



h o m e w o r k s c h o o l

Board of Directors Special Meeting Agenda

August 8, 2019

6:00 p.m.

**** Please note the early time ****

**San Pablo City Hall
City Council Chambers
1 Alvarado Square (13831 San Pablo Avenue)
San Pablo, CA 94806**

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet in an alternative format, please contact the Authority's Manager of Administrative Services at (510) 215-3125. Notification of at least 48 hours prior to the meeting or time when services are needed will assist Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Public Comment

Members of the public may address the Board of Directors on items that are within the jurisdiction of the Authority. Comments by the public pertaining to items listed in this Agenda should be made at the time the item is considered by the Board of Directors. Please note this Agenda contains an item for the Public to address the Board on non-agenda matters. Each speaker is limited to 3 minutes and may speak only once under each agenda item. The Board of Directors may waive these provisions. If you desire to address the Board, please submit your request on a Speaker's Card available from the Secretary.

1. CALL TO ORDER AND ROLL CALL

The Chair will call the meeting to order and the Secretary will call the roll to establish the presence of a quorum.

2. CLOSED SESSION - NONE

3. PLEDGE OF ALLEGIANCE

The Chair or a Member of the Board will lead the Pledge of Allegiance.

4. EX PARTE COMMUNICATIONS DISCLOSURES

The Chair of the Board will ask if any Director has an ex parte disclosure, pursuant to the Authority's Ex Parte Communications Policy, on any agendized items.



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WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY



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www.recyclemore.com

5. PUBLIC COMMENT

Receipt of public comment on non-agenda matters.

6. CONSENT CALENDAR

All matters listed in the Consent Calendar will be enacted with one motion. There will be no separate discussion of the items listed. However, upon request by a member of the Board or the Public, items will be removed from the Consent Calendar and considered separately in the agenda order.

Consideration of a motion to approve the following actions:

6.0 Future Board Agenda Reports

Receive and file a list of tentative future Board meeting agenda reports.

END OF CONSENT CALENDAR

7. STAFF REPORT

Staff will provide updates on recent and upcoming activities.

Process for Addressing Agenda Items Before the Board of Directors

- *Chair reads the agenda item*
- *Staff presents their report*
- *Board questions staff*
- *Public comments are heard*
- *Board discusses item*
- *A motion is made*
- *Final Board discussion*
- *Motion is restated and seconded for the record*
- *Board votes or provides direction to staff*

8. REGULAR AGENDA

8.0 RecycleMore Staffing

1. Receive and file RecycleMore Staffing Report.
2. Provide direction to staff.

8.1 Update - Financial Obligation for Kensington HHW Services

1. Receive and file report.
2. Provide direction to staff.

8.2 RecycleMore Relocation

1. Receive and file a RecycleMore Office Relocation Report.
2. Authorize the Interim Executive Director to engage a commercial real estate broker to assist in the procurement of new office space.

END OF REGULAR AGENDA

9. BOARD MEMBER AND STAFF ANNOUNCEMENTS

INFORMATION ONLY. Announcement of matters of interest by Board Members, Alternate Board Members, Executive Director and General Counsel.

10. ADJOURNMENT

Consideration of a motion to adjourn. The next regular Board of Directors' Meeting is scheduled for September 13, 2019.



Agenda Report

Date: August 8, 2019
To: West Contra Costa Integrated Waste Management Authority Board
From: Steve Duran, Interim Executive Director
Subject: Future Board Agenda Reports

ACTION REQUESTED

Receive and file a list of tentative future Board meeting agenda reports.

BACKGROUND

Attachment 1 is a list of tentative agenda items for upcoming Fall 2019 meetings. It is recommended the Board receive and file this list of tentative Board agenda items.

FISCAL IMPACT

None.

RECOMMENDED ACTION

Receive and file a list of tentative future Board meeting agenda reports.

Approved by:

Steve Duran
Interim Executive Director

Attachment 1: List of Tentative Fall 2019 Board Agenda Items

Fall 2019 Tentative Board Agenda Items

September Board Meeting

1. Adopt FY 2019-20 Operating Fund and Recycling Fund Budget
2. FY17-18 Financial Audit
3. Findings - Review of 2014-2018 HHW Actual Cost Submittal from Republic
4. Update on Payments for Kensington HHW Services

October Board Meeting

5. Approve Calendar Year 2020 HHW Budget
6. Calendar Year 2020 Post-Collection Rates Workshop
7. Reserves Policy- Actions to Address "Surplus" Reserves
8. Organization Study
9. Executive Director Preliminary Interviews

November Board Meeting

10. Approve Calendar Year 2020 Post-Collection Rates
11. Executive Director Final Interviews



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WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

Agenda Report

Date: August 8, 2019
To: West Contra Costa Integrated Waste Management Authority Board
From: Steve Duran, Interim Executive Director
Subject: RecycleMore Staffing

ACTION REQUESTED

1. Receive and file RecycleMore Staffing Report.
2. Provide direction to staff.

BACKGROUND

The West Contra Costa Integrated Waste Management Authority (RecycleMore) has operated with five full time positions for a number of years. In the FY 2018-19 Budget, RecycleMore staffing consisted of five (5) full time employees:

1. One Executive Director position
2. One Manager of Office Administration position
3. One Program Manager (HHW Programs) position
4. One Program Manager (PCA Management, State mandates, other duties) position
5. One Recycling Coordinator/Administrative Assistant position

The FY 2018-19 Budget also included one grant funded (11 month) temporary position (CivicSpark Fellow).

There are currently three vacant full-time positions: 1) Executive Director; 2) Manager of Administration; 3) Recycling Coordinator/Administrative Assistant. The Board hired an Interim Executive Director in July 2019, and is actively recruiting for a permanent Executive Director. RecycleMore staff is hopeful that a new CivicSpark Fellow could be hired in September 2019. The Manager of Administration and Recycling Coordinator/Administrative Assistant positions remain vacant.

The Board has asked the Interim Executive Director to prepare the FY 2019-20 Budget for consideration of approval at the September Board meeting in accordance with Board direction provided to staff at the June Board meeting. Based on that direction, the position of Recycling Coordinator/Administrative Assistant has been eliminated from the proposed FY 2019-2020 Budget.

This report is provided for the Board to consider preliminary input from the Interim Executive Director on RecycleMore staffing, and for the Board to provide direction to the Interim Executive Director on RecycleMore staffing.

TWO VACANT POSITIONS

The Manager of Administration and Recycling Coordinator/Administrative Assistant positions are currently vacant. The Interim Executive Director has reviewed the May 2019 Board meeting FY 2019-20 Budget Workshop, the June 2019 Board meeting FY 2019-20 Budget report and July 2019 Board meeting staffing report. The Interim Executive Director has also solicited input from RecycleMore staff, the outgoing Executive Director, member agency staff and member agency City Managers.

The reports reviewed and input received make a strong case to retain the Manager of Administration position. This position would be responsible for five critical functions: 1) Human Resource matters, including employee benefits; 2) Budget and Financial matters; 3) Clerk of the Board functions, including preparing the monthly Board agenda packet; 4) Records management; 5) Risk Management. RecycleMore is currently paying a consultant (MRG) \$125 per hour to perform only three of these functions (Human Resources, Financial, Risk management); RecycleMore could hire the Manager of Administration to perform these all five critical duties, as well as other duties, at a cost of less than \$90 per hour (\$60 per hour or less for salary - plus about \$27 per hour or less for benefits). Another outside consultant is currently assisting with budget preparation. This is also something that a new Executive Director and Manager of Administration should be able to do in house and thereby further reduce consultant costs.

Further study is needed to develop a recommendation on staffing beyond the four positions (Executive Director, two Program Managers, Manager of Office Administration).

ORGANIZATION STUDY

RecycleMore currently has an agreement with Municipal Resource Group (MRG) to provide limited administrative services for RecycleMore. One of these services is human resources. The Interim Executive Director will work with designated representative from MRG to develop a basic organization study to be presented to the Board at the October or November 2019 Board meeting.

FISCAL IMPACT

There is no fiscal impact associated with this report.

RECOMMENDED ACTION

1. Receive and file a RecycleMore Staffing Report.
2. Provide direction to staff.

Submitted by:



Steve Duran
Interim Executive Director



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WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

Agenda Report

Date: August 8, 2019
To: West Contra Costa Integrated Waste Management Authority Board
From: Steve Duran, Interim Executive Director
Subject: Update - Financial Obligation for Kensington HHW Services

ACTION REQUESTED

1. Receive and file report.
2. Provide direction to staff.

BACKGROUND

Household hazardous waste (HHW) management services are a core function of the West Contra Costa Integrated Waste Management Authority (Authority). The Authority has provided some form of HHW services for our service area and for additional West Contra Costa County areas (by contract) for more than 20 years. Republic Services owns and operates an HHW Facility at 101 Pittsburg Avenue in Richmond, using Stericycle as an HHW subcontractor. The Authority is the permit holder for the facility, and is the “generator of record” for the HHW collected within the service area.

The Authority, Republic Services and Contra Costa County (County) entered into an agreement for household hazardous waste (HHW) services in 2000. This agreement remains in effect today.

The agreement provides for limited area of County residents (Kensington, Crockett, Port Costa, and Tormey) outside of the Authority service area to use the Republic owned and operated HHW Facility at 101 Pittsburg Avenue in Richmond (HHW Facility). For Kensington, the County acts as a representative to coordinate payment to Republic Services for Kensington residents to use the HHW Facility, based on provisions in the agreement. Until 2018, payments for the Kensington HHW services were made on a regular basis, and Kensington residents were able to use Richmond HHW Facility. There were few, or no, financial issues.

As of the July 18, 2019 Board meeting, Republic had not received payment for Kensington HHW Services since March 2018. The Board was provided with a report on this issue at the July 2019 Board meeting. County Staff sent an email to the Authority and Republic Services on July 22 stating that a letter was sent to Bay View Refuse & Recycling requesting payment to Republic Services in the amount of \$15,719.80 (of the invoiced \$18,228.90) for Q2, Q3, and Q4 2018 (e-mail provided as Attachment 1). On July 30, the County sent a letter to Republic Services along with a check for 2018 unpaid invoices (Attachment 2).

It was noted at the July 2019 Board meeting that County staff, Supervisor Gioia's Office and Republic Services would be meeting on this issue in the near future. The Board directed RecycleMore staff to participate in this meeting and to provide the Board with an update on this issue at the August 8, 2019 Board meeting.

Legal Counsel has prepared and distributed a confidential legal briefing memo to the Board on this issue. If a Board Member has a question regarding the confidential briefing memo, please contact Legal Counsel or the Interim Executive Director.

As of this writing, a meeting with County staff, Supervisor Gioia's Office, Republic Services and Authority representatives is scheduled for August 8, 2019. The August 2019 Board meeting agenda packet was completed, posted, and mailed out prior to this meeting. Staff will provide the Board with an oral update on this subject at the August 8, 2019 Board meeting.

FISCAL IMPACT

Republic Services invoices for Kensington HHW Services from March 2018 through present total \$29,907.52. As noted, the County sent payment of \$15,719.80 on July 30 for 2018. The remaining 2018 difference of \$2,509.10 for 2018 and the 2019 billing is still unsettled between the County and Republic Services. The County is awaiting documentation from Republic Services on actual costs before issuing payment for 2019. These invoices were sent by Republic Services to the County, so there is an immediate fiscal impact for Republic Services on this issue. However, the recently approved Household Hazardous Waste Side Agreement (between Republic Services and RecycleMore) has provisions for an annual accounting reconciliation of budgeted HHW costs vs. actual costs. In this side agreement, the actual revenue from outside sources (such as the billing to the County for Kensington HHW services) is deducted from the total cost of HHW services as part of the annual accounting reconciliation. As such, RecycleMore revenues could be affected by this billing dispute for Kensington HHW services.

RECOMMENDED ACTION

1. Receive and file report.
2. Provide direction to staff.

Approved by:



Steve Duran
Interim Executive Director

Attachment 1: July 22, 2019 E-mail from County Staff

Attachment 2: July 30, 2019 Letter from County Staff to Republic Services

From: Deidra Dingman <Deidra.Dingman@dcd.cccounty.us>
Sent: Monday, July 22, 2019 11:23 PM
To: Stan Hakes; Peter Nuti
Cc: Christina Leard; Justin Sullivan
Subject: Payment requested for Kensington HHW for the period of 2Q-4Q2018

Stan & Peter: On Friday, we sent a letter to Bay View Refuse & Recycling requesting payment in the amount of \$15,719.80 for the three outstanding quarterly invoice periods in 2018 (2Q, 3Q and 4Q). A breakdown of the amounts for each of the three quarters is included below. The credit due for overpayments for 2016, 2017 and 1Q2018 was not applied towards the payment due for 2018, so the intention is to apply the credit towards the amount due for 2019 invoice period(s).

Due to the lack of certainty associated with key operational assumptions related to the Door to Door Program, I elected not to deduct the estimated annual costs that I calculated (\$35,054.69) at this time pending further research/verification. The amounts that I did remove in order to calculate Kensington’s share of actual costs for HHW services provided at the HHW Facility located in North Richmond for 2Q2018 – 4Q2018 are listed below:

El Cerrito HHW Facility \$197,038.63 (plus 15% OM)
 One-day Collection Events \$108,753.34 (plus 15% OM)
 Sharps Containers \$12,000 (plus 15% OM)

		Amount Invoiced	Adjusted Amount Due	Amount Overbilled (15.96%)
2Q2018	\$	5,952.60	\$5,555.30	\$ 397.30
3Q2018	\$	6,872.68	\$6,471.36	\$ 401.32
4Q2018	\$	5,403.62	\$3,693.14	\$ 1,710.48
	\$	18,228.90	\$15,719.80	\$ 2,509.10

Sincerely,
 Deidra Dingman - Conservation Programs Manager

Contra Costa County
 Department of Conservation & Development
 30 Muir Road
 Martinez, CA 94553
 Phone: (925) 674-7203 or 674-7825
 Fax: (925) 674-7250
 Web: www.cccrecycle.org | www.cccounty.us
 E-Mail:
deidra.dingman@dcd.cccounty.us

**Department of
Conservation &
Development**

30 Muir Road
Martinez, CA 94553-4601

Phone: 1-855-323-2626

**Contra
Costa
County**



John Kopchik
Interim Director

Aruna Bhat
Deputy Director

Jason Crapo
Deputy Director

Maureen Toms
Deputy Director

Kelli Zenn
Business Operations Manager

July 30, 2019

Nicole Forte
Republic Services
101 Pittsburg Ave.
Richmond, CA 94801

**SUBJECT: KENSINGTON HHW SERVICE PAYMENT FOR REMAINDER OF 2018 &
UNPAID INVOICES FOR FIRST –HALF OF 2019**

Dear Ms. Forte:

As noted in prior written communications, County staff determined that Republic’s invoice amounts for Kensington’s share of HHW service costs were in excess of what is allowed for based on the terms of the Agreement for Household and Small Quantity Generator Hazardous Waste Services between the County, Republic and RecycleMore (HHW Agreement). The HHW services that Republic has been providing to Kensington have remained limited to those provided at the HHW Facility located in North Richmond, consistent with the terms of the HHW Agreement. However, amounts Republic has been invoicing Kensington for HHW services are not limited to the actual costs for providing said contractually allowed/required services since at least 2016, in violation of Section 3.1 of the HHW Agreement.

Although Republic failed to revise the disputed invoices to comply with the HHW Agreement, County staff has proactively sought to resolve these invoicing issues over the past year. Republic never furnished data in response to multiple requests for actual cost data needed to determine Kensington’s proportional share of the applicable HHW service costs. Therefore, County staff relied upon actual 2018 cost data obtained from RecycleMore to calculate the following adjusted amounts due for the 2nd through the 4th quarter of 2018. **Enclosed please find a check from Bay View Refuse & Recycling, Inc. in the amount of \$15,719.80 for Household Hazardous Waste services from April 1, 2018 through December 31, 2018.**

	Amount Invoiced	Adjusted Amount Due	Amount Overbilled
2Q2018	\$5,952.60	\$5,555.30	\$397.30
3Q2018	\$6,872.68	\$6,471.36	\$401.32
4Q2018	\$5,403.62	\$3,693.14	\$1,710.48
	\$18,228.90	\$15,719.80	\$2,509.10

Ms. Nicole Forte
July 30, 2019
Page 2

County staff believes the amount paid for the last three quarters of 2018 is in excess of the amount actually owed per the HHW Agreement. Unfortunately, we have yet to determine the total amount overpaid for Kensington HHW services provided from January 1, 2016 through March 31, 2018, pending receipt of additional requested details about the Door-to-Door Program.

The invoices generated by Republic in for 1st and 2nd Quarters of 2019 are not valid because they are not based on Republic's actual costs for providing services to the Kensington area as is required by Section 3.1 of the HHW Agreement. County staff remains open to discussing the proposed compromise included in my letter to you dated January 30, 2019 in order to provide for a more streamlined HHW invoicing process for the first three quarters of each year. In the absence of reaching mutual agreement to the contrary, the County is solely obligated to process payment to Republic for valid invoices calculated based on proportional share of actual costs for the services rendered.

County staff is anxious to process payment for Kensington's proportional share of costs for services provided at the North Richmond HHW Facility to date in 2019 consistent with the terms of the HHW Agreement. We are unable to determine the proper amount to request from Bay View Refuse & Recycling, Inc. for the first two quarters of 2019 until Republic submits either:

(1) valid invoices calculated consistent with the terms of Section 3.1 of the HHW Agreement, or
(2) actual costs and participation data solely for services provided at the HHW Facility in North Richmond so that County staff can calculate the contractually allowed amounts due for Kensington's HHW services.

In conclusion, County staff is eager to resolve this matter with Republic. We look forward to meeting with Supervisor Gioia and representatives from Republic Services, RecycleMore, and the public agency/hauler responsible for Kensington to discuss HHW services. If Republic is interested in exploring mutually agreeable changes to streamline HHW invoicing in advance of this upcoming meeting, please contact me at deidra.dingman@dcd.cccounty.us or contact my office at 925-674-7203 to schedule date/time for a conference call.

Sincerely,



Deidra Dingman
Principal Planner

DD/mlk

Enclosure (1)



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WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

Agenda Report

Date: August 8, 2019
To: West Contra Costa Integrated Waste Management Authority Board
From: Steve Duran, Interim Executive Director
Subject: RecycleMore Relocation

ACTION REQUESTED

1. Receive and file a RecycleMore Office Relocation Report.
2. Authorize the Interim Executive Director to engage a commercial real estate broker to assist in the procurement of new office space.

BACKGROUND

The West Contra Costa Integrated Waste Management Authority (Authority) has been renting office space from the City of San Pablo for more than 20 years. The City of San Pablo will be moving to a new City Hall Complex opening around February 2020. The Authority was invited about two years ago to rent office space at the new San Pablo City Hall. The Authority declined this offer, as the proposed rent was considered very expensive at that time. San Pablo completed the design and began construction on their new City Hall Complex, and they are not reserving space for Authority offices.

The City of San Pablo plans to work with a private developer to redevelop the current San Pablo City Hall complex, which includes Authority offices. The Authority must move out by about February or March 2020. This leaves relatively little time to find new space, negotiate a lease and, potentially, build out or remodel office space.

NEW AUTHORITY OFFICES

The Interim Executive Director recommends the Authority engage a commercial real estate broker to find office space options for RecycleMore. Engaging a broker would not cost Authority any money and would most likely save money over the course of a newly negotiated lease. Experienced commercial brokers know the market for rent, tenant improvements Common Area Maintenance (CAM) charges, rent escalation provisions, and can assist with negotiations on other important lease provisions as well. Listing Brokers are paid a commission for procuring tenants and represent the Landlord. The commission is generally split 50/50 with the broker representing the Tenant.

It should be noted there may be significant tenant improvement costs related to the Authority moving into vacant commercial property. Depending on the existing space and any Tenant Improvement Allowance negotiated, the amount could range from thousands of dollars to over \$100,000.

FISCAL IMPACT

There is no fiscal impact associated with this report. In the future, there will be moving costs and some amount of tenant improvement costs related to the Authority moving into vacant commercial property. As noted above, this amount could range from thousands of dollars to more than \$100,000. Surplus reserve funds are available in the Authority Recycling Fund, which could address the one-time costs for moving and tenant improvements. Staff will keep the Board apprised as we learn more.

RECOMMENDED ACTION

1. Receive and file a RecycleMore Office Relocation Report.
2. Authorize the Interim Executive Director to engage a commercial real estate broker to assist in the procurement of new office space.

Submitted by:



Steve Duran
Interim Executive Director