



Board of Directors Meeting Agenda
Regular Meeting
Thursday, September 8, 2022
6:15 PM

Teleconference/Public Participation Information

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, this meeting will be conducted by the teleconference only in accordance with Government Code section 54953(e). No physical location will be available for this meeting. This meeting agenda is available online at <https://recyclemore.com/about/board-meeting-agendas>

For this meeting, there will be no physical location from which members of the public may observe the meeting. Members of the public are welcome to observe and address the Board telephonically at the appropriate time for public comment during the meeting, following these instructions:

Link to join Webinar: <https://us02web.zoom.us/j/83970413840>
Or phone: 1-669-900-6833 or 1-408-638-0968
Webinar ID: 839 7041 3840

During the meeting, the Chair will call for public comment. To make a public comment on a desired item while participating in the webinar, click on the "Raise Your Hand" option within the online webinar tool, or if participating via phone - dial *9.

Members of the public are welcome to submit written comments via email to the Board Secretary at donalds@recyclemore.com prior or during the time for public comment at the meeting. The Board Secretary will share all comments with the Board at the meeting and make them part of the public record.

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 Board Secretary at (510) 609-1215 or by email at donalds@recyclemore.com with the following information: name, phone number, email, and type of assistance requested. 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/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 agenda items.

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:

6.1 July 14, 2022 Authority Board Meeting Minutes

Consider a MOTION to APPROVE the subject minutes.

6.2 Implementation of AB 361 to Allow Teleconferenced Meeting

Consider a MOTION to ADOPT Resolution No. 22-15 to continue conducting Board of Director meetings remotely due to health and safety concerns for the public and making initial findings in compliance with Assembly Bill 361 (2021) ("AB 361") effective September 8, 2022 through October 8, 2022.

7. Staff Report

Staff will provide updates on recent and upcoming activities.

8. Regular Agenda

8.1 Interagency Agreement between County of Contra Costa, California, and RecycleMore for Inspections of California Senate Bill No. 1383 Tier One Commercial Edible Food Generators

Consider a MOTION to APPROVE the Interagency Agreement between County of Contra Costa, California, and RecycleMore for Inspections of California Senate Bill No. 1383 Tier One Commercial Edible Food Generators and not to exceed \$74,625.

8.2 The Ecology Center: Plastics Recycling Discussion

Consider information presented.

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 October 13, 2022.

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recyclemore
WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

Agenda Report

DATE: September 8, 2022

TO: West Contra Costa Integrated Waste Management Authority Board

FROM: Peter Holtzclaw - Executive Director

SUBJECT: July 14, 2022 Authority Board Meeting Minutes

ACTION REQUESTED:

Consider a MOTION to APPROVE the subject minutes.

BACKGROUND:

The minutes of the July 14, 2022 Board meeting are attached.

FISCAL IMPACT:

None.

ATTACHMENTS:

[6.1 Attachment 1 - ActionMinutes 2022-7-14 DRAFT.pdf](#)

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, Alternate, 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.

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

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.

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.

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.

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 50th 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.

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.

Board Secretary

Date



recyclemore
WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

Agenda Report

DATE: September 8, 2022

TO: West Contra Costa Integrated Waste Management Authority Board

FROM: Peter Holtzclaw - Executive Director

SUBJECT: Implementation of AB 361 to Allow Teleconferenced Meeting

ACTION REQUESTED:

Consider a MOTION to ADOPT Resolution No. 22-15 to continue conducting Board of Director meetings remotely due to health and safety concerns for the public and making initial findings in compliance with Assembly Bill 361 (2021) (“AB 361”) effective September 8, 2022 through October 8, 2022.

BACKGROUND:

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State address the broader spread of COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act (“**Brown Act**”) in order to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

The Board of Directors established virtual meetings. The virtual meetings have allowed the Board to continue to conduct its business from remote locations while ensuring the public’s continued access to government meetings in a safe manner.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other

things, rescinded certain clauses of Executive Order N-29-20 after September 30, 2021, including clauses that suspended certain provisions of the Brown Act. Thus, effective October 1, 2021, agencies would have had to transition back to in person public meetings. Since the Governor issued Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state and within Contra Costa County.

On August 2, 2021, the Contra Costa County Health Officer issued a Health Order requiring all individuals in both Counties, regardless of vaccination status, to wear face coverings in all indoor public settings and businesses for the control of COVID-19. The August 2, 2021 Public Health Officer Order will be in effect until rescinded, superseded or amended.

On September 16, 2021, Governor Newsom signed AB 361, which was an urgency measure that became effective on October 1, 2021, and it allows a local agency to use teleconferencing for public meetings during a Governor-proclaimed state of emergency as long as the legislative body adopts findings every 30 days that: 1) meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency; or 2) state or local officials have imposed or recommended measures to promote social distancing.

In such circumstances, a legislative body is not required to make available a physical location from which members of the public may observe the meeting and offer public comment or required to have a quorum of the members of the legislative body participate from locations within the boundaries of the agency's jurisdiction in the following circumstances:

- The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- The legislative body holds a meeting during a proclaimed state of emergency to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The legislative body must make certain findings by majority vote every 30 days to continue using AB 361's teleconferencing requirements.

An additional provision of AB 361 states that, in the event of a disruption within the local

agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body is prohibited from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.

These new provisions are only operative until January 1, 2024, at which point they are repealed, and the prior Brown Act teleconferencing requirements become effective again.

The California Department of Public Health (CDPH) and the Federal Centers for Disease Control and Prevention (CDC) caution that the Delta Variant of COVID-19, is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations. The very recent emergence of the Omicron Variant of COVID-19 has resulted in the CDC's designation of it as Variant of Concern noting that it may spread more easily than other Variants, including Delta, and that fully vaccinated people who become infected with the Omicron Variant can spread the virus to others. In fact, the first verified case of the Omicron Variant in the United States has been confirmed as an individual in the Bay Area who was fully vaccinated.

The Authority meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The Governor has declared a State of Emergency related to the COVID-19 pandemic; and
- County Health Orders require that individuals in indoor public spaces wear masks and the CDC recommends social distancing of at least six feet due to COVID-19; and
- The Delta variant of COVID-19 has resulted in a significant increase of COVID-19 cases within the state and throughout Contra Costa County.

Thus, meeting in person for Board meetings would present imminent risks to the health and safety of attendees, the Board and staff. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, Authority staff recommends invoking the provisions of Assembly Bill 361 related to teleconferencing.

The Board must make its own determination and findings, no later than 30 days after the adoption of Resolution 22-15, in order to continue to hold teleconferenced meetings in

accordance with AB 361. At this time, Staff intends to schedule special Board meetings every 30 days, if necessary, to consider adoption of similar findings in the future. Staff will return no later than September 08, 2022 with an item for the Board of Directors to consider whether to continue meeting under the provisions of Assembly Bill 361.

FISCAL IMPACT:

None.

ATTACHMENTS:

[6.2 Attachment 1 - Resolution 22-15 AB 361 Initial Findings September 08 - October 08 2022.pdf](#)

RESOLUTION NO. 22-15

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY
AUTHORIZING TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL
361 EFFECTIVE SEPTEMBER 08, 2022 THROUGH OCTOBER 08, 2022**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Government Code section 8550 et seq. (Declaration); and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive order N- 29-20 (Executive Order), which suspended the teleconferencing rules set forth in California provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Gavin Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Ralph M. Brown Act and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislation body subject to the Ralph M. Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions exist in the West Contra Costa Integrated Waste Management Authority (RecycleMore) jurisdiction. In addition to the Governor's Declaration, the Contra Costa County Health Officer has issued numerous Health Orders regarding safety protocols during the COVID-19 pandemic. In particular, on August 2, 2021, the Contra Costa County Health Officer issued an Order requiring all individuals in the County, regardless of vaccination status, to wear face coverings in all indoor public settings and businesses for the control of COVID-19. The Order was amended as of November 1, 2021 to allow groups of fully vaccinated individuals to remove masks indoors under limited circumstances, but the amendment does not apply to indoor spaces "open to the general public". This Public Health Officer Order will be in effect until rescinded, superseded or further amended; and

WHEREAS, on December 9, 2021, the Board of Directors adopted Resolution No. 21-05 initially authorizing teleconferenced meetings to be conducted pursuant to AB 361 from December 18, 2021 to January 18th; and

WHEREAS, the emergence of the Omicron Variants of COVID-19 has resulted in the CDC's designation of it as Variant of Concern noting that it may spread more easily than other Variants, including Delta, and that fully vaccinated people who become infected with the Omicron Variant can spread the virus to others. In fact, the first verified case of the Omicron Variant in the United States has been confirmed as an individual in the Bay Area who was fully

vaccinated; and

WHEREAS, the Contra Costa Health Services Department, as of 8-9-2022¹, recommends that online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of August 9, 2022 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are stable and currently trending lower. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it's subvariants the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, RecycleMore intends to continue utilizing the provisions of Assembly Bill 361 related to teleconferencing in the manner authorized by Government Code § 54953(e), and such legislative body shall comply with the requirements to provide the public with access to the meetings as prescribed in Government Code § 54953(e)(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Contra Costa Integrated Waste Management Authority as follows:

1. The Recitals set forth above are true and correct and are incorporated herein by reference.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Ralph M. Brown Act, the Board of Directors makes the following findings:
 - a. The Board of Directors has considered the circumstances of the state of emergency; and
 - b. The state of emergency, as declared by the Governor, continues to directly impact the ability of the Board of Directors, including RecycleMore's legislative bodies and staff, as well as staff and members of the public, from meeting safely in person; and
 - c. The CDC and Contra Costa County Department of Public Health continue to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19 and the Delta and Omicron Variants, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies, and staff.
3. The Board of Directors and RecycleMore's legislative bodies may continue to meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public and staff in accordance with the provisions of Government Code section 54953(e).

¹ Mekuria, MD, MPH, Sefanit. "Contra Costa County - Health Services Bulletin." Contra Costa Health Services, August 9, 2022. <https://cchealth.org/covid19/pdf/recommendations-for-safe-public-meetings.pdf>.

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recyclemore
WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

Agenda Report

DATE: September 8, 2022

TO: West Contra Costa Integrated Waste Management Authority Board

FROM: Peter Holtzclaw - Executive Director

SUBJECT: Interagency Agreement between County of Contra Costa, California, and RecycleMore for Inspections of California Senate Bill No. 1383 Tier One Commercial Edible Food Generators

ACTION REQUESTED:

Consider a MOTION to APPROVE the Interagency Agreement between County of Contra Costa, California, and RecycleMore for Inspections of California Senate Bill No. 1383 Tier One Commercial Edible Food Generators and not to exceed \$74,625.

BACKGROUND:

The Contra Costa County Health Services — Environmental Health Division (Hereafter, County) and RecycleMore (Hereafter, The Authority) will work collaboratively to ensure compliance with the California Senate Bill No. 1383 (Hereafter, SB 1383) through inspections of Tier One Commercial Edible Food Generators within The Authority's jurisdiction.

DISCUSSION:

The term of the contract has the effective date of October 1, 2022 , and it terminates on March 31, 2024 unless sooner terminated as provided in the agreement. County shall provide those services and carry out that work described in the Service Plan. For a detailed list of County responsibilities, please see the Service Plan in section 2 of the contract (pages 1 and 2). The Authority will be responsible for carrying out legal enforcement actions beginning January 1, 2024 in accordance with SB 1383.

CONCLUSION:

This Agreement is to set forth the responsibilities of the County and The Authority with regard to the County's inspections of Tier 1 edible food waste generator facilities in the jurisdiction of The Authority, on behalf of The Authority.

FISCAL IMPACT:

The Authority will make total payments to County under this Agreement that shall not exceed \$74,625 and be paid out of the Compliance set-aside monies. For a detailed list of County costs the Authority will be responsible for, please see the Service Plan in section 4 of the contract (pages 2 and 3).

ATTACHMENTS:

[8.1 Attachment 1 - DRAFT Agreement - CoCoCounty 1383 Inspections - RecycleMore 08-16-2022.pdf](#)

Contra Costa County
Standard Form A-3
Revised 2002

**INTERAGENCY AGREEMENT
(County Provides Services)**

Number 28-995
Fund/Org # As Coded
Account # As Coded
Other # _____

1. **Contract Identification.**

Department: Health Services – Environmental Health Division
Subject: Inspections of SB1383 Tier One Commercial Edible Food Generators

2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Agency mutually agree and promise as follows:

Agency: **WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY** (Hereinafter “Agency”)
Capacity: Government Agency
Legal Address: 3220 Blume Drive, Suite 198, Richmond, California 94806

3. **Term.** The effective date of this Agreement is October 1, 2022, and it terminates on March 31, 2024 unless sooner terminated as provided herein.

4. **Payment Limit.** Agency’s total payments to County under this Agreement shall not exceed \$ 74,625.

5. **County’s Obligations.** County shall provide those services and carry out that work described in the Service Plan attached hereto which is incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

6. **Agency’s Obligations.** Agency shall pay County for its provision of the services as set forth in the attached Service Plan, subject to all the terms and conditions contained or incorporated herein.

7. **General and Special Conditions.** This Agreement is subject to the General Conditions and Special Conditions (if any) attached hereto, which are incorporated herein by reference.

8. **Project.** This Agreement implements in whole or in part the following described Project, the application and approval documents of which are incorporated herein by reference: Not Applicable

9. **Legal Authority.** This Agreement is entered into under and subject to the following legal authorities: 14 CCR 18981.2(b)(2)

10. **Signatures.** These signatures attest the parties’ agreement hereto:

COUNTY OF CONTRA COSTA, CALIFORNIA

<p>BOARD OF SUPERVISORS</p> <p>By _____ Chairman/Designee</p>	<p>ATTEST: Clerk of the Board of Supervisors</p> <p>By _____ Deputy</p>
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AGENCY

<p>By _____ (Signature of authorized Agency Representative)</p> <p>Peter Holtzclaw, Executive Director _____ (Print name and title A)</p>	<p>By _____ (Signature of authorized Agency Representative)</p> <p>_____ (Print name and title B)</p>
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Contra Costa County
Standard Form L-2
Revised 2014.2

ACKNOWLEDGMENTS/APPROVALS
(Purchase of Services – Long Form)

Number 28-995

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____(Date), before me, _____(Name and Title of the Officer), personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL

Signature of Notary Public



Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED COUNTY COUNSEL

By: _____
Designee

By:  _____
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee

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recyclemore
WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

Agenda Report

DATE: September 8, 2022

TO: West Contra Costa Integrated Waste Management Authority Board

FROM: Peter Holtzclaw - Executive Director

SUBJECT: The Ecology Center: Plastics Recycling Discussion

ACTION REQUESTED:

Consider information presented.

BACKGROUND:

The Ecology Center has been a cutting-edge innovative environmental organization for decades. It established one of the first residential curbside recycling programs in the nation more than forty years ago. It also was an early proponent and supporter of local farmer's markets. It has long been a leading voice detailing aspects of the recycling food chain, and will lend their expertise for our jurisdictions on plastics.

DISCUSSION:

Discussion, questions, and answers, with a representative from the Ecology Center.

CONCLUSION:

None

FISCAL IMPACT:

None

ATTACHMENTS:



recyclemore
WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

www.recyclemore.com