion
- Changes to operational impacts on water quality
- Changes to onsite management of stormwater

- Changes to noise generation or exposure of persons to noise from compost operations
- Modifications to the visual character of the Central Site primarily from the building enclosure of the compost operation and the changed elevation

The associated mitigation measures in the DEIR and RDEIR will also be reviewed and modified as appropriate. The models and factors cited in the DEIR and RDEIR will be used as needed to analyze changes to air quality and noise impacts. No other new data collection, modeling, or field work are assumed as part of this task.

Task 3. Review of Other Key EIR Elements

CH2M HILL will review and identify other key elements, if any, of the DEIR, RDEIR, and Final EIR that may need additional documentation to meet the standard of practice. This will be based on the results of Task 1 and issues cited in prior comment letters, and will be conducted in light of recent CEQA laws, regulations, and published court decisions. Up to 40 hours by technical experts has been included for this task. CH2M HILL will discuss identified corrections and additions with SCWMA before including them in the Task 4 report.

Task 4. Prepare Report

CH2M HILL will prepare a draft report that includes a description of and purpose for the changes to the Central Site Alternative, summary of the new and revised impacts and mitigation measures, and associated revisions to the applicable sections of DEIR, RDEIR, and Final EIR text. The report format will allow it to be used either as an attachment to the existing Final EIR to provide substantial evidence in the administrative record for the decision not to recirculate the EIR, or as the basis for a recirculated Draft EIR if it is determined to be needed per Task 5. The draft report will reference the Administrative Record for information on existing setting, graphics, and other information that is not changing. No new graphics are included. It is assumed that SCWMA will provide the Microsoft Word versions of the DEIR, RDEIR, and Final EIR to expedite preparation of text revisions. It is assumed that SCWMA will prepare any needed changes to the findings for the Final EIR.

The draft report will be provided to SCWMA for review and comment. It is assumed that SCWMA will complete its review, including review by legal counsel, within 4 weeks. CH2M Hill will prepare a revised draft report for a second review by SCWMA. It is assumed that SCWMA will complete this review, including review by legal counsel, within 2 weeks; any comments are assumed to be minor and not require further technical analyses or significant additions of text. Based on the comments on the revised draft, CH2M HILL will prepare a final report and provide it to SCWMA as a pdf suitable for distribution and printing. Participation at the Final EIR Board meeting is included in Task 6.

Task 5. Recirculate Draft EIR

Depending on the results of previous tasks, SCWMA and its legal counsel may determine that it is necessary to recirculate the DEIR. Section 15088.5 of the CEQA Guidelines states that a lead agency is required to recirculate an EIR when significant new information, such as a new significant environmental impact or a substantial increase in the severity of an impact, is added.

For recirculation, CH2M HILL will prepare a second Recirculated Draft EIR by adding information about the CEQA process and basis for recirculation to the Task 4 report. The second RDEIR will only address those items that are changing. The draft document will be provided to SCWMA for review and comment. It is assumed that SCWMA will complete its review, including review by legal counsel, within 2 weeks; any comments are assumed to be minor. CH2M HILL will incorporate comments and prepare the final Recirculated Draft EIR and provide it to SCWMA as a pdf suitable for distribution and printing. CH2M HILL will also prepare a Notice of Availability. One CH2M HILL staff will attend the Board hearing.

CH2M HILL will prepare responses for up to 25 new comments on the Recirculated Draft EIR to include in the Final EIR. The draft responses will be provided in one deliverable to SCWMA for review and comment. It is

assumed that SCWMA will complete its review, including review by legal counsel, within 2 weeks; up to 8 labor hours are assumed to revise responses based on SCWMA comments. It is assumed that SCWMA will prepare any needed changes to the findings for the Final EIR. Other work to prepare the Final EIR is included in Task 4. Participation at the Final EIR Board meeting is included in Task 6.

Task 6. Project Management and Meetings

CH2M HILL will provide the project management tasks, including:

- Monthly invoicing and project controls for up to 8 months
- Attendance at up to five 2-hour meetings by one CH2M HILL staff
- Attendance by 2 CH2M HILL staff at the Final EIR Board meeting
- Email and phone coordination with SCWMA staff
- Completed files, studies, and calculations to contribute to the project's overall Administrative Record

Cost

The services described above will be provided on a time and materials basis with a not-to-exceed cost of \$79,766. Table 1 lists the costs and hours by task. Task 5 will not be performed without prior authorization by SCWMA. Remaining budget on a completed task may be used for other tasks at the direction of SCWMA. The proposed budget assumes CH2M HILL and SCWMA will agree to mutually acceptable terms and conditions.

Table 1. Hours and Costs by Task

Staff Category	Rate	Hours						Subtotal Hours
		Task 1	Task 2	Task 3	Task 4	Task 5	Task 6	
Senior Technologist	\$207	2	20	6	6	0	2	36
Senior Planner/Scientist	\$180	29	62	33	68	40	32	264
Planner/Scientist	\$155	6	40	1	36	16	0	99
Staff Engineer	\$138	0	24	0	0	0	0	24
Technical Editor	\$115	0	0	0	24	12	0	36
Office/Clerical	\$82	0	0	0	0	0	6	6
Project Accountant	\$75	0	0	0	0	0	20	20
Subtotal – Labor Hours		37	146	40	134	68	60	485
Subtotal – Labor Cost		\$6,564	\$24,812	\$7,337	\$21,822	\$11,060	\$8,166	\$79,761
Expenses		\$0	\$0	\$0	\$0	\$100	\$600	\$700
TOTAL COST		\$6,564	\$24,812	\$7,337	\$21,822	\$11,160	\$8,766	\$80,461

Schedule

CH2M HILL has provided a schedule in Table 2 based on a standard process of evaluating and documenting changes in impacts and verify if recirculation is required. If recirculation of the EIR is not required, then certification of the Final EIR can occur in March 2015. Given that a legal challenge appears to be imminent based on public comments received, no recirculation may be a preferable option. However, if the decision is made at this point in the process to recirculate the Draft EIR, another 3 to 4 months is needed to complete

the required public review period, response to comments, and certify the Final EIR. If review times can be compressed and public comments are minor, certification of the Final EIR can be done in June or July (the latter is shown in Table 2).

If it is likely that the SCWMA Board will want to recirculate the EIR, CH2M HILL recommends making that decision at the time of Notice to Proceed and moving directly into preparing the Recirculated Draft EIR. With compression of the review times, certification of the Final EIR could be done in April or May 2015.

Table 2. Schedule

Task	Duration	Completion Date Assuming NTP of November 17, 2014
Task 1 Review Key CEQA and Project Documents	1 week; assumes documents provided within 2 days of NTP	November 26, 2014
Task 2 Analyze Potential Changes in Impacts and Mitigation Measures	2 weeks; start is after start of Task 1	December 5, 2014
Task 3 Review of Other Key EIR Elements	3 weeks; start is NTP	December 5, 2014
Task 4 Prepare Report		
First Draft Report for submittal to SCWMA	2 weeks, after completion of Tasks 2 and 3	December 19, 2014
Review by SCWMA	4 weeks	January 23, 2015 (last week of Dec. not included due to holidays)
Revised draft report for submittal to SCWMA	1 week	January 30, 2015
Review by SCWMA	2 weeks	February 13, 2015
Final report	1 week	February 20, 2015
Meet to determine need for recirculation	1 week	February 27, 2015
Final EIR Board Meeting (Part of Task 6)	Assumes staff report submitted by March 8	March 18, 2015
Task 5 Recirculate Draft EIR		
Draft Recirculated DEIR for submittal to SCWMA	1 week following meeting to determine recirculation	March 6, 2015
Review by SCWMA	2 weeks	March 20, 2015
Final RDEIR, Notice of Availability and reproduction	1 week	March 27, 2015
Public review period for RDEIR	45 days assuming March 30 start	May 13, 2015 (assumes public hearing on April 15)
Prepare additional responses to comments for Final EIR	2 weeks following end of public review period	May 27, 2015
Review by SCWA	2 weeks	June 10, 2015
Final responses to comments and incorporation in Final EIR	1 week	June 17, 2015
Final EIR Board Meeting (part of Task 6)	Assumes staff report submitted by July 5	July 15, 2015
<i>Achieving the schedule is contingent on provision of key technical information and documents and timely review of draft reports by SCWMA as noted in the task assumptions.</i>		

Staff

CH2M HILL will assign our top CEQA and waste management technical experts, nearly all with extensive Bay Area experience, to completing this project. These staff and a summary of their qualifications are listed in Table 3. CH2M HILL will draw on its deep pool of additional expertise in areas such as noise, air quality, and visual resources as needed.



CH2M HILL
155 Grand Ave.
Suite 800
Oakland, CA
94612
Tel 510.251.2426

Table 3. Proposed Technical Staff

Proposed Staff	Experience
Andrea Gardner, PMP, LEED AP BD+C, ENV SP	<ul style="list-style-type: none"> Ms. Gardner is a Certified Project Management Professional with over 20 years of experience in planning, permitting, public outreach, and sustainability projects for a range of municipal and utility clients, with notable experience in biosolids management projects. Successful completion of CEQA review for controversial projects such as incinerators and biosolids handling facilities. Experience performing third-party review of CEQA documentation. Ms. Gardner will serve as the Project Manager and lead planner for the project.
MariaElena Conserva, Ph.D.	<ul style="list-style-type: none"> Dr. Conserva has a broad background in environmental science, planning, and law, with a focus on visual impact assessment. She has over 15 years of professional experience as a professional environmental planner and university researcher and has been involved in over 20 visual assessment efforts. Dr. Conserva is experienced in the preparation of analyses that meet the requirements of NEPA, CEQA, Federal Highway Administration, Bureau of Land Management, and U.S. Forest Service.
Matt Franck	<ul style="list-style-type: none"> Mr. Franck is an Environmental planner with 24 years of experience managing and preparing environmental impact assessment documents that are in compliance with NEPA, CEQA, and other agency requirements. He has conducted environmental studies throughout the Western United States and has specialized experience in permitting and application leadership activities with various municipal, state, and federal entities. Mr. Franck has expertise in the comprehensive analysis of project impacts to surface water hydrology, groundwater, water supply, wastewater treatment, and drainage and stormwater quality.
Scott Gamble, P.Eng.	<ul style="list-style-type: none"> Mr. Gamble has over twenty years of technical and operations/management experience in the waste management industry. Mr. Gamble has been directly involved with the operation, troubleshooting, design and auditing of several composting facilities that have processed feedstocks ranging from leaf and yard wastes and food waste to slaughterhouse waste and mixed municipal solid waste (MSW). He is very familiar with the range of operational and process-control issues that must be addressed at composting facilities including: visual, odor, air, leachate, stormwater, and other environmental concerns. In the past 8 years, he has been involved with the assessment and design of composting, aerobic digestion (AD), and Mechanical-Biological Treatment (MBT) facilities.
Janet Goodrich, PE	<ul style="list-style-type: none"> Ms. Goodrich has more than 25 years of solid waste facility and program planning, permitting, and design experience for numerous facilities throughout the United States, with specialized expertise in compost project development; co-digestion of wastes; facility siting, procurement, and permitting; landfill postclosure end use, reclamation, and reuse; and landfill gas migration control. She serves as the leader of CH2M HILL's Integrated Waste Solutions Practice.
Jim Hunter	<ul style="list-style-type: none"> Mr. Hunter has more than 28 years of experience in providing environmental and regulatory compliance consulting services, including CEQA and NEPA, to numerous municipal and industrial clients in Southern California and other areas of the United States, including several solid waste facility operators. He has a proven track record establishing and maintaining excellent working relationships with staff and decision-makers at numerous regulatory agencies.

Table 3. Proposed Technical Staff

Proposed Staff	Experience
Lyndsey Lopez, EIT	<ul style="list-style-type: none"> • Ms. Lopez has more than 10 years of experience working on organics/food scrap separation and processing (including composting and AD), solid waste processing and diversion, stormwater management, and other environmental projects. • Her solid waste project work includes solid waste program & alternative evaluation, decision analysis, zero waste planning, collection and processing technology screening and evaluation, site and facility layout preparation, facility sizing and evaluation, feedstock evaluation, mass balance preparation, cost estimation, evaluation of existing facilities, feasibility studies, stormwater best management practices, and permitting assistance.
Jill Sideman, Ph.D.	<ul style="list-style-type: none"> • Dr. Sideman brings 30 years of experience in environmental analysis for waste management projects and works directly with clients to evaluate their most significant environmental risks, identify and analyze innovative and cost-effective risk reduction strategies, and select the best business management options for their environmental liabilities. • She has extensive technical experience in solid and hazardous waste management, solid waste facility siting, land- and water-use planning, environmental impact analysis, and community involvement.
Pamela Vanderbilt	<ul style="list-style-type: none"> • Ms. Vanderbilt is a Principal Technologist, specializing in Air Quality Services. She has over 30 years of experience in air quality permitting, health risk assessment, regulatory review, and environmental compliance. • She is experienced in preparation and review of environmental impact studies and air quality permit applications for a variety of projects.
Shannon Wright, PE	<ul style="list-style-type: none"> • Mr. Wright is a solid waste engineer with 21 years of experience in civil engineering, including experience garnered on stormwater and leachate management projects for landfills and compost facilities. He is also highly experienced in services-during-construction related to a variety of solid waste projects. • Mr. Wright has experience working with many different agencies, from permitting to regulatory compliance, reducing the time needed to meet minimum regulatory requirements. He is a Qualified Storm Water Pollution Plan Developer (certificate no. 00560).

Revised Schedule

CH2M HILL has provided a schedule in Table 2 based on a standard process of evaluating and documenting changes in impacts and verify if recirculation is required. If recirculation of the EIR is not required, then certification of the Final EIR can occur in March 2015. Given that a legal challenge appears to be imminent based on public comments received, no recirculation may be a preferable option. However, if the decision is made at this point in the process to recirculate the Draft EIR, another 3 to 4 months is needed to complete the required public review period, response to comments, and certify the Final EIR. If review times can be compressed and public comments are minor, certification of the Final EIR can be done in June or July (the latter is shown in Table 2).

If it is likely that the SCWMA Board will want to recirculate the EIR, CH2M HILL recommends making that decision at the time of Notice to Proceed and moving directly into preparing the Recirculated Draft EIR. With compression of the review times, certification of the Final EIR could be done in April or May 2015.

Table 2. Schedule

Task	Duration	Completion Date Assuming NTP of November 17, 2014
Task 1 Review Key CEQA and Project Documents	1 week; assumes documents provided within 2 days of NTP	November 26, 2014
Task 2 Analyze Potential Changes in Impacts and Mitigation Measures	2 weeks; start is after start of Task 1	December 5, 2014
Task 3 Review of Other Key EIR Elements	3 weeks; start is NTP	December 5, 2014
Task 4 Prepare Report		
First Draft Report for submittal to SCWMA	2 weeks, after completion of Tasks 2 and 3	December 19, 2014
Review by SCWMA	4 weeks	January 23, 2015 (last week of Dec. not included due to holidays)
Revised draft report for submittal to SCWMA	2 weeks	February 6, 2015
Review by SCWMA	2 weeks	February 20, 2015
Final report	1 week	February 27, 2015
Meet to determine need for recirculation	Up to 3 business days	By March 4, 2015
Final EIR Board Meeting (Part of Task 6)	Assumes staff report submitted by March 8	March 18, 2015
Task 5 Recirculate Draft EIR		
Draft Recirculated DEIR for submittal to SCWMA	1 week following meeting to determine recirculation	March 11, 2015
Review by SCWMA	2 weeks	March 25, 2015
Final RDEIR, Notice of Availability	1 week	April 14, 2015
Public review period for RDEIR	45 days assuming April 1 start	May 15, 2015 (assumes public hearing on April 15)
Prepare additional responses to comments for Final EIR	4 weeks following end of public review period	June 12, 2015
Review by SCWA	2 weeks	June 26, 2015
Final responses to comments and incorporation in Final EIR	1 week	July 3, 2015
Final EIR Board Meeting (part of Task 6)	Assumes staff report submitted by July 5	July 15, 2015
<i>Achieving the schedule is contingent on provision of key technical information and documents and timely review of draft reports</i>		

Table 2. Schedule

Task	Duration	Completion Date Assuming NTP of November 17, 2014
<i>by SCWMA as noted in the task assumptions.</i>		

SONOMA COUNTY WASTE MANAGEMENT AGENCY
SHORT FORM CONTRACTING AGREEMENT

I. CONTRACTOR INFORMATION

Contractor:

Address:

Telephone:

Fax:

II. AGENCY INFORMATION

Agency: Sonoma County Waste Management Agency (SCWMA)

Address: 2300 County Center Dr., Ste. B 100
Santa Rosa, California
95403

Telephone: (707) 565-3788

Fax: (707) 565-3701

Project:

Completion Date:

Agency reserves the right to extend this Agreement for one (1) year periods provided that extensions are agreeable to both parties (Agency and Contractor).

III. SCOPE OF WORK

The Contractor shall perform the following services:

The Agency, using the services of contractor, will provide the following services in furtherance of this Agreement:

IV. PAYMENT FOR SERVICES

- Agency shall pay Contractor within thirty (30) days of the date Contractor sends an invoice to Agency.

V. INDEPENDENT CONTRACTOR

Contractor is an independent contractor, working under his/her own supervision and direction and is not a representative of Agency.

VI. CONFIDENTIALITY AND OWNERSHIP

The Agency retains the exclusive right of ownership to the work, products, inventions and confidential information produced for the Agency by the Contractor, and the Contractor shall not disclose any information, whether developed by the Contractor or given to the Contractor by the Agency.

VII. TERMINATION

Agency may terminate this Agreement by written notice at any time at Agency's sole discretion.

VIII. INSURANCE.

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

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

2 General Liability Insurance. Commercial general liability insurance covering bodily injury and property damage using an occurrence policy form, in an amount no less than 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 or materially changed without first giving thirty (30) days prior written notice to the Sonoma County Waste Management Agency.

3 Automobile Insurance. Automobile liability insurance covering bodily injury and property damage in an amount no less than One Million Dollars (\$1,000,000) combined single limit for each occurrence. Said insurance shall include coverage for owned, hired, and non-owned vehicles. Said policy shall be endorsed with the following language:

This policy shall not be cancelled or materially changed without first giving thirty (30) days prior written notice to the Sonoma County Waste Management Agency.

IX. INDEMNIFICATION:

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, property damage or economic loss of any type, 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. Contractor shall defend Agency with counsel selected by Contractor's insurer, which counsel shall be reasonably acceptable to Agency. 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 by the Agency's Executive Director.

XI. CONTRACTOR'S STANDARD OF CARE

Agency has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. 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

Contractor 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.

By:

Chair, SONOMA COUNTY WASTE MANAGEMENT AGENCY

Date

CONTRACTOR

Date

Reviewed as to content:

Henry Mikus, SCWMA Executive Director

Reviewed as to form:

Janet Coleson, Agency Counsel

RESOLUTION NO.: 2014-

DATED: November 19, 2014

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY ENTERING INTO AN
AGREEMENT WITH CH2M HILL ENGINEERS, INC. AND APPROPRIATING ADDITIONAL FUND IN
THE ORGANICS RESERVE

WHEREAS, the Agency approved the Sonoma County Waste Management Agency Fiscal
Year 2014/15 Budget by unanimous vote on April 16, 2014; and

WHEREAS, additional costs related to contract services have become known to Agency
staff that were not reasonably foreseeable at the time of budget adoption; and

WHEREAS, the Agency Board directed staff to seek the services of a consulting firm to
review the Compost Relocation Project EIR in light of new information contained in an
engineering report produced by Tetra Tech BAS; and

WHEREAS, the Agency Board directed staff to implement the review and consulting firm
selection in an expedited schedule; and

WHEREAS, the Agency received three proposals from prospective consulting firms and
selected CH2M Hill's proposal as the preferred proposal; and

WHEREAS, additional appropriations in the Organics Reserve are necessary to account
for the additional cost of the project detailed by CH2M Hill in the amount of \$80,461, with the
financial system coding as Fund 78103, Department 66110300, Account 51803.

NOW, THEREFORE BE IT RESOLVED that the Sonoma County Waste Management Agency
Board of Directors hereby enters into an agreement with CH2M Hill Engineers, Inc. for the
purpose of making necessary updates to the Compost Relocation EIR and approves the
adjustment to the FY 2014/15 Sonoma County Waste Management Agency 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 19, 2014

Patrick Carter,
Acting Clerk of the Sonoma County Waste Management Agency
Agency of the State of California in and for the
County of Sonoma



Agenda Item #: **10**
Cost Center: **All**
Staff Contact: **Mikus, Coleson**
Agenda Date: **11/19/2014**

ITEM: **Update Report JPA 3rd Amendment Approvals**

I. BACKGROUND

The SCWMA Board has conducted several Strategic Planning Work Sessions to discuss, among several topics, the future of SCWMA after the current JPA Agreement 25-year end date of February 2017. The most recent Strategy Session occurred June 23, 2014.

During discussion at the June Session basic facets of a proposed "Third Amendment to the JPA Agreement" were put forth, and direction was given to Agency Counsel to incorporate a number of choices or options concerning items such as the unanimous vote requirement, the make up of the Agency Board and continuation of the Agency past the February 2017 sunset date. Additionally, the Board directed the revisions to the JPA agreement be a Third Amendment to the agreement. The Board's input was incorporated into a draft, given to the Board at the July Board meeting, and subsequently issued to the SCWMA member jurisdictions for discussion and approval.

A copy of the Draft Third amendment is attached. Key elements are:

- Agency name: Remains the same.
- Changes to JPA Agreement: Amend the agreement, do not go forward with a totally new agreement.
- Length of new JPA agreement: Perpetual
- Governance will be two-tier:
 - Agency Board will be comprised of electeds, one representing each jurisdiction.
 - Technical Advisory Group will be comprised of staff members who advise the Board.
 - Meeting frequency of each group to be determined, as is practical for getting work done.
- Core functions: Amended agreement should cover all four core functions that exist today. It should specify that the Board reserves the right to assign compost out by Board resolution. The Board does not want to have to take an amendment to individual jurisdictions to make this change should they decide to relinquish compost responsibility at a later point.
- Voting model:
 - Simple majority for all decisions except:
 - Purchase of real property.
 - Decisions to incur debt from public or private lending sources greater than \$250,000.
 - Adoption of the annual budget.
 - Adoption of additional core programs.
 - Expenditure of funds greater than \$250,000.

- Amendment of the JPA agreement.
- Super-majority vote of ¾ of the members (8 of 10) required for the 6 items above
- The ability to opt out of programs is in the current agreement, due to an amendment. This same language needs to go in the new agreement. This is a separate issue from voting.

In July 2014 SCWMA submitted an updated Zero Discharge Plan for the compost facility to the North Coast Regional Water Quality Control Board (NCRWQCB). Among several parallel timelines discussed for achieving Zero Discharge of storm contact water from the compost site, one timeline identified proceeding with selecting, designing, permitting, and construction a new site properly engineered to manage storm water correctly. However, for this path to be followed, the SCWMA future beyond February 2017 has to be settled due to factors related to time for the process to occur and enabling a sufficient contract time frame to effectively amortize site expenses. Thus the Zero Discharge Plan included discussing the SCWMA renewal, that process' impact on the Plan timeline, and included the Board's stated desire to resolve the SCWMA future in the near future in the project timeline.

II. DISCUSSION

The SCWMA member jurisdictions governing bodies have had discussions about the Draft Third Amendment to varying degrees as follows:

- Cloverdale has approved the Third Amendment.
- Healdsburg has approved the Third Amendment in concept with the recognition this is a draft and not the final form.
- Windsor has not discussed the Third Amendment.
- The Santa Rosa SCWMA Board member has communicated to staff that Santa Rosa concerns exist on provisions of the draft amendment, but they are hopeful of resolving their concerns. Agency Counsel has had some dialogue with the Santa Rosa City Attorney.
- Rohnert Park has discussed the draft amendment at Waste Subcommittee meeting; a list of pertinent questions was sent to the SCWMA staff to which a reply was recently returned.
- Cotati has discussed the Third Amendment.
- Petaluma has engaged R3 Consultants (the same firm that prepared a report for the Board on SCWMA functions and service delivery) to do a cost benefit analysis specific to Petaluma. Petaluma staff have indicated once their R3 report is complete the Third Amendment will be set for Council discussion, perhaps near the end of the year.
- Sonoma has not discussed the Third Amendment.
- Sebastopol has approved the Third Amendment in concept with the recognition this is a draft and not the final form.
- The County of Sonoma has not discussed the Third Amendment.

Agency Counsel attended a meeting with most of the member jurisdictions' attorneys on September 17, 2014, where numerous questions were raised about the Draft Agreement. The key concerns are on the following topics:

- Expansion of the scope of SCWMA
- Indemnification of member jurisdictions; insurance amounts
- Termination of the JPA Agreement

- Allowing the Board (and not member jurisdictions' governing bodies) to approve Amendments to the JPA Agreement
- Withdrawal of members
- Generating revenue, and allocating expenses
- Compost program future
- County obligation for a compost site

SCWMA staff and Agency Counsel are seeking direction from the Board on addressing the attorneys' issues. Potentially revising the Draft Third Amendment in recognition of some or all concerns is one option. Given that the continued existence of SCWMA is a chief aim of the draft amendment, that the issues raised carry some degree of complexity that will require time to settle, and that the current JPA Agreement has worked for over 20 years even though recognition exists some changes are warranted, an alternate course of action would be to simplify the Third amendment to just extending SCWMA coupled with continued discussion among the member jurisdictions on a Fourth Amendment for any needed revisions.

III. FUNDING IMPACT

None at this time.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board authorize Agency Counsel to redraft a Third Amendment to the JPA Agreement that simply extends the SCWMA beyond February 2017 and until terminated by action of either the Board or the Member jurisdictions' governing bodies.

Alternate One: Direct the Executive Director, Agency Counsel, the Board Chair and Vice-Chair to meet with the Members' attorneys before the end of 2014, as requested by the attorneys, to discuss the Third Amendment to the JPA, other JPA amendments, and the future of SCWMA.

Alternate Two: Revise the Draft Third Amendment to reflect one or more of the Attorney/Member Jurisdictions' concerns

Alternate Three: Retain the Draft Third Amendment in its current form.

V. ATTACHMENTS

Draft Third Amendment to the JPA Agreement

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA

**THIRD AMENDMENT TO AGREEMENT BETWEEN THE
CITIES OF SONOMA COUNTY AND THE COUNTY OF SONOMA
FOR A JOINT POWERS AGENCY TO DEAL WITH WASTE MANAGEMENT ISSUES**

THIS THIRD AMENDMENT ("AMENDMENT") to the Agreement between the cities of Sonoma County and the County of Sonoma for a Joint Powers Agency to Deal with Waste Management Issues, dated for reference as of _____, 20__, ("Effective Date") is entered into by the County of Sonoma, a political subdivision of the State of California ("County"), the City of Cloverdale, a municipal corporation ("Cloverdale"), the City of Healdsburg, a municipal corporation ("Healdsburg"), the Town of Windsor, a municipal corporation ("Windsor"), the City of Santa Rosa, a municipal corporation, ("Santa Rosa"), the City of Sebastopol, a municipal corporation, ("Sebastopol"), the City of Sonoma, a municipal corporation ("Sonoma"), the City of Rohnert Park, a municipal corporation, ("Rohnert Park"), the City of Cotati, a municipal corporation ("Cotati"), and the City of Petaluma, a municipal corporation ("Petaluma"). The Cities, the Town and the County are sometimes individually referred to herein as "Member" and collectively as "Members."

RECITALS

1. The Members are "public agencies" under the provisions of the Joint Exercise of Powers Act that authorizes the joint exercise of powers common to public agencies, Government Code Section 6500 et seq.

2. By September 9, 1992, all Members had entered into that certain Agreement titled "Agreement Between The Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues (Wood Waste, Yard Waste, Household Hazardous Waste, and Public Education)" ("Original Agreement"). That Original Agreement created a separate public entity, the Sonoma County Waste Management Agency ("SCWMA" or "Agency"), based upon the following facts and circumstances:

A. Changes in the requirements for waste treatment and disposal have created an urgent need for new and innovative approaches in the treatment and disposal of waste generated within the boundaries of the Members;

B. A mutually cooperative Joint Powers Agreement will protect the health and safety of the citizens, preserve and enhance the environment, and provide for recycling, diversion, and disposal of waste generated within Members' boundaries;

C. The California Integrated Waste Management Act of 1989 ("AB 939"), requires Members to divert recyclable and recoverable materials from the waste stream and to cooperate to achieve diversion goals. It is the intent of the Members to cooperate with each other, as reflected in this Agreement, so as to carry out these objectives.

D. Members have agreed on the formation of a Joint Powers Agency to deal with wood, yard, and household hazardous waste issues and education in the manner set forth in this Agreement. Members will continue to discuss other waste management issues and endeavor to reach agreement on those issues after which this Agreement will be amended by mutual written consent.

E. By the Agreement, the Members intend to jointly exercise their powers to achieve common objectives.

3. On January 24, 1996, the Members entered into that certain agreement entitled “First Amendment to Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues” (“First Amendment”). This First Amendment, among other things, defined the term Regional Agency and declared the Members’ desire to use the structure of the Agency as a Regional Agency for purposes of Section 40971 of the California Public Resources Code, the Integrated Waste Management Act. As a result of this First Amendment, all Members were deemed to be Members of the Regional Agency.

4. On March 27, 2014, the Members entered into that certain agreement entitled “Second Amendment to Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues” (“Second Amendment”). This Second Amendment, among other things, set forth the Members’ ability to participate in non-core programs and clarified that the Agency has the authority to adopt ordinances.

5. The term of the Original Agreement was for twenty-five (25) years with a provision for extending the Original Agreement by mutual agreement of the Members on a year by year basis. Since the end of the term of the Original Agreement is approaching, and in light of the evolution of the Agency over the past twenty years and the perceived need for modifications to the Original Agreement, the Members have determined that it is desirable and in the public interest to revise and amend the Joint Exercise of Powers Agreement.

6. It is intended by the Members that this Agreement shall be amendatory of the Original Agreement, including the First and Second Amendments, and shall restate, amend and supersede the Original Agreement and First and Second Amendments in their entirety as of the Effective Date. Upon its effective date, this Third Amendment to Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues shall govern the relationship of the public agencies that comprise the Sonoma County Waste Management Agency.

7. The Members intend to continue to exercise their common powers and authority through the Agency to protect the health and safety of the citizens, preserve and enhance the environment, and provide for recycling, diversion, education, and disposal of waste generated within Members’ boundaries.

NOW, THEREFORE, the Members agree as follows:

AGREEMENT

The Original Agreement, including the First and Second Amendments, is hereby amended in its entirety to read as follows:

“PURPOSE

This Agreement is made under the provisions of the Joint Exercise of Powers Act, Articles 1 through 4 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the California Government Code (the “Act”). Each of the Members possess the powers to achieve the goals described in the above recitals. In authorizing the joint exercise of their common powers, this Agreement provides for the planning and implementation of programs and services to divert recyclable and recoverable materials from the waste stream, including, but not limited to, wood, yard and other compostable waste, and household hazardous waste, as defined in the California Public Resources Code, provide education for those who use the services of the Agency, prepare and implement regional planning documents and other required documentation, provide monitoring and reporting as required by the Public Resources Code and the Integrated Waste Management Act of 1989, and provide other such services and programs as determined by the Board of Directors. Members hereby covenant with each other to participate and cooperate in the implementation of the Agency’s duties and programs and to maximize use and avoid duplication of effort in any program undertaken by the Agency.

SECTION I. AUTHORITY

A. Creation of the Agency

Pursuant to the Act, there was created in 1992 and continues to be a public entity, separate and apart from the Members hereto, known as the “Sonoma County Waste Management Agency,” hereinafter referred to as “SCWMA” or the “Agency.” The Agency is a public entity that is separate and apart from the County and Cities that are the Members of the Agency. The debts, liabilities, and obligations of the Agency shall not constitute the debts, liabilities, or obligations of any Member. Except as provided in this Agreement, the Agency may not require any Member to contribute money or services to the Agency without the consent of the legislative body of each Member. The Agency will defend, indemnify, and hold harmless each Member for liabilities arising as a result of Agency’s actions pursuant to this Agreement or arising out of Agency’s negligence, but the liabilities of Members, due to their own acts, omissions, or negligence either prior to creation of Agency or afterwards, shall not be assumed by the Agency.

B. Board of Directors

The Agency is governed by a Board of Directors, (“Board”). The Board is composed of directors who are appointed by the Members’ governing bodies. There shall be one director and one alternate from each Member and that director and alternate shall be a member of the Members’ governing body.

A Member's alternate director may, in the absence of the Member's director, attend any meeting of the Board, be counted as part of the quorum and vote on all matters coming before the Board at that meeting.

Directors and alternate directors shall serve without compensation. Each director or alternate director may be reimbursed for necessary expenses by their Member jurisdiction as determined by the Member's policies.

C. Technical Advisory Committee

There is a Technical Advisory Committee ("TAC") comprised of Members' employees. The TAC provides advice to the Board.

D. Governance

The Board will constitute the policy-making body of the Agency and the TAC will be advisory to the Board. All powers of the Agency will be exercised by and through the Board, except as may be expressly delegated to others in accordance with this Agreement, or by direction of the Board.

The Board has adopted Rules of Governance to address topics including, but not limited to, conduct of meetings, appointment of subcommittees and election of officers. Such Rules of Governance may be amended by the Board from time to time, as required.

Regular meetings of the Board and the TAC will be held not less frequently than quarterly.

The fiscal year of the Agency shall be the 12-month period beginning July 1 of one year and ending June 30 of the following year. For each fiscal year, the Board shall adopt an operating budget that is consistent with the funding ability of the Agency.

E. Voting

A majority of a quorum of the Board is sufficient for action. Certain types of actions, however, have the following specific voting requirements.

The following actions require a super majority vote of $\frac{3}{4}$ of the Members (8 of 10).

1. Purchase of real property.
2. Decisions to incur debt greater than \$250,000 from public or private lending sources.
3. Adoption of an annual budget.
4. Adoption of additional core programs.
5. Expenditure of funds greater than \$250,000.

6. Future amendments to this JPA Agreement.

Voting shall be by directors or alternate directors present at a meeting. No proxy votes are authorized. Voting will be by voice vote, except that any director or alternate director may request a roll-call vote.

SECTION II. TERM

Approval of this Third Amendment to Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues (“Agreement”) by each Member’s governing body, replaces the Original Agreement, including the First and Second Amendments. This Agreement shall continue until terminated.

SECTION III. WITHDRAWAL OR REMOVAL OF A PARTY

- A. At the end of any fiscal year, any Member may withdraw as a Member of this Agreement by notifying the Board in writing prior to January 1 of that same fiscal year.
- B. The withdrawing Member shall reaffirm its intent to withdraw from the Agency by March 1 of that fiscal year. This notification will be considered binding and irrevocable unless unanimously decided otherwise by the Board.
- C. Upon receipt of a Party’s reaffirmation to withdraw from the Agency as described above in paragraph (B), any remaining Member may also declare its intent to withdraw from the Agency. The deadline for each remaining Member to give written notice of withdrawal shall be April 1 of that fiscal year.
- D. The withdrawing Member shall continue to be responsible for its allocable share of all costs, charges, assessments, liabilities, and contingencies both in existence when the Member notifies the Agency of its intent to withdraw, as well as those incurred by the Agency through the end of that fiscal year. If a Member(s)’ regular funding source to the Agency is interrupted prior to the end of the fiscal year, the Member shall be responsible for direct payment to the Agency of that Member(s)’ allocable share of the regular funding.
- E. A Member’s participation in the Agency may be involuntarily terminated at any time upon recommendation of the Board and upon the vote of two-thirds of all directors, as well as the approval of the legislative bodies of two-thirds of the Members. Involuntary termination shall have the effect of terminating the Member’s participation in the Agency. Termination will be effective at the end of the fiscal year in which the action is taken or upon such date as the remaining Members may specify. If a Member is involuntarily terminated, reserve accounts shall be established pursuant to paragraph (F) of this section as though the Member was voluntarily withdrawing. A terminated Member shall continue to be

responsible for payment of all Agency costs and liabilities allocable to or incurred by that Member through the effective date of termination. Grounds for involuntary termination include, but are not limited to, the following:

1. Failure or refusal to participate in the Agency's funding source or to provide direct payment to the Agency to a degree sufficient to cover that Member's allocable share of the costs, obligations, and liabilities of the Agency as provided below in Section 11 (B).
 2. Such other grounds as may be determined by the Board upon the vote of two-thirds of all directors, as well as the approval of the legislative body of two-thirds of the Members.
- F. Upon the voluntary withdrawal or involuntary termination of a Member, the Board may establish a reserve account for that Member to provide for anticipated expenses and liabilities not included in the Agency's budget that may have arisen or that may arise during the period of that Member's participation in the Agency. The amount remaining in the reserve account will be returned to the withdrawing or terminated Member after all expense claims and liabilities against that Member have been fully paid and satisfied.

SECTION IV. DISPOSITION OF PROPERTY AND FUNDS

- A. Upon the Agency's dissolution, or the complete rescission or other termination of this Agreement by all Members, the Board shall, with the approval of all Members, determine the disposition of any real or personal property, funds, and other assets remaining in the Agency after all obligations have been satisfied. Such disposition shall be conducted in a manner that provides a proportionate return to each Member based upon each Member's investment in those properties and assets. Each Member's pro rata share shall be determined in the same manner as for a withdrawing or terminated Member provided below in paragraph (B).
- B. If a Member is terminated or withdraws from the Agency, and the Agency has a financial obligation to that withdrawing or terminated Member, the Board, with the approval of the remaining Members, shall satisfy the withdrawing or terminated Member's pro rata share of the total assets of the Agency, less obligations, including any requirement to pay funds into a reserve account as provided in Section 4(F). A withdrawing or terminated Member's pro rata share is defined as the total regular or special payments, charges, assessments or contributions made by that Member, divided by the total regular and special payments, charges, assessments or contributions made by all Members from the inception of the Agency to the date of the Member's withdrawal or termination.
- C. In the event of the withdrawal or termination of a Member, the Board shall determine whether the Agency's satisfaction of that Member's pro rata share of Agency assets shall be made through a transfer of property or through a payment

of funds. That transfer or payment must be made within a reasonable time following a Member's withdrawal or termination.

- D. The current fair market value of Agency properties and assets shall be determined by the Board. If the withdrawing or terminated Member disputes the current fair market value of Agency properties and assets as determined by the Board, then the current fair market value of those properties and assets shall be determined by a panel of three disinterested and qualified appraisers. To this panel, one appraiser shall be appointed by the governing body of the withdrawing or terminated Member, and one appraiser shall be appointed by the remaining Members of the Board. The two appointed appraisers shall jointly select a third appraiser. The fees of each appraiser shall be shared equally by the Agency and by the withdrawing or terminated Member.

SECTION V. POWERS AND FUNCTIONS

The Agency shall have the powers common to the Members and is empowered and authorized, in its own name, to adopt and implement such rules and regulations, in any form, including, but not limited to, order, ordinance or resolution, as may be necessary to effect the purposes of this Agreement, and to perform all acts necessary for the joint exercise of common powers for these purposes, including, but not limited to, any or all of the following:

- i. To employ agents and employees, to establish salaries and benefits, and to contract for professional services.
- ii. To make and enter into contracts and leases.
- iii. To raise revenue.
- iv. To incur debts, obligations, and liabilities; provided, however, that the debts, obligations, and liabilities incurred by the Agency shall not be, either individually or collectively, debts, obligations, or liabilities of the Members.
- v. To contract for, acquire, convey, construct, manage, maintain, and operate buildings and improvements.
- vi. To acquire and to convey, real and personal property.
- vii. To apply for and receive funds, contributions, grants, property or equipment from sources, including, but not limited to, federal, state, local, private or non-profit entities or individuals.
- viii. To invest money that is not needed for immediate necessities, as the Board determines to be advisable, in the same manner and upon the same conditions that apply to other local agencies as specified in Section 53601 of the California Government Code.

- ix. To purchase insurance coverage, including fidelity bonds and directors' liability coverage, to join insurance pooling programs, or to develop and maintain a self-insurance reserve.
- x. To sue and be sued in its own name and to defend and hold harmless the Members.
- xi. To issue bonds as specified in Section 12.
- xii. To perform all other acts reasonable and necessary to exercise and implement the above-specified powers and purposes of this Agreement.

These powers shall be exercised in the manner provided in the Act and as expressly set forth herein and are subject to the restrictions upon the manner of exercising such powers that are imposed upon the County of Sonoma in the exercise of similar powers. Notwithstanding the generality of the foregoing, the Agency shall have no power to bind the Members to any monetary obligations other than those expressly authorized by the mutual consent of the Members.

SECTION VI. LIABILITY OF THE MEMBERS

No Member, whether individually or collectively, shall have any liability for the Agency's debts, liabilities, or obligations, including without limitation the following:

- A. Liabilities attributable to any act or omission of the Agency, or any act or omission of the Agency's officers, agents, employees, contractors, subcontractors or volunteers.
- B. The payment of wages, benefits, or other compensation to the Agency's officers, agents, employees, contractors, or subcontractors, unless otherwise provided by contractual arrangement.
- C. The payment of workers' compensation or indemnity to officers, agents, or employees of the Agency for any injury or illness arising out of the performance of this Agreement, unless otherwise provided by contractual arrangement.
- D. Should civil penalties be imposed on the Agency, Agency staff shall research the reason for the civil penalties by any means, including, but not limited to, review of landfill disposal origin data, review of hauler origin data, performance of a solid waste disposal study, performance of a solid waste characterization study and/or performance of a solid waste diversion study. Agency shall cooperate with Members, the responsible Member(s) and regulators to identify corrective steps that might be taken prior to assessment of penalties, if any. The Agency shall assign responsibility for payment of any civil penalties as follows:
 - i. the Agency shall pay the entire penalty; or

- ii. an individual Member is responsible for the assessment of the civil penalty and the entire penalty shall therefore be imposed upon that member for payment of the penalty; or
 - iii. multiple Members, but not all Members, are responsible for the assessment of the penalty and the penalty therefore shall be allocated equally upon those responsible Members.
- E. Should the Agency be dissolved for any reason, or should a Member withdraw or be removed from the Agency, each Member or the ex-Member shall be responsible for complying with the requirements of the California Integrated Waste Management Act within their respective jurisdictional boundaries in accordance with the programs set out in the Agency's documents.
- F. Each Member is responsible for implementing and meeting the mandated diversion requirements within its jurisdictional boundaries.

SECTION VII. FINANCING

- A. Currently, the Agency is financed and the Agency's programs are funded through a tip fee surcharge on refuse entering the County of Sonoma's waste disposal system, which the County of Sonoma collects and remits to Agency. In addition, the Agency receives all revenues accruing in connection with the composting of wood and yard waste from Members. This financing arrangement shall continue until such time as Agency approves and fully implements an alternate financing mechanism.
- B. The Agency may issue bonds or other evidences of indebtedness as authorized by the Act including, but not limited to, revenue bonds, bond anticipation notes, certificates of participation, and lease purchase agreements, hereinafter collectively referred to as "Bonds," in order to obtain funding that may be required to finance the acquisition of real property, the construction of facilities, the acquisition of vehicles and other capital equipment, and other obligations as determined by the Board. The power of the Agency to issue Bonds shall only be exercised upon the approval and authorization by unanimous vote of the Board of Directors. Bonds may be issued in more than one series and shall be sold by competitive bidding or by private sale, to the extent permitted by law, and shall not constitute a debt, liability, or obligation of any Member to this Agreement. The services of bond counsel, financial consultants, and other consultants and advisors may be used by the Agency in connection with the issuance and sale of Bonds. The fees and expenses of such counsel, consultants, and advisors shall be paid from the proceeds of the sale of Bonds.
- C. To the extent not covered by the duties assigned to a trustee appointed under any resolution of the Board authorizing the Agency's issuance of Bonds, the Agency Treasurer shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles or by the provisions of any resolution

authorizing the Agency's issuance of Bonds. The books and records of the Agency maintained by the Executive Director or Treasurer shall be open to inspection at all reasonable times by representatives of the Members.

- D. Any trustee appointed under any resolution or indenture that authorizes the issuance of Bonds by the Agency shall be required to establish suitable funds, furnish financial reports, and provide appropriate accounting procedures to carry out the provisions of said resolution or indenture and this Agreement.
- E. The Agency may set fees or charges for the services it provides to any non-Member, other entity or person who wants to participate in any Agency program.

SECTION VIII. AGENCY FUNDS

- A. Until such time as the Agency Board determines otherwise, the Treasurer of the County of Sonoma shall assume the duties required by the laws of the State of California, including the duties described in Section 6505.5 of the California Government Code on behalf of the Agency. The Agency shall reimburse the County of Sonoma for the cost of fulfilling these duties.
- B. Until such time as the Agency Board determines otherwise, the Auditor of the County of Sonoma shall prepare a financial statement of the Agency's accounts, records and financial affairs for the preceding fiscal year. The Agency shall reimburse the County of Sonoma for the cost of performing such audit.
- C. The Agency's Executive Director is hereby designated as the person responsible for the monies and property of the Agency.

SECTION IX. AGENCY'S EXISTING AND CONTINUING CORE PROGRAMS

A. Composting Program

Agency operates a Program at the Central Landfill for the composting, primarily of wood and yard waste, ("Composting Program"). The Agency separately contracts with an operator to process the materials delivered to the site from any source within Sonoma County. The Composting Program shall continue to exist and operate in compliance with all applicable laws, rules and regulations and in substantially the same manner as on the Effective Date of this Agreement, until modified by the Agency Board. Members shall continue to cause wood and yard waste generated within their jurisdictions to be delivered to the Composting Program. Agency shall continue to have the right to dispose of any useable product resulting from the Composting Program as Agency sees fit and in accordance with any contract(s) it may have with an operator. If Agency is unable to dispose of any product of the Composting Program to third parties, each Member agrees to pick up, transport and take back the remaining product in proportion to the amount that Member delivered to the Composting Program site.

The Board may elect to end the Composting Program by a super majority vote.

B. Household Hazardous Waste Program

Agency operates a Program at the Central Landfill for the collection and storage of household hazardous waste, as defined by the California Public Resources Code (“HHW Program”). The Agency separately contracts with an operator to collect, sort, store, package and transfer the household hazardous waste collected by designated haulers and other entities approved by Agency, and from members of the public who are residents of a Member agency. HHW generated by small quantity generators will be accepted, but shall be financed entirely by the generators using the service. The HHW Program shall continue to exist and operate in compliance with all applicable laws, rules and regulations and in substantially the same manner as on the Effective Date of this Agreement, until modified by the Agency Board.

C. Education for those Using the Agency’s Services

The Agency provides information and education to those using the Agency’s services (“Education Program”) in order to maximize use of the Agency’s programs and further the purpose and goals of the Agency. The Education Program shall continue to exist and operate in compliance with all applicable laws, rules and regulations and in substantially the same manner as on the Effective Date of this Agreement, until modified by the Agency Board or Executive Director.

D. Regional Planning

The Agency is a Regional Agency pursuant to Section 40971 of the California Public Resources Code and the Integrated Waste Management Act. All Members are deemed to be Members of the Regional Agency. The Agency is and shall be responsible for creating, updating and maintaining all required or mandated regional planning documents.

SECTION X. COUNTY’S EXISTING AND CONTINUING OBLIGATIONS

- A. In addition to the obligations of the Members elsewhere specified in this Agreement, the County of Sonoma agreed in the Original Agreement to provide the following support and subsidies to the Agency:
 - 1. A site, free of charge, at the Central Landfill for the purpose of household hazardous waste collection and storage, referred to as the HHW Program.
 - 2. A site, free of charge, at the Central Landfill for the composting, primarily of wood and yard waste, referred to as the Composting Program.
- B. Such support and subsidies shall continue until the earlier of either: a) the Agency notifying the County of Sonoma that it no longer requires such site or sites and vacating the site or sites; b) the expiration of the Original Agreement, February 11, 2017; or c) termination of this Agreement.
- C. Should operations cease on either or both of the HHW and Composting Program sites, the Agency shall have no further right to use the site or sites on which operations ceased. If Agency ceases to use either or both sites, the Agency, at its expense, will return the site or sites to the County in a substantially similar condition as when Agency first began using the site or sites and with the

exception of any improvements, which are or shall become the property of the County of Sonoma. Should the County of Sonoma require, the Agency will provide for and pay for monitoring tests at the site(s).

- D. Agency may contract with the County of Sonoma, or any other Member, for provision of services and property, including, but not limited to, rent for office or other space, staffing of Agency with County or the Members' employees, and telecommunication and information system services.

SECTION XI. AGENCY'S EXISTING ASSETS, LIABILITIES AND OBLIGATIONS

All assets, liabilities, obligations, contracts, agreements, accounts, real and personal property belonging to or incurred by the Agency at the time just prior to the Effective Date of this Agreement shall not change by virtue of the execution of this Agreement and shall remain as they existed just prior to the Effective Date of this Agreement.

The Agency has and shall continue to maintain liability insurance of at least two million dollars for as long as this Agreement is in effect and for at least one (1) year thereafter. This insurance shall name each of the Members as additional insured for any liability arising out of Agency's activities. The amount of insurance may be adjusted up or down as the Agency Board determines is appropriate. Agency may elect to establish a self-insurance program.

SECTION XII. GENERAL PROVISIONS

A. Notices.

Any notices required or authorized to be given under this Agreement must be in writing and must be delivered in person or by certified or registered mail, postage prepaid, addressed to the attention of the Executive Director of the Agency and to the City Clerk, Town Clerk or County Clerk of each of the Members at their respective addresses set forth below:

If to the Agency:	Sonoma County Waste Management Agency 2300 County Center Drive, Suite B-100 Santa Rosa, CA 95403 Attn. Executive Director
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If to the City of Cloverdale:	City of Cloverdale 124 N. Cloverdale Blvd. Cloverdale, CA 95425 Attn. City Clerk
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If to the City of Healdsburg:	City of Healdsburg 401 Grove Street Healdsburg, CA 95448 Attn. City Clerk
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If to the Town of Windsor:

Town of Windsor
9291 Old Redwood Highway, Suite 400
Windsor, CA 95492
Attn. Town Clerk

If to the City of Santa Rosa:

City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404
Attn. City Clerk

If to the City of Sebastopol:

City of Sebastopol
7120 Bodega Avenue
P.O. Box 1776
Sebastopol, CA 95473
Attn. City Clerk

If to the City of Rohnert Park:

City of Rohnert Park
130 Avram Avenue
Rohnert Park, CA 94928
Attn. City Clerk

If to the City of Sonoma:

City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476
Attn. City Clerk

If to the City of Cotati:

City of Cotati
201 W. Sierra Avenue
Cotati, CA 94931
Attn. City Clerk

If to the City of Petaluma:

City of Petaluma
11 English Street
Petaluma, CA 94952
Attn. City Clerk

If to the County of Sonoma:

County of Sonoma
575 Administration Drive, Room 100A
Santa Rosa, CA 95403
Attn. County Clerk

The Agency or any Member may designate a different address by giving notice to the Agency and to the other Members in accordance with the provisions of this paragraph.

- B. Governing Law. This Agreement is made and will be construed and interpreted in accordance with the laws of the State of California.
- C. Headings. The section and paragraph headings contained in this Agreement are solely to facilitate ease of reference and are not intended to define, limit, or describe the scope of any provision of this Agreement.
- D. Consent. Whenever any consent or approval is required by this Agreement, that consent or approval may not be unreasonably withheld or delayed.
- E. Amendments. This Agreement may be amended at any time, or from time to time, by one or more supplemental agreements to this Agreement executed by super majority vote of the Board, either as required to implement any provisions of this Agreement, or for any other purpose.
- F. Enforcement Authority. The Agency is authorized to take any legal or equitable actions, including but not limited to injunctive relief and specific performance, as may be necessary to enforce this Agreement.
- G. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or is otherwise rendered unenforceable or ineffectual, the validity of the remaining provisions of this Agreement will not be affected by that determination.
- H. Successors. This Agreement is binding upon and inures to the benefit of the successors of the Members. No Member may assign any right or obligation under this Agreement without the prior written consent of the other Members.
- I. New Members. Upon approval by the Board and by the legislative bodies of each of the Members, additional public agencies may become Members of the Agency and parties to this Agreement.
- J. Execution in Counterparts. This Agreement may be executed by the Members in one or more counterparts, all of which will collectively constitute one document and agreement.
- K. Filing With Secretary of State. The Agency Executive Director is directed to file with the office of the California Secretary of State a notice of the adoption of this Agreement within 30 days after its Effective Date, as required by California Government Code Section 6503.5.”

TO EFFECTUATE THIS AGREEMENT, each of the Members has caused this Agreement to be executed and attested by its duly authorized officers on the date set forth below the authorized signature.

CITY OF CLOVERDALE

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

TOWN OF WINDSOR

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
Town Attorney

CITY OF HEALDSBURG

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF SEBASTOPOL

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF SANTA ROSA

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF SONOMA

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF ROHNERT PARK

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF COTATI

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF PETALUMA

By: _____
Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

COUNTY OF SONOMA

By: _____
Mayor

Date: _____

ATTEST: _____
Executive Officer – Clerk of the
Board of Supervisors

APPROVED AS TO FORM:

By: _____
County Counsel

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Agenda Item #: **11**
Cost Center: **All**
Staff Contact: **Mikus**
Agenda Date: **11/19/2014**

ITEM: **Executive Director Monetary Signing Authority**

I. BACKGROUND

On June 17, 1992, the Board established policies for the administration of the Agency through Resolution 92-006. This resolution stated that the Director (now the Executive Director) "shall have the authority to authorize the payment of all administrative and minor expenses to the extent that such expenses have been provided for under Agency's adopted budget(s)." Minor expenses were defined as any expense less than five thousand dollars.

At the October 15, 2014 Agency Board meeting, Board members gave Agency staff direction to schedule a discussion and possible revision of the Executive Director's signing authority at the November 2014 meeting.

II. DISCUSSION

During the past several months there have been instances where it would have been advantageous to the Board to have allowed the Executive Director to proceed with time sensitive projects without prior consent of the full Board. The signing authority limit of \$5,000 allows the Executive Director to initiate, but not complete time sensitive projects, such as the interim measures contained in the Zero Discharge Implementation Plan. Though staff has implemented all of the interim measures in that report to date on time, many of the timelines were compressed due to delays caused by awaiting Board approval during the Agency's monthly meetings, and those delays presented a challenge.

The Executive Director's signing authority limit has been \$5,000 for over twenty two years. While staff believes an increase to that limit is defensible, staff recommends keeping the provision of the policy which requires the expenses be already included in the Agency's adopted budget. Requiring the signing authority to be contained within the budgetary limits ensures this policy does not have an impact on the net cost to the Agency's budget.

For reference, the County of Sonoma's Transportation and Public Works Director has a signing authority of \$25,000.

III. FUNDING IMPACT

There is no funding impact as a result of this item.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends increasing the Executive Director's monetary signing authority to \$25,000.

V. ATTACHMENTS

Resolution

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA

RESOLUTION NO.: 2014-

DATED: November 19, 2014

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY (AGENCY) AMENDING
RESOLUTION 92-006, POLICIES FOR THE ADMINISTRATION OF THE AGENCY

WHEREAS, the Agency approved Resolution 92-006 establishing policies for the administration of the Agency on June 17, 1992; and

WHEREAS, the policies therein authorize the Executive Director the ability to pay minor expenses, which are defined as any expense less than Five Thousand Dollars (\$5,000); and

WHEREAS, the Agency Board of Directors wishes to increase the limit of the minor expense to \$25,000 from \$5,000.

NOW, THEREFORE BE IT RESOLVED that the Sonoma County Waste Management Agency Board of Directors hereby amends the Policies for the administration of the Agency. All other provisions of Resolution 92-006 remain in effect, except as amended by other actions of the Board.

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 19, 2014

Patrick Carter,
Acting Clerk of the Sonoma County Waste Management Agency
Agency of the State of California in and for the
County of Sonoma



Agenda Item #: **12**
Cost Center: **Planning**
Staff Contact: **Mikus**
Agenda Date: **11/19/2014**

ITEM: **AB939 Local Task Force Planning Request**

I. BACKGROUND

The AB939 Local Task Force (LTF) serves as an advisory group to both the SCWMA Board and the County of Sonoma Board of Supervisors on matters related to solid waste. The LTF membership is diverse and provides a cross section of citizens, businesses, and municipal government.

As part of its subject matter, the LTF routinely discusses topics related to solid waste planning. In fact, the LTF holds a key role in developing and approving the five-year renewal process for the County Integrated Solid Waste Management Plan (CoIWMP) that is part of the SCWMA planning role as a regional entity.

II. DISCUSSION

Given the framework of the ongoing process with the County, Republic Services, and the several incorporated Cities for a landfill Master Operating Agreement (MOA), the LTF has recently engaged in discussions for the future of solid waste planning activities both beyond the scope of the 20 year time frame for the CoIWMP, the 25 year duration of the MOA, and the expected finite landfill service life of 35 years.

The LTF also recognizes that 2015 is the next scheduled five-year update/review of the CoIWMP.

Via the attached letter, the LTF points out the need to consider the solid waste needs of Sonoma County beyond the time frames for the CoIWMP, the MOA, and the projected landfill service life, and puts forth that given the often arduous process for all the work and approvals needed to establish new solid waste facilities, the planning process for the future must be engaged expeditiously. The LTF suggests that the work related to the CoIWMP set for 2015 is an excellent opportunity to include planning activities for the very long term, and recommends that the SCWMA Board authorize such work and expense as needed to enable a long term planning process together with work on the CoIWMP.

LTF member Greg Carr will present the letter and give remarks.

III. FUNDING IMPACT

Funding would be as included in the budget process for the upcoming fiscal year.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board accept the LTF letter and authorize staff to include long term planning in the upcoming fiscal year proposed budget.

V. ATTACHMENTS

LTF letter

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA

Date: November 6, 2014

To: SCWMA Board of Directors

The AB939 Local Task Force recommends that a long term planning process be initiated for future operation of Sonoma County's solid waste management system beyond 2030. Given the challenges that have confronted the system since the breakdown of the landfill siting process in the 1980s and 1990s as well as the ongoing changes in population and technology, the LTF believes that resumption of long term planning should begin while sufficient time remains for reflective deliberation.

The LTF would like to acknowledge the success of the Agency, the Board of Supervisors, and all of the other participants in achieving the recent agreement for operations to year 2030. This success may be viewed by some as an opportunity to step away for a while from the issues that surrounded it. However, the necessary time and effort required to develop a system plan beyond that time is too significant to allow much time to pass before a formal program is established.

An update of the County Integrated Waste Management Plan (CoIWMP) is due in 2015. This planning process is an opportunity to consider adding a formal long term planning program for the post-2030 system. The program should provide sustained funding for both staff time and consultant services and could be conducted in two phases.

Phase 1: Technical Studies and Scenario Development

- Selection of a public participation and review process
- Assessment of the baseline waste stream disposal and reuse system
- Analysis of current and likely future waste stream characteristics
- Development of a range of possible future waste generation scenarios, including a "zero waste" scenario and one or more scenarios which need to rely upon landfill capacity
- Identification of facility needs and system policies necessary for each

scenario

- Establishment of a Phase 2 process for selection of eligible sites and/or adoption of waste system policies

Phase 2: Land Use and Policy Issues

- Selection of a public participation and review process

- Identification of sites and/or policy options needed to implement each scenario

- Analysis of technical feasibility of sites

- Selection of feasible sites and/or policy options

- Completion of the environmental review process

- Completion of the decision making and permitting process

Therefore, the LTF, as the body responsible for advising the Agency and Board regarding solid waste planning and policies, recommends that a specific program to develop a long term plan be included in the Work Plan and Budget for the 2015 CoIWMP update and that the LTF be identified as the primary advisory body for that program.

The LTF stands ready to discuss this further and assist as needed. Thank you for your consideration.



Mike Anderson, Chair



Agenda Item #: **13**
Cost Center: **All**
Staff Contact: **Mikus**
Agenda Date: **11/19/2014**

ITEM: **December Meeting Discussion**

I. BACKGROUND

The Board often takes a holiday season break by not holding a December Board meeting. The December meeting has also been used for scheduling a special purpose meeting, as happened last year when the Board chose to use the December meeting to conduct a Strategic Planning Work Session. With the December meeting date a month away, the Board has some options to consider.

II. DISCUSSION

At this time, staff does not believe matters exist requiring Board attention at a December 17, 2014 meeting. This meeting could be canceled.

The Executive Director and Agency Counsel are due to have performance evaluations done with the Board. As it already is on Board members' schedules, the December meeting slot would be an opportune time to conduct these evaluation sessions.

One key motivation for holding the performance evaluation sessions in the near future is the possible change in Board membership. Several Board members with service encompassing the two year interval since the last evaluations are either retiring or may change due to elections. Retaining and involving these Board members for the evaluations would be invaluable given their work history with the Executive Director and Agency Counsel.

III. FUNDING IMPACT

None

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board cancel the planned December 17, 2014 regular meeting, and instead utilize the December date for conducting performance evaluations for both the Executive Director and Agency Counsel.

Alternate 1 would be to cancel any meeting for December entirely.

Alternate 2 would be to conduct a regular business meeting on December 17, 2014.

Alternate 3 would be to choose either of alternates 2 or 3, and conduct the performance evaluations as a separate special closed session sometime in January, with this session preferred to occur prior to the regular January Board meeting on January 21, 2015.

V. ATTACHMENTS

None

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA



Agenda Item #: **14.1.a**
 Agenda Date: **11/19/2014**

ITEM: **Outreach Calendar November 2014-January 2015**

November 2014 Outreach Events

<u>Day</u>	<u>Time</u>	<u>Event</u>
1	10 AM – 3 PM	End of the Harvest Fair
4	4 – 8 PM	Community Toxics Collection Event, Guerneville
8,9	8 AM – 4 PM	E-Waste Recycling collection event, Whole Foods, Sonoma
11	4 – 8 PM	Community Toxics Collection Event, Windsor
12	10 – 11 AM	Central Disposal Site Tour, Vineyards
14	8:15 – 10:30 AM	Central Disposal Site Tour, SRJC soils class
15	12 PM – 4 PM	Santa Rosa Health Fair organized by Radio Lazer, Kaiser Permanente, CHP and the DMV
17	11 AM – 12 PM	Regional Parks Pesticide Applicators Training at Finley Center SR Compost As a Tool In IPM presentation
18	4 – 8 PM	Community Toxics Collection Event, Oakmont

December 2014 Outreach Events

<u>Day</u>	<u>Time</u>	<u>Event</u>
2	4 – 8 PM	Community Toxics Collection Event, Santa Rosa, SE
9	4 – 8 PM	Community Toxics Collection Event, Kenwood
16	4 – 8 PM	Community Toxics Collection Event, Santa Rosa, NW

January 2015 Outreach Events

<u>Day</u>	<u>Time</u>	<u>Event</u>
6	4 – 8 PM	Community Toxics Collection Event, Sebastopol
10	8 AM – 4 PM	E-waste Recycling collection event, Wells Fargo Center for the Arts, Santa Rosa
13	4 – 8 PM	Community Toxics Collection Event, Cloverdale
20	4 – 8 PM	Community Toxics Collection Event, Sonoma
27	4 – 8 PM	Community Toxics Collection Event, Oakmont
31	8 AM – 4 PM	E-waste Recycling collection event, Central Facility Parking Lot, Oakmont

SCWMA Agenda Plan Worksheet

2015

Month	Date	Recurring Items	Specific Items
January	1/21/2015	Elect officers Education Summary Reports	Zero Discharge report GIRE contract extension
February	2/18/2015	Draft work plan Recycle Guide Printing 2nd Quarter Financials	Agency renewal update Initial discussion: EPR possible programs
March	3/18/2015	Final work plan Draft Budget	Compost Site EIR Review Initial discussion: Styrofoam
April	4/15/2015	Final budget EPR 6-Month Update Report	Compost site Selection Compost Site EIR Public Hearing Agency renewal update
May	5/20/2015	Annual Audit Report 3rd Quarter Financials	Follow up: EPR possible programs Large Pond CEQA
June	6/17/2015		Follow up: Styrofoam Final EIR, Site selection Procurement process new compost site
July	7/15/2015	<i>Sometimes cancelled</i>	Certify EIR
August	8/19/2015	Year End Financials	Initial discussion: 2nd HHW facility Procurement new compost site Certify EIR if there is no July meeting
September	9/16/2015	Annual Budget Adjustments	Procurement new compost site
October	10/21/2015	EPR 6-Month Update Report	Follow up: 2nd HHW Facility Procurement new compost site
November	11/18/2015	1st Quarter Financials	Procurement new compost site
December	12/16/2015	<i>Sometimes cancelled</i>	



Agenda Item #: **14.1.c**
Cost Center: **Education**
Staff Contact: **Chilcott**
Agenda Date: **11/19/14**

ITEM: **Mandatory Commercial Recycling (MCR-3) online survey results**

I. BACKGROUND

As defined by the Agency's Work Plan for FY 13-14, adopted by the Board on March 20, 2013, \$20,017 in Agency staff time was allocated for continuation of this project. On the October 16, 2013 Agency Board Meeting, the Board approved the Mandatory Commercial Recycling (MCR) Phase 3 Project proposal. At the January 1, 2014, staff provided results of a feedback survey for activities conducted in MCR-2.

II. DISCUSSION

The goal of the Mandatory Commercial Recycling Phase 3 (MCR-3) Project was to provide single-stream recycling education to targeted multifamily complexes and businesses and to provide recycling education to school age children.

Similar to the post-outreach electronic survey conducted for MCR-2, using Survey Monkey, Agency staff crafted a 10 question survey that categorized questions by: 1) Type of outreach received; 2) Effectiveness of outreach received; 3) Changes in garbage or recycling service as a result of outreach; and, 4) Future outreach. Overall, 61 emails with a link to online survey were distributed on October 1, 2014. There were 22 responses which indicate a 36% response rate.

In summary:

- Survey responses were primarily received from schools and businesses that received staff trainings and/or children presentations.
- The type of outreach received by 72.73% of respondents was the distribution of recycle educational materials (fliers, bins, and shopping bags).
- The outreach received was deemed effective, with 40.91% indicating that outreach was "quite effective (the #2 ranking)" and 36.36% indicating that outreach was "very effective (the #1 ranking)."
- Of the outreach materials received, the most effective at increasing recycling awareness were the 28-quart small blue recycling bins, the reusable shopping bags, 32-gallon large blue recycling bins, 11" x 17" blue single-stream recycle posters, 8 1/2" x 11" blue single-stream recycle posters and 8 1/2" x 11" green compost posters, respectively.
- 80% of respondents reported that the volume of recyclables collected increased as a result of outreach. Although, 92.31% reported that there was no change in their garbage bill as a

result of outreach.

- For future outreach, 78.95% reported wanting to receive contact one-time per year.
- 60% of the respondents requested outreach materials for tenants in English and Spanish language.
- In the unstructured response area, responders complemented Agency staff and expressed appreciation for the blue recycling bins they received. Additional recycling support was requested by the schools in helping reduce waste, especially lunch waste.

Below is a summary of responses:

Type of outreach received (Questions 1-3)

Question 1: What type of commercial entity are you completing the Mandatory Commercial Recycling Outreach feedback survey for?	
School	50.00% <i>8 responses</i>
Business	43.75% <i>7 responses</i>
Government Agency	6.25% <i>1 responses</i>
Multifamily complex property	0% <i>0 responses</i>
	<i>16 responses</i>

Question 2: Who received recycling education outreach? (Check all that apply)	
Staff	55.56% <i>10 responses</i>
Children	38.89% <i>7 responses</i>
HOA or Tenants (multifamily properties only)	11.11% <i>2 responses</i>
	<i>18 responses</i>

Question 3: What type of outreach was received? (Check all that apply)	
Distribution of recycle education materials and/or resources	72.73% <i>16 responses</i>
Recycle presentation for a group	68.18% <i>15 responses</i>
Waste assessment	45.45% <i>10 responses</i>
Bilingual recycle presentation (English & Spanish)	4.55% <i>1 responses</i>
No outreach was received	4.55% <i>1 responses</i>
	<i>22 responses</i>

Effectiveness of outreach received (Questions 4-5)

Question 4: How well did the outreach received help increase recycling awareness at your commercial entity?	
Quite well at increasing recycling awareness	40.91% <i>9 responses</i>
Very well at increasing recycling awareness	36.36% <i>8 responses</i>
Moderately well at increasing recycling awareness	18.18% <i>4 responses</i>
Slightly well at increasing recycling awareness	4.55% <i>1 responses</i>
Did not do well at increasing recycling awareness	0% <i>0 responses</i>
	<i>22 responses</i>

Question 5: If you received outreach materials, please rate the effectiveness of each at increasing recycling awareness at your commercial entity. The following were rated as "very effective"	
28-quart small blue recycling bin	60.00% <i>12 responses</i>
Reusable shopping bag	56.25% <i>9 responses</i>
32-gallon large blue recycling bin	41.18% <i>7 responses</i>
11" x 17" blue single-stream recycle posters	33.33% <i>7 responses</i>
8 1/2" x 11" blue single-stream recycle posters	35.29% <i>6 responses</i>
8 1/2" x 11" green compost posters	21.43% <i>3 responses</i>
Door hanger event notices distributed to tenants	12.5% <i>2 responses</i>

Changes in garbage or recycling service as a result of outreach (Questions 6-7)

Question 6: Did your property establish for the first time OR increase the volume of recyclables collected at your property as a result of outreach?	
Increased the volume of recyclables collected	80.00% <i>16 responses</i>
No change	20.00% <i>4 responses</i>
Established collection of recyclables for the first time	0% <i>0 responses</i>
	<i>20 responses</i>

Question 7: After outreach was conducted, has there been any change to your garbage bill?	
No change in our garbage bill	92.31% <i>12 responses</i>
Yes, our garbage bill has decreased	7.69% <i>1 responses</i>
Yes, our garbage bill has increased	0%

	<i>0 responses</i>
	<i>13 responses</i>

Future outreach (Questions 8-10)

Question 8: Are you interested in receiving recycling outreach again in the future and how often?	
Yes, 1 time per year	78.95% <i>15 responses</i>
Not interested in future outreach	10.53% <i>2 responses</i>
Yes, 2 times per year	5.26% <i>1 responses</i>
Yes, 3 times per year	5.26% <i>1 responses</i>
	19 responses

Question 9: What language(s) are required to best reach your tenants?	
English and Spanish	60.00% <i>12 responses</i>
English only	40.00% <i>8 responses</i>
Spanish only	0% <i>0 responses</i>
	20 responses

Question 10: Please share with us any comments, concerns, or feedback on your experience with the outreach you received. Please include if there are any other resource materials that you would find useful in educating your tenants about waste diversion or proper disposal methods? Please be specific (e.g., hazardous waste disposal information flier, move-out flier for tenants, electronic newsletter, stickers, bilingual education, etc.)	
10/17/2014 1:58 PM--We love the visibility of the blue bins! It makes everyone think twice before tossing things into the trash. Thank you!	
10/15/2014 5:34 PM--If you could offer the school help recycling lunch waste that would be huge. Our school fills several garbage cans with cardboard and foil every day.	
10/16/2014 9:20 AM--The presentation we received was about what happens to recycled plastic. I do not remember receiving any materials after the presentation. If they do come again, I would love to receive a recycling bin that we could use for our meal time, lots of the serving materials are recyclable.	
10/15/2014 12:05 PM--Move out flier checklist and review would be awesome!! Review on proper cardboard disposal, and small appliances -E Waste locations. More discussion on proper garden cuttings and composting. Steps to work a compost bin, maintenance of the compost.	
10/14/2014 5:30 PM--It was great as our kids followed up with posters they made.	
10/13/2014 4:21 PM--The staff really enjoyed the presentation, and presenter, and found the information inspirational - and we've grown our program mightily and appreciate the continued support.	
10/13/2014 3:36 PM--Judith's presentation at Old Adobe Elementary School was great! We really appreciated her help with the waste audit and new recycling bins. Every classroom is using the new bins and the teachers are excited to have recycling more available and clearly marked for everyone. I am just a parent and don't have access to information about billing to know if there has been a change in the billing. I do think the school could probably use a yearly presentation to help all the kids remember how to recycle properly, but the school principal would have to set that up. Yearly distribution of recycle guides and maybe the recycling posters would also probably be helpful. Thank you so much!	
10/6/2014 10:42 AM--As part of the California Green Certification program, the Leadership Institute needed to add a recycling bin to their common kitchen area. Additionally, they added signage above the new and existing	

recycling bins. The process was quick and easy for all involved. Thank you!
10/6/2014 7:29 AM--Judy was extremely helpful. I met her tabling the SCWMA booth at the SC Fair. She was very friendly and personable to all who visited. We began talking about the Water Agency's recycling efforts and she had a lot of great ideas and enthusiasm for the program. The waste audit was very helpful as we had never had one since the beginning of our recycling program (2010). The presentation to part of our staff was a hit! Her energy and knowledge was received exceptionally well. She answered several tough questions from our staff and helped us to understand recycling better. After the meeting I had several employees come up to me and tell me how great of a presentation it was, how much they learned and how much they enjoyed her exuberance (including the General Manager!). We really enjoyed the presentation and I believe it was very helpful in reminding our staff about recycling. We would like to invite Judith back for several other staff meetings at a later date. Thank you!!
10/3/2014 12:42 PM-- Judith Hoffman gave very informative presentations, her ability to connect with the Seniors was awesome! They so much enjoyed her presence as well as her knowledge in the field of recycling . Judith was able to answer all questions regarding the recycling process and was very timely with questions that I personally had for her. I would love to have her in the future. Erin Hoffman (707) 364-5022 PEP Housing 951 Petaluma Blvd S
10/3/2014 12:37 AM--I love the idea that you are reaching out to businesses. Maybe you can reach out more to the schools...I'm a volunteer at my children's school and it is unbelievable all of the food, and recycle able bottles, cans and paper that just goes in the garbage: the children need to learn now for their own future!! We throw so much into our landfill! I recycle all I can and at one point even had an account set up thru Terracycle at the school. We were making \$ off of garbage, but I was one person for 500+ students, teachers etc. I did not have enough time or storage to continue after 1 year of collecting for the program. Wish I could of got help and kept it going.
10/2/2014 8:14 AM--Putting Black trash bags in recycle box. We have made posters for this but it still occurs, maybe more stick on posters/flyers? Thanks

III. FUNDING IMPACT

The MCR-3 project is currently operating within budget.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

None required.

V. ATTACHMENTS

Survey Monkey MCR 2014 Recycling Outreach Survey

Approved by: _____

Henry J. Mikus, Executive Director, SCWMA

2014 Mandatory Commercial Recycling Outreach Feedback Survey

Who received outreach and type of outreach

Sonoma County Waste Management Agency staff visited your property with the purpose of providing recycling information and assistance. The purpose of the visit(s) was to help your commercial entity (business, multifamily complex property, school, or government agency) comply with California's Mandatory Commercial Recycling Law, AB 341.

1. What type of commercial entity are you completing the Mandatory Commercial Recycling Outreach feedback survey for?

- ☐ School
- ☐ Business
- ☐ Government agency
- ☐ Multifamily complex property

Other (please specify)

2. Who received recycling education outreach? (Check all that apply)

- ☐ Staff
- ☐ Children
- ☐ HOA or Tenants (multifamily property only)

Other (please specify)

3. What type of outreach was received? (Check all that apply)

- ☐ Waste assessment
- ☐ Distribution of recycle educational materials and/or resources
- ☐ Recycle presentation for a group
- ☐ Bilingual recycle presentation (English & Spanish)
- ☐ No outreach was received

Other (please specify)

2014 Mandatory Commercial Recycling Outreach Feedback Survey

Effectiveness of outreach received

Please provide feedback on the effectiveness of outreach you received.

4. How well did the outreach received help increase recycling awareness at your commercial entity?

- ☐ Very well at increasing recycling awareness
- ☐ Quite well at increasing recycling awareness
- ☐ Moderately well at increasing recycling awareness
- ☐ Slightly well at increasing recycling awareness
- ☐ Did not do well at increasing recycling awareness

5. If you received outreach materials, please rate the effectiveness of each at increasing recycling awareness at your commercial entity.

	Very effective	Effective	Somewhat Effective	Not Effective	N/A
Door hanger event notices distributed to tenants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Event fliers (for multifamily complex common areas)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11" x 17" blue single-stream recycle posters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8 1/2" x 11" blue single-stream recycle posters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
"We recycle, it's the law" orange flier	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reusable shopping bags	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
28-quart small blue recycling bin (for indoor use)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
32-gallon large blue recycling bin (for indoor common areas)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8 1/2" x 11" green compost posters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2014 Mandatory Commercial Recycling Outreach Feedback Survey

Changes in garbage or recycling service as a result of outreach

Please let us know if there was a change in your garbage or recycling service as a result of the outreach received.

6. Did your property establish for the first time OR increase the volume of recyclables collected at your property as a result of outreach?

- ☐ Established collection of recyclables for the first time
- ☐ Increased the volume of recyclables collected
- ☐ No change

7. After outreach was conducted, has there been any change to your garbage bill?

- ☐ Yes, our garbage bill has increased
- ☐ Yes, our garbage bill has decreased
- ☐ No change in our garbage bill

Other (please specify)

2014 Mandatory Commercial Recycling Outreach Feedback Survey

Future outreach

Please tell us how we can further assist your commercial entity at reducing solid waste.

8. Are you interested in receiving recycling outreach again in the future and how often?

- ☐ Yes, 1 time per year
- ☐ Yes, 2 times per year
- ☐ Yes, 3 times per year
- ☐ Not interested in future outreach

Other (please specify)

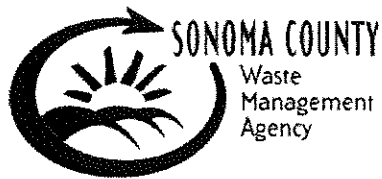
9. What language(s) are required to best reach your customers or tenants?

- ☐ English only
- ☐ English and Spanish
- ☐ Spanish only

Other (please specify)

10. Please share with us any comments, concerns, or feedback on your experience with the outreach you received.

Please include if there are any other resource materials that you would find useful in educating your tenants about waste diversion or proper disposal methods? Please be specific (e.g., hazardous waste disposal information flier, move-out flier for tenants, electronic newsletter, stickers, bilingual education, etc.)



Agenda Item #: **14.1.d**
Cost Center: **Education**
Staff Contact: **Chilcott/Mikus**
Agenda Date: **11/21/14**

ITEM: **Mandatory Commercial Recycling (MCR-3) final report**

I. BACKGROUND

At the October 16, 2013 Agency Board meeting, the Board approved the Mandatory Commercial Recycling (MCR-3) Phase 3 Project proposal. The work plan was based on the infrastructure, programs and relationships that were developed in MCR-1 and MCR-2 with activities targeting specific businesses, multifamily tenants and school age children. The timeline for completing the work was from October, 2013 through June, 2014.

Funding for this project came from the annual City/County Payment Program beverage container grant funding; grant total was approximately \$132,000 for FY 13-14. In addition, \$20,017 in Agency staff time was allocated in FY 13-14; \$54,739 was allocated in FY 14-15. Supported by Agency staff, field work was conducted by one temporary contract person working part-time employed through Manpower Temporary Services. Support for Spanish language, needed at some outreach events, was provided by the Ratto Group.

Contract Labor including miles	Paid advertising (English & Spanish)	Supplies (printing, mailing & misc.)	Total Cost
\$37,897	\$6,400	\$5,637 (Note 1)	\$49,934
Note 1: Purchase of recycling containers is not included with supplies and will be made as unexpended grant budget allows.			

Progress reports for this project were provided to Boardmembers in the Agency packets in January 15, 2014 and in May 21, 2014.

II. DISCUSSION

Initially, the goal was to conclude MCR-3 outreach at the end of FY 13-14 when a permanent Agency staff person could assume the responsibilities of the Mandatory Commercial Recycling Outreach project. However, as a new Agency staff person was not selected until October, 2014, the current temporary contract person, Judith Hoffman, fulfilled the responsibilities in order to avoid a delay in service.

Thus, the following is a summary of outreach conducted from October, 2013 to October, 2014. Detailed description is provided for activities that occurred after the last May 21, 2014 MCR-3 Progress Report included in the May, 2014 Board packet.

Task #																	
1	MCR-2 feedback online survey																
	Outreach goal: 100 emails (October 2013) N/A	Actual to date: 82 emails (October 2013) 61 emails (October 2014)	Status: Completed October 2013 Completed October 2014														
	Summary: 61 emails were sent out to commercial entities contacted in MCR-3. Overall, there were 22 responses. For details, see companion Item 14.1.c in this packet.																
2	Business targeted mailing																
	Outreach goal: 9,000 letters mailed	Actual to date: 9,253 letters mailed	Status: Completed December, 2013														
3	Business follow-up site visits																
	Outreach goal: 75 business visits	Actual to date: 81 business visits 20 events: -18 staff trainings -2 resource fairs	Status: Completed October, 2014														
	Summary: Since the May report, an additional 15 businesses were visited, 6 of which received waste analyses. In addition, 5 lodgings were visited, 3 of which received waste analyses and 4 of which received staff presentations.																
	The following summarizes outreach to businesses conducted from October 2013 to October 2014:																
	<table><tr><th>Business outreach, visits & follow up visits Oct. 2013-Oct. 2014</th><th>Numbers</th></tr><tr><td>Number of businesses mailed letter</td><td>9,253</td></tr><tr><td>Number of businesses visited</td><td>81</td></tr><tr><td>Number of waste analyses conducted</td><td>27</td></tr><tr><td>Number of properties that received outreach materials</td><td>82</td></tr><tr><td>Number of properties that held an event</td><td>19</td></tr><tr><td>Number of properties that held more than one event</td><td>0</td></tr></table>			Business outreach, visits & follow up visits Oct. 2013-Oct. 2014	Numbers	Number of businesses mailed letter	9,253	Number of businesses visited	81	Number of waste analyses conducted	27	Number of properties that received outreach materials	82	Number of properties that held an event	19	Number of properties that held more than one event	0
Business outreach, visits & follow up visits Oct. 2013-Oct. 2014	Numbers																
Number of businesses mailed letter	9,253																
Number of businesses visited	81																
Number of waste analyses conducted	27																
Number of properties that received outreach materials	82																
Number of properties that held an event	19																
Number of properties that held more than one event	0																

Area	Number of businesses visited Oct. 2013-Oct. 2014	Names
Cotati	1	Oliver's Market
Healdsburg	4	Chris Zootis Performance Center, Judith Stadler, Outlander, 101
Petaluma	17	Amy's Kitchen, Public Storage, Maltby Electric, Strauss Creamery, Western Landscaping, Creations by Francis G, Argent Bank, Memorial Hospice of Petaluma, Coda Technology Group, Hillside Landscaping, 101 North Brewing Co., Fishman's Supply, Xandex, WorldCentric, El Rose Medical Clinic, SJHH, Visitors' Center
Rohnert Park	6	La Perla Market and Plaza Garibaldi Taqueria, El Tapatio Taqueria, Vern Dance Academy, Sprint Store, Golden Bean Coffee, Saint Vincent de Paul's Thrift Store
Santa Rosa	37	Taqueria El Mariachi, Chelino's Mexican Restaurant, El Patio Mexican Restaurant, El Palomar Mexican Food, Taqueria La Guadalupana, Tu Salud, Alvarez Mariscos Seafoods, Tarascos Market #3, Bellos Suenos, Venus Photography, Joyeria Maria, Mariscos La Jaiba, The Engine Is Red, Taylor Mountain Inc, Storage Master Self-Storage, Barber Insurance, Betty's Fish & Chips, ReStore, Hahn Automotive, True Value Hardware, Radrods, Leslie's Pool Service, Leadership Institute-Ecology, Earth & Upheaval, Slakey Brothers, St. Vincent de Paul Kitchen, Pasta Etc., Empire Eye Doctors, Discovery Office Systems, Annadel Medical Group 500 Doyle Park building, Memorial Hospice of Santa Rosa, The Naked Pig, Oliver's Markets corporate office, Medtronic, Soul Shine Family Chiropractic, Oliver's Market Montecito, Oliver's Market Stony Point
Sonoma	6	O'Reilly Auto Parts, Sonoma Springs Brewing Co., Sonoma Internal Medicine, Synergy Dental, Coldwell Bankers, Collotype Labels
Sebastopol	1	Permaculture Skills Center
Unincorporated area	10	Efficiency Mechanical Heating & Cooling, River Family Services Center, Russian River Empowerment Center, Coffee Bazaar, Jack London State Historic Park, Cazadero Performing Arts Camp, Huffstutter Hauling, Annapolis Winery, Yanni's Sausage, Gualala Point Regional Campground
Total	82	

Outreach materials distributed to businesses Oct. 2013-Oct. 2014	Number distributed
Recycling Guides (English)	446
Recycling Guides (Spanish)	48
Single-stream recycle posters (8 1/2" x 11")	442
Single-stream recycling posters (11"x17")	76
Compost curbside yard debris posters (8 1/2" x 11")	16
"We recycle, it's the law" fliers	14
Safe Medicine Disposal fliers	38
Motor oil & filter Drop-off locations fliers	3
Reusable shopping bags	120
28-quart blue recycling bins	169
32-gallon blue recycling bins	62

The following summarizes outreach to lodgings/motels:

Lodgings outreach, visits & follow up visits Oct. 2013-Oct. 2014	Numbers
Number of lodgings visited	14
Number of waste analyses conducted	11
Number of lodgings that received outreach materials	14
Number of lodgings that held an event	9
Number of lodgings that held more than one event	1

Area	Number of lodgings visited Oct. 2013- Oct. 2014	Names
Cloverdale	1	Super 8 Motel
Healdsburg	2	America's Best Value Inn, The Rford Inn
Petaluma	1	Petaluma Hotel
Rohnert Park	2	Rodeway Inn, Budget Inn
Santa Rosa	3	Palms Inn, Extended Stay America south Santa Rosa, Monte Vista Motel
Sonoma	1	Cottage Inn & Spa
Unincorporated	4	Jenner Inn, Case Ranch Inn, Northwood Lodge, Fairmont Mission Inn
Total	14	

Outreach materials distributed to lodgings Oct. 2013-Oct. 2014	Number distributed
Recycling Guides (English)	18
Recycling Guides (Spanish)	2
Single-stream recycle posters (8 1/2" x 11")	179
Single-stream recycling posters (11"x17")	19
"We recycle, it's the law" fliers	15
Reusable shopping bags	7
28-quart blue recycling bins	182
32-gallon blue recycling bins	20

4

Conduct presentations for school age children

Outreach goal: 25 presentations	Actual to date: 25 school-age presentations 1 college class presentation 2 school staff meeting	Status: Completed September, 2014
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Summary:

Since the May report, 1 additional school was visited, held a staff meeting, a classroom presentation for their 3rd grade "earth cadets" and 2 school assemblies for recycling education and updating their recycling program.

The following summarizes outreach to schools:

School presentations Oct. 2013-Oct. 2014	Numbers
Number of school sites visited	22
Number of school sites that held a presentation	21
Number of school sites that held more than one presentation	5

Area	Number of school sites visited Oct. 2013-Oct. 2014	Names
Cloverdale	2	Boys & Girls' Club Washington Club, Boys & Girls' Club Jefferson Club
Rohnert Park	2	Boys & Girls' Club Rohnert Park, Marguerite Hahn Elementary
Petaluma	1	Old Adobe Elementary
Santa Rosa	13	Sonoma County Office of Education, Santa Rosa Charter School, Santa Rosa Junior College, Boys & Girls' Club Sheppard Club, Boys & Girls' Club JX Wilson Club, Apples & Bananas Preschool, A Special Place Preschool, Boys & Girls' Club Roseland Creek, Boys & Girls' Club Steele Lane, Boys & Girls' Club Biella Club, Boys & Girls' Club Cook Middle School, Boys & Girls' Club Comstock, Boys & Girls' Club Helen Lehman,
Sebastopol	1	Analay High School
Unincorporated area	2	Mark West Elementary, Geyserville Elementary
Windsor	1	Boys & Girls' Club Cali Calmecac Language Academy
Total	22	

Outreach materials distributed to schools Oct. 2013-Oct. 2014		Number distributed
Recycling Guides (English)		1091
Recycling Guides (Spanish)		218
Single-stream recycle posters (8 1/2" x 11")		1087
Single-stream recycling posters (11"x17")		61
Reusable shopping bags		20
28-quart blue recycling bins (in home use)		58
32-gallon blue recycling bins (common area use)		20
We Recycle, It's the Law flier (8 1/2" x 11")		20
Pencil promotional item giveaways		907
Tattoo promotional item giveaways		807
5 Multifamily outreach targeting tenants (bi-lingual)		
Outreach goal: Visits to 75 multifamily complexes and outreach events at 25 complexes	Actual to date: 67 visits 22 presentations: -18 community events -2 door-to-door events -2 kids' presentations	Status: Completed October, 2014
<p>Summary: 25 properties were selected from MCR-2 for follow-up outreach as a result of low attendance rates at events held (less than 20% of all units); outreach not received due to property undergoing renovation at time of site visit; expressed an interest in outreach event but did not schedule one; and properties experiencing ongoing issues with contamination of their recycle stream.</p> <p>Since the May report, 7 additional multifamily complexes were visited, 5 waste analyses were conducted and 3 community event presentations for tenants were held.</p>		
Multi-family property visits & follow up visits Oct. 2013-Oct. 2014		Numbers
Number of multifamily properties visited		67
Number of waste analyses conducted		59
Number of properties that received outreach materials		21
Number of properties that held an event		17
Number of properties that held more than one event		7
The number of multifamily complexes visited by jurisdiction is detailed below:		
Area	Number of multifamily complexes visited Oct. 2013-Oct. 2014	Names
Cloverdale	1	Kings Valley Senior Apartments
Petaluma	12	The Villa, 901 Martin Circle, Kenilworth Apartments, Oak Creek, Boulevard Apartments, Ricci Apartments, Liberty Meadows, Royal Townhouses, COTS, Vintage Chateau, Basin St, Kellgren Senior
Rohnert Park	16	Rancho Feliz Mobile Home Park, Las Casitas De Sonoma Mobile Home Park, Redwood Park Estates, Rancho Grande, Casa de Costas

		Apartments, Sonoma Park Apartments, Willow Creek Apartments, Atherton Apartments, Adobe Creek Commons, Copeland Creek Senior Housing, Deer Meadows, Sonoma Villas HOA, Shamiram Apartments, Vineyard Villas HOA, Boris Garden Apartments, Santa Alicia HOA
Santa Rosa	14	Silvercrest Residence, Leisure Mobile Home Park, Vintage Brush Creek, Sequoia Gardens, Alpine Apartments, Willow Tree Apartments, Dede's Rentals, Bakers & Associates Property Management, Meadowview Apartments, Vigil Light Senior Housing, Vineyard Gardens, Brookdale Lodge at Paulin Creek, Vista Sonoma, Journey's End Mobilehome
Sonoma	21	Pueblo Serena, Hanna Boys Center, Sonoma Point Apartments, Sonesta Villa HOA, Village Green I, Village Green II, Stella's Apartments, 896 Solano Ave Apartments, Casa De Sonoma, Sonoma Creek Senior Housing, Mission Village, Palm Court Apartments, De Anza Moon Valley Mobile Home Park, Pueblo Serena Mobile Home Park, Oak Tree Apartments, Sonoma Rancho Vista Apartments, Rancho de Sonoma, Lazzarotto's Mobile Home Park, Cabernet Apartments, Casablanca, Sonoma Village Apartments
Unincorporated area	3	Valley of the Moon Apartments, FAHA Manor Senior Apartments, Madrone Apartments
Total	67	

Outreach materials distributed Oct. 2013-Oct. 2014		Number distributed
Door hanger event notices		1,979
Recycling Guides (English)		899
Recycling Guides (Spanish)		187
Single-stream recycle posters (8 ½" x 11")		1,113
Single-stream recycling posters (11"x17")		50
Compost curbside yard debris posters (8 ½" x 11")		15
"We recycle, it's the law" fliers		548
Safe Medicine Disposal fliers		328
Motor oil & filter Drop-off locations fliers		72
Reusable shopping bags		592
28-quart small blue recycling bins		586
32-gallon large blue recycling bins		20

6	English paid advertising & Facebook promotion		
		Status: Completed April, 2014	
7	Spanish paid advertising		
		Status: Completed December, 2013	
8	Access database maintenance/updates		
	Outreach goal: N/A	Actual to date: N/A	Status: In progress
	On-going, as needed.		
9	Bin purchase, printing supplies & USPS postage		
	Outreach goal: N/A	Actual to date: N/A	Status: In progress
	Summary:		

Since the May report, three additional orders for blue recycling bins were placed based on requests from businesses, multifamily complexes and schools.	
Number of bins distributed Oct. 2013-Oct. 2014	Numbers
28-quart small blue recycling bins	1079
32-gallon large blue recycling bins	128

Summary of community impact:

Below is a summary of results from recent overall outreach, October 2013-October 2014.

Community impact, businesses Oct. 2013-Oct. 2014	Numbers
Adults that received outreach	433
Number of businesses that established recycling service for the 1 st time	5
Number of businesses that significantly increased the number of recycling bins and/or bin size	3

Community impact, lodgings Oct. 2013-Oct. 2014	Numbers
Adults that received outreach	23
Number of lodgings that established recycling service for the 1 st time	1
Number of lodgings that significantly increased the number of recycling bins and/or bin size	1

Community impact, schools Oct. 2013-Oct. 2014	Numbers
Adults that received outreach	156
Children that received outreach	1,215

Community impact, multifamily properties Oct. 2013-Oct. 2014	Numbers
Adults that received outreach	561
Children that received outreach	66
Number of properties that established recycling service for the 1 st time	2
Number of properties that significantly increased the number of recycling bins and/or bin size	0

III. FUNDING IMPACT

The MCR-3 project was completed within budget, despite the four month timeline project extension.

MCR-3 project budget estimate and actual budget expended October, 2013-October, 2014				
	Contract Labor including miles	Paid advertising (English & Spanish)	Supplies (printing, mailing & misc.)	Total Cost
Budgeted estimate	\$37,897	\$6,400	\$5,637 (Note 1)	\$49,934
Actual Budget	\$33,269.16	\$5,893.34	\$5,318.71 (Note 1)	\$44,481.21
Note 1: Purchase of recycling containers was not included with supplies and was made as unexpended grant budget allows. The actual expenditure on blue recycling containers (large and small sizes) in this time period was \$ 10,850.74.				

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

None required.

V. ATTACHMENTS

Approved by: _____
Henry J. Mikus, Executive Director, SCWMA

FACT SHEET ON HOW TO DRAFT PHARMACEUTICAL STEWARDSHIP ORDINANCES (Revised 10/27/2014)

This fact sheet is intended to be used as a tool for anyone considering a producer responsibility ordinance for household pharmaceuticals. It summarizes key elements of the two existing pharmaceutical ordinances that have passed in the U.S. for Alameda County, California and King County, Washington. In addition, it includes San Francisco's new ordinance that was introduced October 21, 2014. The consensus is that the best ordinance to start with is San Francisco's which was the most recently introduced and was based on the best of both Alameda and King County ordinances.

Questions to ask and have policy leadership answer before going to Counsel to draft an Ordinance:

1. What medications must be accepted by the program? (OTC, vitamins, controlled)?
2. Will producers pay 100% of the program hard costs?
3. Will it have convenience requirements will be defined?
4. Will it require a producer funded and managed public education/outreach program?
5. Will pharmacies be required to (1) host bins, and/or (2) advertise the program?
6. Will it allow producers to charge the cost to the consumer visibly or be internalized in price?
7. Will it require producers to pay fees to reimburse for public agency oversight costs?
8. Will it allow the public agency to assess a penalty/fine for failure to comply, and if so what?

Comparison of Ordinances by the Counties of Alameda, King and San Francisco:

Question	Alameda County Safe Medication Disposal Ordinance Adopted 7/24/12	King County Secure Medicine Return Ordinance Adopted 6/20/13	San Francisco Safe Drug Disposal Ordinance Introduced 10/21/14
Are over-the-counter medications covered?	No	Yes	Yes
Are vitamins/ supplements covered?	No	No	No
Are controlled substances covered?	Yes, partially, special provisions for how controlled are handled.	Yes	Yes
Will producers pay 100% of the program hard costs?	Yes	No – The County funds collection bins up to maximum of 400 bins.	Yes

Will it have convenience standards, and if so what?	No, but an explanation of how the system will be convenient and adequate to serve the needs of residents is required in the plan.	Yes – Every retail pharmacy and law enforcement office that volunteers must be included in the system. If a jurisdiction does not have at least 1 site plus one additional site for every 30,000 population, then producers must also provide periodic collection events or mail-back services, or some combination.	Yes – Every Supervisorial District must have at least 5 drop-off sites geographically distributed to provide reasonably convenient & equitable access. If this cannot be achieved due to lack of drop-off sites, periodic collection events and/or mail-back services shall be provided.
Will it require a public education/outreach program?	Yes	Yes	Yes
Will pharmacies be required to (1) host bins, or (2) advertise the program?	No	No, all potential collectors will participate voluntarily.	No, the separate Safe Drug Disposal Information ordinance requires pharmacies to display ads for the collection program.
Will it allow producers to charge visible fees?	No	No	No
Will it provide oversight fees to reimburse costs incurred by the public agency?	Yes	Yes	Yes
Allows the public agency to assess a penalty/ fine?	Yes, max. penalty of \$1,000/day.	Yes, max. penalty of \$2,000/ day.	Yes, \$50-\$500 per day fines/up to 6 mo. jail

Ordinance Lead Attorney and Technical Staff by Jurisdiction:

Alameda County, CA:

Kathleen Pacheco, Senior Deputy County Counsel - Ph: 510-272-6700 kathleen.pacheco@acgov.org

Bill Pollock, Hazardous Waste Manager - Ph: 510-670-6460 bill.pollock@acgov.org

King County, WA:

Amy Eiden, Deputy Prosecuting Attorney - Ph: 206-477-1082 amy.eiden@kingcounty.gov

Taylor Watson, Program Implementation Manager - Ph: 206-263-3072 taylor.watson@kingcounty.gov

San Francisco, CA:

Thomas Owen, Deputy City Attorney - Ph: 415-554-4679 thomas.owen@sfgov.org

Maggie Johnson, Residential Toxics Reduction Coordinator - Ph: 415-355-5006

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October 24, 2014

Karina Chilcott
Sonoma County Waste Management Agency
2300 County Center Dr. -Ste B 100
Santa Rosa, CA 95403

Dear Ms. Chilcott,

I want to express my deep appreciation for the donation of reusable shopping bags to the Sonoma County Human Services Department (HSD). I also want to recognize your personal efforts as well.

To date, hundreds of bags have been distributed to low-income individuals and families participating in the following HSD divisions:

- Adult Protective Services (3725 Westwind Blvd, SR) – provides services to vulnerable adults, seniors, and Veterans.
- Economic Assistance (2550 Paulin Blvd, SR and 520 Mendocino Ave, SR) – provides CalFresh and Medi-Cal benefits to over 100,000 residents county-wide.
- Employment & Training (2227 Capricorn Way, SR) – provides welfare-to-work services to families and other employment services through Job Link.
- Family, Youth & Children (1202 Apollo Way, SR) – provides a variety of services to vulnerable children, foster youth, and adoptive families throughout Sonoma County.

Although our offices are located in Santa Rosa, our staff go out and serve the entire Sonoma County community. Through our services, we reach 1 in every 6 Sonoma County residents. You'll be able to spot your bags everywhere in the County.

Your bags are very much appreciated by our clients. I wanted to share a story of one young man. He is an emancipating foster youth: funny, sweet and hard-working (2 jobs). We gave him a bag and he thanked staff profusely, saying how grateful he was because he doesn't have a car or a bike and needs to walk an hour one way to the nearest grocery store to his house. The bag will make his shopping much easier.

Letter to Karina Chilcott
October 24, 2014
Page 2

The HSD looks forward to a long-standing partnership with your Agency. Our clients really appreciate your donations of the reusable bags. Please keep them coming!

With appreciation,




Karen Fies
Assistant Director



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. Box 4025 MS 9A, SACRAMENTO, CALIFORNIA 95812

11/6/2014

Patrick Carter
SCWMA
2300 County Center Dr., Ste B 100
Santa Rosa, CA 95492

RE: 2013 Electronic Annual Report (EAR) review complete; No further information needed.

Dear Mr. Patrick Carter:

In accordance with the Integrated Waste Management Act (IWMA), also known as AB939, CalRecycle staff must review a jurisdiction's Electronic Annual Report (EAR) within 120 days. The intent of this review is to evaluate the implementation of Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) programs.

This letter is to inform you that Sonoma County Waste Management Agency EAR review is complete. At this time, there are no further questions but please note that I'll be conducting an upcoming site visit in 2015 for each member agency, that is annually required by SB1016, to verify continued program implementation.

Note that the CalRecycle staff-recommended per capita disposal rate will be posted at: www.calrecycle.ca.gov/LGCentral/DataTools/Reports/DivDispRtSum.htm. A jurisdiction's per capita disposal rate alone is not determinative of its effort to implement its SRRE and HHWE programs. Rather, program information submitted within the EAR and verified through LAMD staff site visits and other findings will be included in a scheduled Department review, every two or four years, to evaluate each jurisdiction's effort in meeting the state's disposal reduction requirements.

Should you have any questions about the EAR or the 2 and 4 year review processes, please contact me at (916) 341-6294 or by reply email.

Respectfully,

A large black rectangular box redacting the signature of Sam Ferrero.

Sam Ferrero
Environmental Scientist

cc:
Kaoru Cruz
Supervisor

