

WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS MEETING MINUTES – APRIL 11, 2019

Meeting Date | Time 4/11/2019 7:00 PM | Meeting Location San Pablo City Council Chambers, 13831 San Pablo Avenue, San Pablo, CA

Meeting called by Board of Directors

Type of meeting Regular

Authority Staff Present Stan Hakes, Lorna Thomson, Christina Leard, Andy Schneider, Melinda Wong

Legal Counsel John Bakker

Board Members Present:

Directors: G. Lyman (Chair), El Cerrito; D. Romero, Hercules; P. Murray, Pinole; A. Pineda, San Pablo; N. Bates, B. Choi, and J. Myrick, Richmond

Absent: F. Glover (Ex-Officio) Contra Costa County

CALL TO ORDER/ROLL CALL

Chair Lyman called the meeting to order at 7:03 P.M. The Roll Call established the existence of a quorum (Bates, Lyman, Murray, Myrick, Pineda, Romero, and Choi). *Directors Pineda and Myrick arrived during the Closed Session.

CLOSED SESSION

The Board adjourned into Closed Session at 7:04 P.M.

1. Public Employee Appointment

Title: Interim Executive Director

2. Report Out of Closed Session:

The Board returned to open session at 7:59 P.M., and reported an Ad Hoc Committee had been established consisting of Chair Lyman and Directors Pineda and Romero to discuss the appointment of an Interim Executive Director.

PLEDGE OF ALLEGIANCE

Chair Lyman led the Pledge of Allegiance.

EX-PARTE COMMUNICATIONS & DISCLOSURE/PUBLIC COMMENT

Chair Lyman called for ex-parte communications. There were none. Chair Lyman called for public comment. There was none.

CONSENT CALENDAR

Chair Lyman called for approval of the Consent Calendar consisting of two items.

Director Romero pulled Item 6.1 from the Consent Calendar.

MOTION by Director Murray to approve Consent Calendar Item 6.0. **SECOND** by Director Myrick.
MOTION PASSED unanimously.

Consent Calendar Item 6.1 – Authority Priority Projects for Spring-Summer 2019

Director Romero noted that several items on the Priority Projects list were normal operating procedures that should not be included such as contracting out administrative functions, one-day HHW events, legislative updates, the financial audit, the budget, and that AB 1826 and AB 341 activities were automatic. He would rather see the list include things that required immediate focus such as the JEPA, hiring an Interim Executive Director, RecycleMore offices, and the Records Management Policy.

On the discussion, Executive Director Hakes identified the following priorities that he believed should receive his focus prior to his retirement in July:

- JEPA Update – Phase 1 – All Member Cities
- Hire an Interim Executive Director
- SB 1383 Compliance Plan
- Address OBEP Liability
- Study – Alternatives for New RecycleMore Offices
- Records Management Policy Request for Proposals

Chair Lyman concurred with the items recommended for the Executive Director's focus between now and his retirement given the Board priorities, the time sensitive nature of some of the items, and the current Executive Director's knowledge on some of the items. The new list would be presented at the next meeting.

MOTION by Director Myrick to approve Agenda Item 6.1, Priority Projects for April 15 through July 30, 2019, as revised. **SECOND** by Directors Murray and Romero.

MOTION PASSED unanimously.

STAFF REPORT

Staff Report Item 7.0

Mr. Hakes reported that:

- 1) The reserve distribution for the County in the amount of \$659,481 had been sent; a check from the City of El Cerrito in the amount of \$76,521 had been received for its fair share contribution to RecycleMore; and due to the most recent approval for the disbursement of reserves of \$500,000, Richmond had submitted documents requesting disbursement of reserves, El Cerrito was working on its submittal, and other member agencies were asked to identify their interest in receiving the disbursement of those reserves at this time.
- 2) A letter had been sent to seven potential proposers for a computer system upgrade, most of whom were in the service area, proposals were due back April 22 to upgrade RecycleMore's aging computer, network, and file systems.
- 3) In response to previous requests from the Board, Republic Services reported that from February 1 through March 6, it had collected 265 mattresses, and 55 customers had come through for compost; Supervisor Gioia's office had advised that the Illegal Transfer Station Task Force had referred issues to the Environmental Health Department where ten illegal sites had been closed in El Sobrante since 2016, 26 illegal sites in the Richmond city limits, and 12 illegal sites in the County area near Richmond; and the request for more information on AB 901 was pending.
- 4) Lorna Thompson, who had been employed by RecycleMore for five years, would be leaving the organization; her work was much appreciated and well wishes were offered.
- 5) The May agenda would be large and a suggestion to start the meeting at 6:30 P.M. was recommended.

Each Director thanked Ms. Thompson for her work for the organization, particularly during the period when there had been no Executive Director to manage the agency. Lorna Thompson acknowledged the Board's messages of appreciation.

Agenda Item 8.0 – Joint Exercise of Powers Agreement (JEP A) Update | Presenter Stan Hakes – Executive Director

Director Murray noted that since the City Managers were expected to meet on April 23 to discuss the JEP A, the discussion might be moot at this point. As a result, he recommended that the item be tabled until after that meeting.

MOTION by Director Murray to table the item to a future meeting. **SECOND** by Director Romero.
MOTION PASSED unanimously.

Agenda Item 8.1 – Assembly Bills 341 and 1826 Update | Presenter Stan Hakes- Executive Director, Andy Schneider – Program Manager

Andy Schneider, Program Manager, presented the background to AB 341 which requires each California jurisdiction or city to have a commercial recycling program, and AB 1826 which requires a commercial composting program, with RecycleMore to assume responsibility for compliance on behalf of the member agencies, which included reporting on coverage and non-compliance rates for both laws in the annual report to be filed in early August each year. He described what had occurred after that reporting when CalRecycle had sent a warning letter to RecycleMore in early 2018 when a monitoring gap had been identified, specifically for AB 1826. RecycleMore had taken immediate action after that notice. A compliance plan was completed and actions had been taken to address the program gap. RecycleMore provided a final year end update to all stakeholders on December 20, 2018, which had reflected improving AB 1826 compliance from 56 to 89 percent, and improving AB 341 compliance up slightly from 92 to 96 percent. He described the changes to the law as of 2019, and identified the current compliance status under the new threshold by member jurisdictions along with the follow-up involved.

Mr. Schneider reported the CalRecycle Local Assistance and Market Development (LAMD) representative conducted annual site visits in January and February 2019. The site visits had been expedited to so that Cal Recycle could monitoring RecycleMore's AB 1826 and AB 341 progress. The 2019 site visits were atypical in that the LAMD expressed concern to each member agency regarding the interpretation of the law and how the program was being implemented.

Due to the differences in interpretation, it had been suggested that RecycleMore meet with the CalRecycle Branch Chief as to those interpretations, and Mr. Larry Sweetser of Sweetser and Associates agreed to facilitate a meeting that was held on March 28th. RecycleMore's compliance program and interpretations were discussed at that meeting. There was an agreement at the meeting to keep communications with CalRecycle open and ultimately CalRecycle's management had accepted RecycleMore's interpretations of many points of contention that had come up in site visits. Mr. Hakes said in follow up to this meeting, an e-mail dated April 9, 2019 was received from CalRecycle to confirm CalRecycle's satisfaction with the level of compliance and follow-up efforts by RecycleMore and that the monitoring gap identified in 2018 had been addressed. Mr. Hakes said that the email in part stated "In our meeting we shared that we are pleased with the progress made by RecycleMore, the member jurisdictions and haulers as well as the commitment to continue these efforts going forward." Mr. Hakes acknowledged and thanked Mr. Sweetser for his role in facilitating this meeting with CalRecycle.

Director Myrick stated that it was important for the Authority to remain in compliance and asked if a 2019 Work Plan had been developed. Mr. Schneider stated that while there was no formal 2019 plan, the existing 2018 plan was still solid, and that an application for a Civic Spark Fellow had been requested for the coming year with plans to have that individual manage the compliance tracking. Mr. Hakes stated with the new relationship with

CalRecycle, the Manager of the Bay Area Programs wanted to become more involved and RecycleMore would be regularly checking in with CalRecycle, which would ultimately look for a report in December and expect the numbers to be significantly higher than they were now. In the meantime, RecycleMore would communicate with CalRecycle and meet some periodic benchmarks. He added that RecycleMore was already actively working with on these new accounts. Follow-up and site visits soon would be pursued.

Director Murray referred to the 2019 threshold and asked when compliance was required, to which Mr. Schneider stated that AB 1826 had a good faith effort clause although SB 1383 did not, and CalRecycle had given no expectation for the level of compliance to expect on any of the thresholds.

Chair Lyman supported a 2019 work plan and stated the plan could go from the 500 new accounts from the current threshold to the exceedingly larger number of accounts that generated four yards of solid waste. When asked how he would address the increased accounts that would be triggered by CalRecycle's new threshold, Mr. Schneider stated an additional data request had been made of Republic Services and he would work with staff to make sure that East Bay Sanitary Accounts were aware of the threshold and moving forward correctly. He believed that with formulas they could calculate the correct total generation through the franchise hauler account data for each account, which had been done in the past. He added that there was data tracking software built on the premise of SB 1383 and AB 1826's new threshold, and something like that would be useful to manage the hundreds of accounts involved.

Maria Sanders, City of El Cerrito staff, stated El Cerrito had conducted its own compliance with the staff at the Recycling Center and for AB 341 monitored 65 businesses and only two were non-compliant at this time; 110 multifamily were covered and all had recycling service; and for AB 1826 for organics the city was using the 2018 thresholds and had not gone to the total solid waste generation model yet but would have to do that. Only in 2018 the city needed to work with 17 businesses and 6 multifamily and only one was non-compliant. She thanked RecycleMore staff for working with them.

BOARD MEMBER AND STAFF ANNOUNCEMENTS

Chair Lyman reported that El Cerrito was holding Earth Day on Saturday and would meet at 9:00 A.M. near Safeway.

Director Myrick noted that there would be a parade near Cinco de Mayo with a parade on Saturday and the Festival on Sunday, in Richmond.

Director Romero stated that Hercules would have the first of three HHW days starting at 8:00 A.M. in the Hercules Public Works Yard and all agencies were eligible to have their residents attend.

Director Pineda reported that April 13 would be San Pablo Dumpster Day when items other than electronics devices, tires, batteries, and all hazardous materials, could be disposed with resident verification through a PG&E and EBMUD statement, address and photo ID.

ADJOURNMENT

With consensus of the Board, Chair Lyman adjourned the meeting at 9:17 P.M. until the next regular Board meeting scheduled for May 9, 2019, to start at 6:30 P.M.

I hereby certify the foregoing to be a true and correct statement of the Official Minutes of the West Contra Costa Integrated Waste Management Authority Board meeting held April 11, 2019.

Board Secretary

Date