

**\*\* Please Note the early start time \*\***

### **Teleconference/Public Participation Information**

This meeting will be held *exclusively* via teleconference participation of a quorum of Board members in locations not open to the public in compliance with the Governor's Executive Order N-25-20 (March 12, 2020) as superseded by Order N-29-20 (March 17, 2020), allowing for deviation of teleconference and physical location meeting rules otherwise required by the Ralph M. Brown Act. The purpose of the orders is to provide the safest environment for staff and the public consistent with Contra Costa County Health Services' current public health recommendations, while allowing the public to observe and address the Board.

For this meeting, there will be no physical location from which members of the public may observe the meeting. Instead:

- 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/83992565795>**

**Or phone: 1-669-900-6833 or 1-408-638-0968**

**Webinar ID: 839 9256 5795**

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.

Note: To improve everyone's opportunity to participate, please mute your microphone until you are called to speak.

- Members of the public are welcome to submit written comments via email to the Board Secretary at [ChristinaL@Recyclemore.com](mailto:ChristinaL@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's Manager of Administrative Services at (510) 609-1215 or by email at [ChristinaL@Recyclemore.com](mailto:ChristinaL@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 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 –**

1. **Public Employee Performance Evaluation - Title: Executive Director:** Closed session with respect to every item of business to be discussed in closed session pursuant to Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Title: Executive Director.
2. **Report Out of Closed Session:** Provide a report to the Public in open session of reportable action(s) taken by the Board during closed session.

#### **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:

##### **6.0 November 12, 2020 Authority Board Meeting Minutes**

*Note: To vote on the adoption of the minutes does not require a Director to have been present at the subject meeting.*

***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 SB 1383 Implementation Workshop

Receive a presentation from staff and R3 on SB 1383 planning and implementation.

***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 February 11, 2021.



# Agenda Report

Date: January 21, 2021  
To: West Contra Costa Integrated Waste Management Authority Board  
From: Peter Holtzclaw, Executive Director  
Subject: November 12, 2020 Authority Board Meeting Minutes

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## **ACTION REQUESTED**

Consideration of ADOPTION OF A MOTION to approve the subject minutes.

*Note: To vote on the adoption of the minutes does not require a Director to have been present at the subject meeting.*

## **BACKGROUND**

The minutes of the November 12, 2020 Board meeting are attached.

## **FISCAL IMPACT**

None.

Respectfully Submitted,

**Peter Holtzclaw**

Peter Holtzclaw  
Executive Director

**Attachment 1:** November 12, 2020 Board Meeting Minutes

## WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS MEETING MINUTES – NOVEMBER 12, 2020

**Meeting Date | Time 11/12/2020 6:15 PM | Meeting Location** *The meeting was held exclusively via teleconference participation of a quorum of Board members in locations not open to the public in compliance with the Governor’s Executive Order N-25-20 (March 12, 2020) as superseded by Order N-29-20 (March 17, 2020), allowing for deviation of teleconference and physical location meeting rules otherwise required by the Ralph M. Brown Act. The purpose of the orders is to provide the safest environment for staff and the public consistent with Contra Costa County Health Services’ current public health recommendations, while allowing the public to observe and address the Board. 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, Christina Leard, Andy Schneider  
Legal Counsel John Bakker

**Board Members Present:**  
Directors: A. Pineda (Chair) San Pablo; G. Quinto, El Cerrito; P. Murray, Pinole; D. Romero, Hercules; B. Choi, N. Bates (Vice Chair), and J. Myrick, Richmond  
Absent: F. Glover (Ex-Officio) Contra Costa County

### CALL TO ORDER/ROLL CALL

Vice Chair Bates called the meeting to order at 6:17 P.M. The Roll Call established the existence of a quorum (Bates, Choi, Murray, Myrick, Quinto, Pineda, and Romero). Chair Pineda arrived at the end of Roll Call. Director Myrick arrived at 6:24 P.M. during the closed session.

### CLOSED SESSION

Chair Pineda adjourned into closed session at 6:20 P.M. to consider the following:

1. **Conference with Labor Negotiators**
2. **Report Out of Closed Session**

The Board returned to open session at 6:31 P.M. and Legal Counsel John Bakker advised that there was no reportable action from the closed session.

### PLEDGE OF ALLEGIANCE

Chair Pineda led the Pledge of Allegiance.

### EX-PARTE COMMUNICATIONS & DISCLOSURE

There were no ex-parté communications or disclosures.

### PUBLIC COMMENT

VINCENT SALIMI, City of Pinole, recognized that a number of Directors would be leaving the Board. He thanked them for their many years of service on the Board.

## CONSENT CALENDAR

Director Romero removed Item 6.3 from the Consent Calendar.

**MOTION** by Director Murray to approve Consent Calendar Items 6.0, 6.1, and 6.2. **SECOND** by Director Quinto.

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

The following item was removed from the Consent Calendar.

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### Consent Item 6.3 | Resolution of Appreciation | Board of Directors

Recycling and Solid Waste Program Manager Christina Leard presented Resolutions of Appreciation 20-04, 20-05, 20-06 and 20-07 recognizing Directors Peter Murray, Greg Lyman, Jael Myrick and Ben Choi for their years of public service and specifically for their service to the Authority.

Each member of the Board of Directors expressed appreciation to the retiring Directors Murray, Lyman, Myrick and Choi for their many years of service to the Board and to the regional efforts throughout West Contra Costa County.

Executive Director Peter Holtzclaw and RecycleMore staff also expressed appreciation for the hard work and commitment from the retiring members of the Board.

**MOTION** by Director Bates to approve Resolutions 20-04, 20-05, 20-06 and 20-07 recognizing Directors Peter Murray, Greg Lyman, Jael Myrick and Ben Choi and expressing appreciation for their service to the Authority. **SECOND** by Director Quinto.

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

## STAFF REPORT

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### Staff Report Item 7 | Presenters | RecycleMore Staff

There were no reports from RecycleMore staff.

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### Agenda Item 8.0 – Public Hearing to Approve the Calendar Year 2021 Post-Collection Rates | Presenter Peter Holtzclaw – Executive Director

Executive Director Holtzclaw referred to last month's workshop on the 2021 Post-Collection Rates and identified the direction from the Board at that time as to the options to pursue. The Board had expressed its support of the Household Hazardous Waste (HHW) fee calculation per ton rate of \$6.86; the Material Specific fee calculation of \$82.87, the bulk of the rates; the approval of the Government Fee calculation of \$10.10, and noted some discussion over that calculation from Contra Costa County and the \$35,000 or so of disputed fees on the methodology which would be discussed in more depth when the Finance and Administration Manager had been hired; and the Recycling Rebate of \$0.48, the revenue share for commodities. The Board had also directed further analysis of the budget with respect to regulatory compliance, along with the use of reserve funds to subsidize the budget to decrease the rate impact on ratepayers, especially residential ratepayers.

Mr. Holtzclaw recommended a clarification of the CalRecycle regulatory compliance fee and noted that last year \$300,000 had been set aside specifically for AB 1826 and SB 1383 compliance; \$75,000 for staffing and \$225,000 for projects, and \$250,000 had been put into a Compliance Fund for this year's rates.

Mr. Holtzclaw recommended that the Compliance Fund remain as a separate restricted fund as originally designed for AB 1826 and SB 1383, and would return in early 2021 with specific procurement policies as to the management of those funds. He added that the Board had also offered some direction in terms of what the money would be spent on and he presented a fund spending breakdown for the rate years and the fiscal years, noted some overlap, and described the individual projects and their timelines. He stated the general compliance projects related to SB 1383 such as enforcement, edible food recovery, model ordinances, and procurement policies would likely be ongoing compliance issues and therefore ongoing compliance costs. The Board had also requested that the fund balances and target policies be identified and he presented those at this time for the Operating, Reserve and Retirement funds.

Mr. Holtzclaw presented three options for consideration by the Board: Option 1 to maintain the funding of the Authority budget without the need to use reserves at \$7.93 per ton; Option 2 to use \$250,000 of reserves to replace the \$250,000 of compliance fees at \$6.50 per ton; and Option 3 to use \$450,000 of reserves to lessen the impact on residential ratepayers at \$5.36 per ton. He recommended Option 3 to both subsidize the rates with reserves for both compliance fees as well as another \$200,000 in the budget. He presented a comparison of the options, the percent of increase for residential, commercial and industrial, and clarified in response to comments that the Option 3 recommendation came with a caveat that the Compliance Fund sit outside the budget as a type of governmental fee to be funded every year through the rates.

Director Romero emphasized the importance of a Compliance Fund and sought written guidance as to how to address SB 1383 in the future, particularly given that the Board would be losing four long-term members and new members might not understand what had transpired to create the situation. He wanted to avoid a shocking increase in rates and yet be able to fund the state mandate now and into the future.

Mr. Holtzclaw clarified that the rates were only on post-collection activities and there might be rate shock on franchise collection as well as back end post-collection rates given the upcoming global commercial organic subscription requirements.

GARTH SHULTZ, R3 Consulting Group, noted that a number of SB 1383 compliance activities would be routed through the collection contracts and there would be increases in collection infrastructure costs around capital equipment and labor, primarily for the commercial sector. He explained that the shift in tonnage with a decrease on commercial and an increase in residential somewhat inflated the impacts on the residential ratepayer this year but was expected to shift back after the COVID-19 crises or in a normal era. He added that the Authority already had access to the mixed organics composting facility at the West Contra Costa Sanitary Landfill and security through the Post-Collection Agreement at a rate escalating in accordance with the Consumer Price Index (CPI), and was therefore relatively shielded from the broadest impacts of SB 1383, although there would be ongoing costs associated with monitoring, tracking, outreach, education and some of the more administrative and enforcement-related duties primarily impacting costs for the next two years.

Director Quinto agreed with the need to deal with the situation now although he had concern spending reserves. He supported Option 2.

Director Murray agreed with the idea of a special Compliance Fund which he suggested be maxed out at \$300,000. He too supported Option 2.

Director Bates agreed with the need to maintain a decent reserve in case of emergencies, supported only a small increase to ratepayers, and opposed the use of reserves.

Chair Pineda opened the Public Hearing.

PETER NUTI, Republic Services, agreed with the need for a Compliance Fund given upcoming legislation and the changes that might be involved. He supported a return early next year as to how to address SB 1383 and the remainder of AB 1826, which would have to be done with CalRecycle anyway.

On the discussion and the question of using the reserves as a buffer or dealing with the matter-of-fact issues with respect to compliance, Mr. Holtzclaw stated that reserves should not be used for ongoing programs and that policies should be identified. If the funds exceeded the target they should be used to lower the rates. Option 3 would still leave funds in reserve and in a Compliance Fund.

Mr. Shultz verified that in the calculations presented to the Board it had been assumed that the \$250,000 offset the overall revenue requirement for the Authority budget that was apportioned between El Cerrito and the agencies served by Republic Service and Richmond Sanitary Service, and those monies offset the JPA component of the blended per ton rate equally for all parties.

Mr. Holtzclaw explained that given the pandemic-fueled year, the rates had hit residential ratepayers disproportionately to a normal rate year, which was another factor related to the use of the reserves.

Chair Pineda was inclined to support Option 3 being mindful that there were more reserves than targeted and this was an opportunity to give back to ratepayers.

Director Choi verified the actual rates involved with Mr. Shultz, who clarified the differences in the proposed monthly rates in the various options as pennies on the dollar. Director Choi stated he was most comfortable with Option 2 because it was the compromise position.

Director Bates commented that the reserve was too low and 10 percent was preferable. He could not support a reduction in reserves, suggested the increase to the residential ratepayer was minor, and suggested that a larger increase would be required in the future requiring the use of more reserves.

Director Myrick supported Option 3 and supported a Compliance Fund.

Director Romero clarified that the current reserves were greater than the target established by the reserve policy of 67 percent of the operating budget and the use of some reserves to supplement rates was acceptable to him. He clarified that the reserves had been set aside strictly for recycling and SB 1383 was recycling, the reserves were not intended to supplement rates and had always been set up as a Recycling Reserve fund.

In response to Director Murray, Mr. Holtzclaw explained with respect to the fund balances that for the first six months of this fiscal year expenditures had been lower than anticipated, although more was expected to be spent going forward with the hiring of a Finance and Administration Manager and a Recycling Coordinator, and pursuing the projects listed under SB 1383, and the website design, which was why he did not recommend an option that would reduce the reserves to a minimum target.

Legal Counsel John Bakker clarified that the only thing on the agenda from a Brown Act standpoint was the adjustment to the Post-Collection Rates, and a discussion of the reserves would have to be moved to a future meeting.



Chair Pineda closed the Public Hearing.

**MOTION** by Chair Pineda to approve the Option 3 rates. **SECOND** by Director Myrick.

**MOTION PASSED** by the following Roll Call vote.

AYES: Choi, Murray, Myrick, Pineda

NOES: Bates, Quinto, Romero

Director Romero requested a new motion to clarify the Board's action.

**MOTION** by Chair Pineda to adopt Resolution 20-08 to approve the 2021 Post-Collection Rate for the Republic Services Collection Service Area and 2021 Blended Per Ton Rates as set forth in the Resolution, with the Option 3 rates attached to the Resolution. **SECOND** by Director Myrick.

**MOTION PASSED** by the following Roll Call vote.

AYES: Choi, Murray, Myrick, Pineda, Romero

NOES: Bates, Quinto

The Board then took the following action:

**MOTION** by Director Romero to designate a future agenda item to discuss a policy that the remaining reserves from the Recycling Reserve over and above the limit of 67 percent be used to establish a Compliance Fund for SB 1383. **SECOND** by Director Quinto.

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

## BOARD MEMBER AND STAFF ANNOUNCEMENTS

After discussion, the Board scheduled the next meeting as a special meeting on January 21, 2021, and it was clarified that there would be a December meeting only if the Recyclist agreement was ready for approval.

Director Lyman (Alternate, El Cerrito) joined the meeting at this time to thank the Board for its Resolution of Appreciation.

## ADJOURNMENT

With consensus of the Board, Chair Pineda adjourned the meeting at 8:23 P.M. until the special Board meeting scheduled for January 21, 2021 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 November 12, 2020.

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Board Secretary

Date



**recyclemore**  
WEST CONTRA COSTA INTEGRATED  
WASTE MANAGEMENT AUTHORITY

# Agenda Report

Date: January 21, 2021  
To: West Contra Costa Integrated Waste Management Authority Board  
From: Peter Holtzclaw, Executive Director  
Subject: SB 1383 Implementation Workshop

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## **RECOMMENDED ACTIONS**

Receive a presentation from staff and R3 on SB 1383 planning and implementation.

## **BACKGROUND**

SB 1383 was enacted in 2016 to establish methane gas emissions reduction targets in a statewide effort to reduce emissions of “short-lived climate pollutants.” Since organic waste disposal in landfills is a primary generator of methane emissions, CalRecycle is charged with significantly reducing landfill disposal of organics. RecycleMore is actively responding to State requirements to reduce organic waste generated by businesses under AB 1826; however, SB 1383 requirements expand organic waste mandates and will cover all forms of organic waste within the entire waste stream, with specific targets for reduction starting in 2020.

R3 has just completed a Preparedness Study for RecycleMore, and this presentation will discuss aspects of R3’s Executive Summary and its Matrix detailing next step for The Authority and its members.

## **FISCAL IMPACT**

The recommended action has no fiscal impact.

## **DISCUSSION**

A PowerPoint presentation is to be delivered with questions and answers following.

Respectfully Submitted,

**Peter Holtzclaw**

Peter Holtzclaw  
Executive Director

**Attachment 1: PowerPoint Presentation Slides**

# ***RecycleMore Board of Directors***

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## **Agenda Item 8.0**

### **SB 1383 Implementation Workshop**

**January 21, 2021**

# Presentation At-a-Glance

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- **SB 1383 Overview**
- **R3 Preparedness Study Summary**
- **Next Steps**
  - **Outreach & Education**
  - **Inspection & Enforcement**
  - **Model Ordinance**
  - **Procurement**
  - **Edible Food Recovery**
  - **Reporting**
  - **Political Lobbying**

# SB 1383 Overview

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- **SB 1383, or Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions**, establishes methane emissions reduction targets and grants CalRecycle the authority to pass regulations to achieve those targets.
- The law is an unfunded state mandate which passes responsibility for achieving the targets to local agencies.
- This new state law has the immediate goal of reducing organic waste sent to landfill and the ultimate objective of reaching statewide methane emissions reduction targets.
- Specifically, it sets a statewide goal for the reduction in organic waste to landfills – 50% by 2020 and 75% by 2025 – in addition to the recovery of 20% of edible food waste for human consumption.

# SB 1383 Overview (cont.)

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- **SB 1383 requires local governments to provide organics collection to all generators, and all generators to subscribe.**
- **It also has specific mandates for container systems, education and outreach programs, monitoring and contamination reporting, and enforcement of regulations.**
- **Full SB 1383 implementation will begin at the beginning 2022, which means there is some time for jurisdictions to plan and prepare for achieving compliance.**

# R3 Preparedness Study

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- R3 began this project in mid-2020 and finished December 2020.
- R3 has provided an Executive Summary and a Matrix outlining next steps for RecycleMore and its member cities.
- RecycleMore is already in compliance, or will be in compliance, on a number of items associated with SB 1383.

# Already in Compliance

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- Segregated organic collection
- Organic processing capacity



# Next Steps

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## Outreach & Education

- RecycleMore, Republic, El Cerrito and East Bay Sanitary have the needed infrastructure (website and other outreach materials) to meet the education requirements of the law.
- Staff just need to coordinate amongst each other and include necessary components (especially regarding edible food waste) in its material.

# Next Steps (cont.)

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## Inspection & Enforcement

- Thresholds
- Inspection
- Enforcement/Fines

## Inspection and Enforcement Models

- City handles it themselves
- RecycleMore handles it for the City
- Hybrid: City and RecycleMore share Responsibility

# Next Steps (cont.)

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## **Model Ordinance**

- Solid Waste codes need to reflect these changes in organic inspections, enforcement and purchasing policies as well as CalGreen green construction and model water efficient landscaping
- R3 and RecycleMore recommend ordinances be developed that can be applied jurisdiction-wide

# Next Steps (cont.)

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## **Procurement**

- SB 1383 requires cities to procure large amounts of compost or other organic waste products.
- SB 1383 requires the procurement of recycled paper products.

# Next Steps (cont.)

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## **Edible Food Recovery**

- SB 1383 requires cities to implement food recovery programs.
- RecycleMore envisions implementing this requirement on a regional basis, working with the County, RecycleSmart, and other regional entities.
  - Educating edible food generators
  - Increase access to food recovery organizations and services
  - Monitor commercial food generator compliance
  - Increase edible food recovery capacity (if needed)

# Next Steps (cont.)

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## **Reporting**

- SB 1383 requires RecycleMore to report on a number of items within SB 1383.
- This underscores the need for a robust software package, and RecycleMore is negotiating with Recyclist to provide this product.

# Next Steps (cont.)

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## **Political Lobbying**

- RecycleMore has been contacted by other jurisdictions to support lobbying the state legislature and CalRecycle to delay SB 1383 implementation.
- This is something to consider as the time and effort to implement this law will be great.