



Agenda Report

Date: March 14, 2019
To: West Contra Costa Integrated Waste Management Authority Board
From: Stan Hakes, Executive Director and Melinda Wong, Manager, Office Administration
Subject: January 24, 2019 Authority Board Meeting Minutes

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 January 24, 2019 Board meeting are attached.

FISCAL IMPACT

None.

RECOMMENDED ACTION

ADOPTION OF A MOTION to approve the subject minutes.

Approved by:



Stan Hakes
Executive Director

Attachment 1: January 24, 2019 Board Meeting Minutes

WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS MEETING MINUTES – JANUARY 24, 2019

Meeting Date | Time 1/24/2019 7:00 PM | Meeting Location San Pablo City Council Chambers, 13831 San Pablo Avenue, San Pablo, CA

Meeting called by Board of Directors

Type of meeting Regular

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

Legal Counsel John Bakker

Board Members Present:

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

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

CALL TO ORDER/ROLL CALL

Chair Choi called the meeting to order at 7:04 P.M. The Roll Call established the existence of a quorum (Bates, Lyman, Murray, Myrick*, Pineda, Romero, and Choi). *Director Myrick arrived after Roll Call; was present during the closed session.

CLOSED SESSION

The Board adjourned into Closed Session at 7:06 P.M.

1. **Conference with Legal Counsel – Anticipated Litigation:** Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case.

The Board returned to open session at 7:55 P.M.

Legal Counsel John Bakker advised that there was no reportable action from the closed session.

PLEDGE OF ALLEGIANCE

Chair Choi led the Pledge of Allegiance.

EX-PARTE COMMUNICATIONS & DISCLOSURE

Chair Choi called for ex-parte communications. There was none.

PUBLIC COMMENT

Chair Choi called for public comment. There was none.

CONSENT CALENDAR

Chair Choi called for approval of the Consent Calendar consisting of three items.

MOTION by Director Myrick to approve Consent Calendar Items 6.0 through 6.2. **SECOND** by Director Lyman.

MOTION PASSED unanimously.

STAFF REPORT

Staff Report Item 7.0

Mr. Hakes provided the staff report. The following are items included in his report:

- 1) Mr. Hakes welcomed Director Abel Pineda from San Pablo, welcomed back Director Nat Bates from Richmond, and introduced John Bakker from Meyers Nave serving as Interim Legal Counsel.
- 2) Household Hazardous Waste (HHW) one-day events for 2019: In Pinole on April 13, with the event at a location yet to be confirmed, and if that location could not be confirmed to be held at the Hercules Corporation Yard; El Sobrante on August 10; and Richmond potentially at the Galileo Club on September 14.
- 3) Mr. Hakes reported that payment of the Authority's share of pre-2013 Pool of Unfunded Accrued Liability (UAL) to CalPERS recently had been completed. He added that the actual one-time payment was \$218,247 instead of the \$227,957 that the Board had previously approved. He described the savings the Authority would accrue over the years as a result of that payment.

Agenda Item 8.0 – Assembly Bills 341 and 1826 Update | Presenter Stan Hakes – Executive Director

Mr. Hakes highlighted AB 341 requiring a commercial recycling program and notifying businesses about the law, while AB 1826 required a commercial organics program along with notification to businesses. He presented the background of RecycleMore's compliance efforts, and reported that on January 1, 2019 CalRecycle had identified a new threshold for compliance of AB 1826 for 4 cubic yards of disposal. To that end, staff had prepared and mailed letters to all businesses that would be required to meet the new threshold. Site visits with each Member Agency and RecycleMore staff had been set up with the CalRecycle representative. He explained that if CalRecycle had any further concerns, the Authority should know by March 2019.

The Board received the update.

Agenda Item 8.1 – Legislation Update | Presenters: Larry Sweetser, Sweetser and Associates

Larry Sweetser, Sweetser and Associates, highlighted SB 212, the first nationwide extended producer responsibility bill for household sharps and pharmaceuticals, broken out into two separate programs. He noted that RecycleMore had already implemented programs for sharps and pharmaceuticals. He explained that there were limits on the number of pharmaceutical collection points where the statute allowed three to four drop-off locations for pharmaceuticals. Sharps focused on the statute of a mail away program, and how that would interact with the statute change remained to be seen. Since RecycleMore was already doing those programs, he suggested there could be an ability to pay for those ongoing programs. The legislation would also target controlled substances although that would involve different collection points. He described what was and what was not included in the program and identified the collection locations as primarily police stations, hospitals with pharmacies, and others.

Director Lyman noted that Contra Costa County had recommended take-backs of controlled substances by the dispensaries as a way to address the opioid epidemic.

Mr. Hakes explained that the County had adopted a mandatory take-back program for pharmaceuticals.

Mr. Hakes clarified that RecycleMore worked with the Member Agencies to promote pharmaceutical take-back locations and the RecycleMore newsletter included information about its HHW programs and the pharmaceutical

collections. Ways to further publicize the program were solicited and a member of the Board recommended that notices of take-back collection points be included with the pharmaceuticals when dispensed.

Mr. Sweetser clarified that there were a series of penalties involved through CalRecycle. As to how non-covered items would be addressed, such as animal medications, was as yet unknown. He added that there were a number of lawsuits by the pharmaceutical companies. He urged RecycleMore not to let the statute and regulations take away from options currently available, particularly since the statute required only three or four collection locations.

Mr. Sweetser reported that the comment period for the regulations for SB 1383 related to organics would end on March 4, 2019, and the regulations would be formally adopted in late 2019 or early 2020, with most regulations to be in place by 2022. The legislation intended to reduce methane emissions on statewide targets with statewide objectives, would be implemented by CalRecycle. He reported that a full Environmental Impact Report (EIR) would be done on the regulations as part of the package. Regulations related to collection, education, edible food recovery, procurement, increased reporting, and enforcement penalties, among others. He detailed the proposed regulations which included such things as a change in color of container, contamination minimization, route reviews, and inspection of local businesses; noted the multiple questions that had yet to be addressed; and stated that significant rate increases were expected to implement the program.

Mr. Sweetser recommended that the regulations be monitored, baselines be identified, current disposal amounts and types be assessed, current programs including education be assessed, needs and targets be determined, needed resources be identified to implement the regulations, and existing programs be evaluated to get a plan in place pending final regulations. He responded to comments and noted it was likely the regulations would be an unfunded mandate.

Legal Counsel Bakker noted that SB 1383 is likely a State mandate. He noted that State government officials have in the past communicated that they are not required to provide local funding to address the mandates of SB 1383, as the jurisdictions could fund the mandated programs by increasing rate revenue.

Mr. Hakes commented that a number of agencies had hired a consultant to draft an SB 1383 plan for their organizations. He said it might be premature for RecycleMore to do so, as the SB 1383 regulations were still in process. Mr. Hakes suggested An SB 1383 Plan might be something to consider in the future to set the Authority on a positive course.

The Board received the update.

Agenda Item 8.2 – Joint Exercise of Powers Agreement (JEPA) Update | Presenter Stan Hakes - Executive Director

Discussion: Mr. Hakes reported that the Board's direction at the July 2018 meeting was to refer JEPA issues to the city managers and provide regular updates to the Board. The city managers had met twice in August and had come to agreement on seven of the eight remaining JEPA issues, with the final issue being the disbursement of funds upon withdrawal.

Mr. Hakes advised that the city managers had met again on January 7, 2019 when two new city managers were involved. That meeting ended without a resolution. He referred to letters in the packet from the cities of San Pablo, Pinole, and Hercules identifying their position on the JEPA process. He asked the Board for potential direction as to next steps.

Conclusion: The Board took the following action:

MOTION by Director Murray to direct staff to request the City Managers move forward with the JEPA update consistent with the City Managers Framework and in subsequent member agency letters and City Manager's group agreement of August 2018. **SECOND** by Director Myrick.

MOTION PASSED by the following vote: Ayes: Bates, Lyman, Murray, Myrick, Pineda and Romero; Nay: Choi; Absent: None

Agenda Item 8.3 – Re-schedule or Cancel February 2019 Board Meeting | Presenter Stan Hakes - Executive Director

Discussion: Mr. Hakes described the challenges being able to produce a packet prior to the next scheduled meeting on February 14, highlighted the items that could be on the next meeting agenda, and recommended alternative dates.

Motion by Director Bates that staff and the Chair determine the next meeting date. The motion failed due to a lack of a second to the motion.

Chair Choi recommended conformance with the regular meeting schedule.

Conclusion: The Board took the following action:

MOTION by Director Romero to cancel the February 14, 2019 Board meeting date. **SECOND** by Director Lyman.

MOTION PASSED unanimously.

BOARD MEMBER AND STAFF ANNOUNCEMENTS

Director Romero requested that the Authority draft a letter of appreciation and prepare a plaque to be presented to former Director Valdez from San Pablo in honor of her dedication to the West Contra Costa Integrated Waste Management Authority.

Director Myrick noted that he may or may not be selected to continue with the Authority and if this was his last meeting he offered his thanks and appreciation to the Board.

ADJOURNMENT

With consensus of the Board, Chair Choi adjourned the meeting at 9:20 P.M. until the next regular Board meeting scheduled for March 14, 2019.

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 January 24, 2019.

Board Secretary

Date