

# WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS MEETING MINUTES – JULY 14, 2022

**Meeting Date | Time 7/14/2022 6:15 PM | Meeting Location** *The meeting was held pursuant to the provisions of California Governor’s March 4, 2020 State of Emergency Declaration and enactment of Assembly Bill 361 on September 16, 2021 which adopted exemptions to the Ralph M. Brown Act and the proposed findings to be adopted by the Board at this meeting, to be conducted by teleconference only in accordance with Government Code Section 54953(e). No physical location to be available for this meeting. All votes of the Board to be Roll Call votes.*

Meeting called by Board of Directors

Type of meeting Regular

Authority Staff Present Peter Holtzclaw, Lisa Borreani, Andy Schneider, Donald Sturman

Legal Counsel Alex Mog

## Board Members Present:

Directors: T. Rudnick, El Cerrito (Vice Chair); D. Romero, Hercules (Chair); D. Murphy, Alameda, Pinole; N. Bates and G. McLaughlin, Richmond; and A. Pineda, San Pablo

Absent: M. Willis, Richmond; F. Glover (Ex-Officio) Contra Costa County

## CALL TO ORDER/ROLL CALL

Chair Romero called the meeting to order at 6:20 P.M. The Roll Call established the existence of a quorum (Bates, Murphy, McLaughlin, Pineda, Romero, and Rudnick).

Chair Romero moved into Closed Session at 6:21 P.M.

No written comments were submitted, or oral comments made, by any member of the public.

Legal Counsel Alex Mog identified the Closed Session item.

With respect to the Closed Session, Chair Romero advised that there would be no review at this time of Executive Director Peter Holtzclaw given that more information was required for that review to occur. He adjourned into Closed Session at 6:22 P.M.

## CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS:  
Agency designated representative: Peter Holtzclaw, Executive Director  
Unrepresented employees: Senior Program Manager – Source Reduction & Recycling Program; Manager of Finance and Administrative Services; and Recycling Coordinator/Administrative Assistant.
2. REPORT OUT OF CLOSED SESSION

The Board reconvened from Closed Session at 6:48 P.M. and another Roll Call was taken with all Directors initially shown as present and absent. There was no report from Closed Session.

## PLEDGE OF ALLEGIANCE

Director Bates led the Pledge of Allegiance.

## EX-PARTE COMMUNICATIONS & DISCLOSURES

There were no ex-parte communications or disclosures.

## PUBLIC COMMENT

No written comments were submitted, or oral comments made, by any member of the public.

## CONSENT CALENDAR

Director McLaughlin requested the removal of Item 6.3 from the Consent Calendar.

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### **Agenda Item 6.3 – Reorganization of West Contra Costa Integrated Waste Management Authority (WCCIWMA) | Presenter | Peter Holtzclaw - Executive Director**

Executive Director Peter Holtzclaw advised that the item identified a new structure for WCCIWMA with new job descriptions. He stated the Cost of Living Adjustment (COLA) associated with the salaries would be 3.5 percent for the 2022-23 Fiscal Year.

**MOTION** by Director Bates to approve Consent Calendar Items 6.1, 6.2, and 6.3. **SECOND** by Director McLaughlin.

**MOTION PASSED** unanimously by a Roll Call vote.

## STAFF REPORT

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### **Staff Report Item 7 - | Presenter | Peter Holtzclaw - Executive Director**

Executive Director Holtzclaw reported that a Household Hazardous Waste (HHW) event would come up in August.

Lisa Borreani, Recycling Coordinator/Administrative Assistant, stated the one-day HHW waste collection and mattress event had been scheduled for Saturday, August 27, 2022 at Hilltop Church of Christ at 3301 Morningside Drive in El Sobrante from 8:00 A.M. to 1:00 P.M. Residents of West County could bring their HHW items and up to three mattresses and box springs to drop off at the event. The event would also promote the permanent HHW facility located at 101 Pittsburg Avenue.

Mr. Holtzclaw stated that the last HHW event in June had been very successful. The next HHW event after El Sobrante would be in Richmond in September 2022.

Mr. Holtzclaw reported that RecycleMore had been working diligently with all member agencies before Republic Services began the operation of its organics service under AB 1826 for the commercial sector in Pinole, San Pablo, Hercules and Richmond. Letters had been sent out, RecycleMore was following up with businesses, and as of July 15, 2022, Republic would start routing and delivering carts in San Pablo, Pinole and Hercules, and would focus on Richmond in August. Staff was in communication with CalRecycle and an update would be provided to the Board next month.

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**Agenda Item 8.1 – Records Retention Policy and Schedule | Presenter | Peter Holtzclaw – Executive Director**

Executive Director Holtzclaw advised there had been a lack of institutional structure with RecycleMore and a Records Retention Policy was needed. While the member agencies had been used as a template, RecycleMore staff had attended a seminar to clarify some issues. The policy would codify how RecycleMore handled its records.

Vice Chair Rudnick applauded staff for the policy, which was clear. She asked about the video policy and noted her understanding that the minutes, agendas and packets from each meeting would be retained indefinitely while video records had been recommended to be retained for only one year.

Donald Sturman, Manager of Financial and Administrative Services, explained that the Records Retention Policy had been drafted from a two-day 16-hour class put on by the California Special Districts Association and the instructor had taught the class from a risk mitigation perspective. He noted that while RecycleMore and others wanted to retain videos for a longer period of time, the instructor had strongly advised the retention of videos for the minimum amount of time to mitigate the risk.

Vice Chair Rudnick questioned the advisability of the recommendation for a one-year retention and sought a discussion with the Board.

Director McLaughlin noted that the City of Richmond retained its videos for a much longer period, and for the purpose of transparency and accountability she suggested it would be better to retain videos for a longer period of time. She also commented that it would be important that all documents be scanned and stored on RecycleMore's shared drives. She suggested members of the public might be accessing the videos on RecycleMore's website more frequently than expected.

Mr. Sturman stated that all financial documents would be retained for seven years and there would be PDF copies of all documents. Any record Directors needed could be provided within three days or less.

Mr. Holtzclaw added that they had been informed by the IT contractor that the server was heading into obsolescence and a new server would have to be acquired. Also, many of the agency's records over the last 30 years would have to be digitized. He also clarified, when asked, that he was aware of only one public request for RecycleMore information during his tenure.

On the discussion, some Directors had been unaware that videos were available and it was clarified that prior to Zoom meetings, only audio recordings had been available from Board meetings; it was verified that Granicus was currently being used and due to public transparency RecycleMore Directors and Mr. Holtzclaw supported a three to five year retention policy for videos while the Chair expressed a desire for a 10- to 15-year retention policy as long as Granicus allowed that to occur. A straw poll found that the Board could support a five-year retention policy and the potential cost of that policy was requested.

No written comments were submitted, or oral comments made, by any member of the public.

**MOTION** by Vice Chair Rudnick to adopt Resolution No. 22-14, Approving Retention Policy and Retention Schedule, with an amendment for a five-year retention policy for videos. **SECOND** by Director Murphy.

**MOTION PASSED** unanimously by a Roll Call vote.

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**Agenda Item 8.2 – Discussion and Consideration of Authorizing Republic Services to Dispose of Non #1 and #2 Plastics | Presenter | Peter Holtzclaw – Executive Director**

Executive Director Holtzclaw presented the staff report with the goal to allow Republic Services the flexibility for disposing of Non #1 and #2 plastics. As discussed in the staff report, he noted the ability for companies globally to recover any plastic that was not #1 and #2 bottles had been extremely difficult, and the whole recyclability of the polymers had been a fantastic marketing campaign by the petrochemical and oil industry and the recycling industry had been a willing partner in marketing it. He noted that when Material Recovery Facilities (MRFs) sorted the materials it was easy to sort #1 and #2 bottles and to sell them, although #3 to #7 plastics were extremely difficult to segregate in a three-cart environment and even more difficult to find markets for them.

Mr. Holtzclaw explained that the issue for the last 30 years had been that by promoting recycling for the materials very little had actually been recycled and there had been a huge issue with respect to plastic pollution that ultimately contributed to air pollution and climate change. He supported a ‘pack-it-in and pack-it-out’ mentality for plastics, and at this point in time suggested that plastics were best landfilled with lined and well-managed landfills, which ran afoul with all the franchise contracts that spelled out that plastics should be collected.

Through the Post Collection Agreement (PCA), Mr. Holtzclaw recommended it be codified that if Republic Services could not find markets for the material it could dispose of the material. He explained that through the PCA, the material was collected through the contract, the MRF segregated that material and then Republic management had to manage the material after it had been segregated. The cost of sorting the material had been absorbed by the structure and by ratepayers and the bales of material then sat on a loading dock, some for years, until Republic could find a buyer, which was very difficult to do. He clarified that the proposal would not just offer transparency about the collection side and the cost of recycling and where it went but give Republic flexibility and offer some transparency to ratepayers, a situation that was almost impossible to identify through a sticker on a cart.

Director McLaughlin suggested that Richmond staff would appreciate more time to research the matter and come up with some potential alternatives. She asked about the City of El Cerrito’s policy with respect to #3 to #7 plastics, and Vice Chair Rudnick noted that El Cerrito recycled more than Non #1 and #2 plastics although she was not aware of the exact amount nor what happened in the aftermarket.

Given that the agreements and PCA were coming up for renewal in 2025, Director McLaughlin asked if the requested action could wait until then. She also expressed concern for the metric rates, diversion and the state’s required diversion rates under SB 1383.

In response, Mr. Holtzclaw stated that RecycleMore and Republic Services had brought the matter up to regional staff in 2020. He also clarified he was not indicating that no #3 to #7 plastics were being recycled but just not in a residential/industrial/commercial three-part system, and once the materials came into a MRF they were no longer saleable. He referred to a previous presentation he had made on the subject when the Board had asked staff to communicate with CalRecycle before making a move on the issue, and while CalRecycle would not pre-approve the elimination of #3 to #7 plastics from RecycleMore’s recycling, it did go through the metrics. He identified the percentages of the various materials recycled and explained that #3 to #7 plastics represented a couple of percentage points. CalRecycle had indicated no basis for non-compliance if not processing #3 to #7 plastics, including the requirements under SB 1383.

Director McLaughlin noted that Richmond staff had indicated a willingness to work with RecycleMore and Republic Services to find some alternative to approach zero waste initiatives and programs but filling the landfills over what should be done was a problem. She asked about the financial impact of reprinting and preparing the various outreach materials, bin labels and such as a result of the recommended change and asked who would cover the cost.

Mr. Holtzclaw stated that while no analysis had been done at this point, under the current rate structure about \$82/ton recovered Republic's cost of transfer, landfill, MRFing, composting, C&D's, dry waste, composting and processing and there was some outreach with that. He stated that ratepayers covered outreach. He did not expect a significant cost since labels, websites and other outreach was always being updated and not everything would have to change today. He reiterated this would be a first step and the positive cost impact would be that Republic would not have to sort and market unmarketable material. He suggested it could be better in the long run, particularly by driving that material out of the MRF stream would make it more efficient.

Director McLaughlin still wanted member agency staff to be allowed more time to research the matter and consider options and she wanted that issue to be communicated to all member agencies. She was not prepared to support the request at this time.

Director Pineda suggested the matter could be discussed in the future, and while he understood the problems related to marketability, he suggested that new markets might open up in the future and he was hopeful the marketability would change for the better.

Mr. Holtzclaw stated he was relaying the information as someone who had been in the industry of selling plastics and running facilities that segregated plastics for decades. He emphasized that those plastics were not getting recycled and the wishful thinking that there may be a market would not make it so. For many of the plastics no reuse would be possible. He stated there had been decades of research already and he did not believe anyone was doing anyone a favor by wishcycling and everyone was paying for it by ingesting plastics to the tune of one credit card a week per person because the materials were not being managed correctly. The reality was that plastics were in human blood, in the oceans, and infecting and impacting everyone.

Chair Romero asked if the City of El Cerrito staff could comment on the #3 and #7 plastics from that city.

WILL PROVOST from the City of El Cerrito, stated that El Cerrito had just renegotiated its processing agreement with Napa Waste and Recycling Services, which had been able to take more materials than just plastic bottles, and which included rigid plastic and some clean clamshells, but not everything was accepted. Plastic film and other plastics were no longer accepted and El Cerrito had made sure that the materials advertised as recyclable were actually being recycled. His understanding was that Napa was unique, El Cerrito's waste stream was smaller than RecycleMore, and he was not sure that what Napa was doing could be offered to others in the area.

Chair Romero commented that state government had not offered opportunities and as plastics continued to be used, it was upsetting. He asked if the individual member agencies could change the contracts with Republic Services to allow them to collect only #1 and #2 plastics, and Mr. Holtzclaw stated it would be a fairly simple negotiation with Republic in the Franchise Agreement discussions to carve out those plastics if a member agency determined there was no reason to collect them in the first place. He suggested that change would not happen overnight and it could be a long process.

Chair Romero noted that almost two years ago the matter had been discussed with staff and the state and he suggested this could be a tool to see what rate could be negotiated if that source was reduced.

Mr. Mog stated that the Franchise Agreement and the PCA required the collection of #3 to #7 plastics and not only would a member agency have to change the Franchise Agreement but RecycleMore would have to authorize the change given the language in the PCA.

Mr. Holtzclaw commented that as shown in the staff report, the RecycleMore Executive Director could unilaterally make the change although he had brought the request to the Board because he preferred Board support prior to making a change.

Chair Romero expressed frustration that things brought to the Board tended to stall. He reported that he would bring the issue up with Hercules staff, stated it was obvious that #3 to #7 plastics were not recyclable, and noted that local breweries were having trouble with the collection of aluminum cans and suggested that was an opportunity the Board could address. He did not see anything getting resolved in August but requested that the issue be a placeholder in September and December to see what could be done given that RecycleMore was stagnant and things needed to start moving.

Director McLaughlin noted the interest in making sure the environment was healthy and to that end zero waste goals had been pursued. She expressed concern going in the opposite direction rather than exploring other opportunities. She reported that Richmond was working on a local Richmond Green New Deal and one of the efforts was diversion and there might be some ideas developed as part of that process that could be extended regionally. She urged RecycleMore staff to research the issue and share ideas, and that Republic Services connect directly with the member agencies.

Chair Romero wanted everyone to reach out to their state legislators to voice their concern since they were being forced to recycle an item that had been mass produced and could not be recycled. He commented that China Sword had been implemented two years ago, and if #3 to #7 plastics could not be recycled there should be a move to stop their production.

Mr. Holtzclaw stated that calling out #3 to #7 plastics as not being recyclable would find that many of those plastics could not be recycled, reused or made into new materials, which dovetailed into the new state law to attempt to decrease single-use plastics in the first place. While there were long-term uses for plastic, too much was single-use, usually in food ware, and SB 54 which had just passed would decrease single-use plastic.

No written comments were submitted, or oral comments made, by any member of the public.

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**Agenda Item 8.3 – Review and Discuss Current Memorandums of Understanding (MOUs) and Associated Workplan | Presenter | Peter Holtzclaw – Executive Director**

Mr. Holtzclaw presented an update and noted that the MOUs presented were not the most current. He stated that RecycleMore was heading into final meetings with El Cerrito, San Pablo and Pinole, there had been discussions with Hercules and meetings would be scheduled with Richmond. He presented some of the templates being considered, stated the workplan had been updated, and over July and August the MOUs could be finalized and adopted in September, to then move forward with SB 1383 implementation.

Director McLaughlin wanted to have all the concrete due dates identified, asked that the lead agency be identified where there was more than one responsible party noted, and pointed out on Page 67 of the agenda packet that the Addendums had shown two subsection 'Fs', one for Investigation and Complaints and one for Enforcement.

Mr. Holtzclaw noted that was a formatting issue and commented that G. Enforcement had been one of the issues in that RecycleMore would be the lead in doing all the investigation on a business that did not handle its organics appropriately, all the way up to issuing an administrative citation where it would go to the member agency and to the customer. Any legal proceeding would be handled by RecycleMore.

Director McLaughlin requested language in the MOU for a member agency *to receive and keep all fines generated from any penalties imposed by the City*, although Mr. Holtzclaw stated that was also negotiable and RecycleMore might handle the fines.

Mr. Holtzclaw added that Director McLaughlin's other requests could be addressed in the document.

Chair Romero noted his understanding that the City of Hercules had adopted the MOU earlier in the year. He also understood that the MOUs could be changed. He urged adoption of the MOUs by the member agencies by September or October 2022.

No written comments were submitted, or oral comments made, by any member of the public.

## **BOARD MEMBER AND STAFF ANNOUNCEMENTS**

Vice Chair Rudnick invited everyone on Friday, August 5 at 5:30 P.M. to the El Cerrito Recycling Center at 7501 Schmidt Lane, which was celebrating its 50<sup>th</sup> Birthday hosted by the El Cerrito Historical Society.

Chair Romero highlighted the City of Hercules successful one-day HHW event and noted in the past the first 25 people at an HHW event had received a bag or other token for showing up. He requested that be done again. He also referred to the enormous amount of paint collected at the one-day HHW events and asked the Board to adopt an ordinance to be submitted to the Board of Supervisors to require big box retailers that sold paint to recycle paint. Given the amount of paint collected at the HHW events, he directed Legal Counsel and the Executive Director to draft an ordinance similar to that of San Luis Obispo County to require the big box paint sellers to recycle paint.

Chair Romero recognized David Brockbank in the "audience" and asked him to introduce himself.

DAVID BROCKBANK, Contra Costa County, who worked with Justin Sullivan in the County's Solid Waste Program and served as staff to the RecycleSmart Board, stated he also worked with staff for Central and East County and others and managed permits for the three transfer stations. He had been involved in solid waste with the County for eight years and had worked for the County for over 20 years.

Chair Romero welcomed Mr. Brockbank to WCCIWMA and looked forward to meeting with him.

The Board identified an honor presented to Director Nathaniel Bates who had been nominated into the Canadian Baseball Hall of Fame in Saskatchewan, Canada, and Mr. Bates stated he would be inducted into that Hall of Fame on August 20, 2022.

## **ADJOURNMENT**

With consensus of the Board, Chair Romero adjourned the meeting at 8:07 P.M. until the regular Board meeting scheduled for September 8, 2022 at 6:15 P.M.

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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 July 14, 2022.

*Donald W. Sturman*

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Board Secretary, Donald W. Sturman

**Sep 29, 2022**

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Date






# 2022 07-14 Board Meeting Minutes-WCCIWMA-RecycleMore

Final Audit Report

2022-09-29

Created:	2022-09-29
By:	Lisa Borreani (coordinator@recyclemore.com)
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