

MARIN COUNTY HAZARDOUS & SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY

AB 939 LOCAL TASK FORCE

Wednesday, August 1, 2012
Northgate Mall Community Room
5800 Northgate Drive, Suite 200
San Rafael, CA

8:30 - 10:00 AM

AGENDA

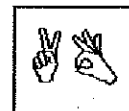
Call to Order.

- 1) Open Time for Public Comment (5 Minutes)
- 2) Approval of the June 6, 2012 JPA Local Task Force Minutes (Action – 5 Minutes)
- 3) Staff Report of Recent and Ongoing Activities(Oral Report – 10 Minutes)
- 4) Improving LTF Effectiveness, Redistribute Local Task Force Procedures, Distribute Excerpts of County of Marin Board and Commission Handbook (Oral Report -10 Minutes)
- 5) CalRecycles Siting Element (Oral – Report 10 Minutes)
- 6) Marin Builders Association Presentation on Roof Tear Offs (Oral Report -10 Minutes)
- 7) Discussion of LTF Work Plan for FY 12/13 (Action – 30 Minutes)
- 8) Open Time for Member Comments (10 Minutes)
- 9) Adjourn.

Next scheduled LTF Meeting is Wednesday, September 5th at 8:30 AM @ Northgate Mall

The full agenda including staff reports can be viewed at
www.marinrecycles.org/mins_agendas.cfm

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All public meetings and events sponsored or conducted by the County of Marin are held in accessible sites. Requests for accommodations may be requested by calling (415) 473-4381 (voice) (415) 473-3232 (TTY) at least **four work days** in advance of the event. Copies of documents are available in alternative formats, upon written request.

Contact the County's Waste Management Division, at 473-6647 for more information

DRAFT**MARIN COUNTY HAZARDOUS & SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY**

AB 939 Local Task Force Meeting
 Wednesday, June 6, 2012
 Redwood Landfill & Recycling Center
 8950 Redwood Hwy.
 Novato, CA

MINUTES**MEMBERS PRESENT**

Loretta Figueroa, Almonte Sanitary District
 Renee Goddard, Ross Valley Cities
 Elissa Giambastiani, San Rafael
 Joan Irwin, Southern Marin Cities
 Ramin Khany, Redwood Landfill
 Jon Elam, Tamalpais CSD
 Matt McCarron, City of Novato
 Patty Garbarino, Marin Sanitary Svc

MEMBERS ABSENT

Greg Christie, Bay Cities Refuse
 Jennie Pardi, Conservation Corps North Bay
 David Haskell, Sustainable Marin
 Steve McCaffrey, Redwood Empire Disposal
 Russ Greenfield, LGVSD
 David Green, Unincorporated Marin Co
 Delyn Kies, Sustainable Novato

STAFF PRESENT

Steve Devine, JPA Staff
 Kiel Gillis, JPA Staff

OTHERS PRESENT

Kim Sheibly, Marin Sanitary Svc.
 Steve Rosa, Marin Sanitary Svc.
 Andy Campbell, Renew Computers
 Dee Johnson, Novato Sanitary Dist.
 Jessica Jones, Redwood Landfill
 Kathleen Lanphier, Sustainable Fairfax
 Alisha McCutcheon, RLI
 Casey Mazzoni, Marin Builders
 Ellen Hopkins, Green Mountain Tech.

Call to Order. The Local Task Force (LTF) meeting came to order at 8:30 AM.

1. Open Time for Public Comment

Members of the public in attendance introduced themselves.

2. Approval of the April 4, 2012 JPA Local Task Force Minutes

M/s Figueroa, Garbarino to approve the April 4, 2012 JPA Local Task Force Minutes.
 The motion passed unanimously.

3. Staff Presentation on Purpose of Reserves in the JPA's Three Fund Centers

Staff provided a historical report on the purpose of the existing JPA Reserve Fund as requested by the public during the May 24, 2012 JPA Board meeting. Fielding questions from the LTF, staff identified the reserves are in place as a contingency fund to cover unexpected expenses. In the past, reserves were necessary to accommodate cost overruns which took place in FY 11-12 at the Household Hazardous Waste Facility. The LTF Chair discussed the financial structure of the JPA, and encouraged each member to

2
DRAFT

familiarize themselves with the relevant information as well as review the plastic bag ban issue discussed at the May 24, 2012 JPA Board meeting. No action was required.

4. Presentation by Kim Sheibly of Marin Sanitary Service on Outreach Materials

Kim Sheibly provided a presentation on the ongoing development of residential and business waste reduction outreach materials, strategies, and programs at Marin Sanitary Service (MSS). Ms. Sheibly dispersed sample materials, including the 'Residential Service Guide', and identified website updates and fielded questions from the LTF. No action was required. Ms. Giambastiani noted her dissatisfaction with the outreach materials developed by the JPA contractor and found the materials designed by MSS extremely effective. No action was required.

5. Discussion of LTF Work Plan for FY 12/13

Following a request from LTF members and direction from the LTF Chair, staff developed an action item and suggested list of issues to help the LTF develop and approve a list of work plan items for the FY12/13 period. Ms. Giambastiani expressed interest in focusing on Extended Producer Responsibility (EPR) for materials including plastic bags, sharps, and bulbs and batteries. Other members indicated interest in expanding existing programs such as prescription drug and sharps collection, but also concluded that a review of the long term funding structure needs to be conducted. Members requested further time to discuss the issue and decided to continue discussions at a later meeting.

6. Open Time for Member Comments

No public comment was heard.

7. Landfill Tour

Redwood landfill staff provided a tour of the facility and provided information on its operation as well as fielded questions from LTF Members.

8. Adjourn.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Vacant

Date: August 1, 2012

Corte Madera:
David Bracken

To: Local Task Force Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Judy Anderson

Re: Improving LTF Effectiveness, Redistribute LTF Procedures,
Distribute Excerpts of County of Marin Board and Commission
Handbook.

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

Due to several position changes in the Local Task Force and differing views of the role, goals, and responsibilities of LTF Members JPA Staff wanted to clarify and restate the purpose of the LTF and rules that apply to its members. This report and the attached documents outline the role of Local Task Forces statewide, the enhanced scope in Marin, and rules that apply to meetings and members.

Novato:
Michael Frank

Ross:
Vacant

The State definition has very limited roles for the LTF. The regulations, included as Attachment A, describe the role as advisory for review of the Integrated Waste Management Plan documents and to provide guidance for review of policies and procedures to meet solid waste management needs.

San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

In 2010 the LTF drafted its own procedures and recommended their acceptance of the procedures by the JPA Board. The Procedures which are included as Attachment B clarify and designate officer roles, membership makeup, voting requirements, purposes, and meeting frequency.

Tiburon:
Margaret Curran

An additional document that can be helpful is the County of Marin Board and Commission Handbook available at:

http://www.co.marin.ca.us/depts/BS/main/brdscomm/mcbc_handbook_toc.cfm

This document provides an outline of the roles and responsibilities of commission members, meeting procedures, brown act requirements, and a Code of Ethics. Although this handbook was designed for County Commissions the vast majority of these requirements and codes apply to the Joint Powers Authority and the Local Task Force. Several of the relevant sections of this handbook have been included as Attachment C.

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Attachment A

Title 14 CCR, Division 7, Chapter 9, Article 7

Section 18761. Local Task Force (LTF).

(a) Establishment. Each county board of supervisors and a majority of the cities within the county which contain a majority of the population in the county, shall submit written documentation to the Board approving the membership of their LTF, within 30 days after establishment of the LTF.

(1) The documentation submitted to the Board shall denote the identity of the members in the LTF, and whether the members represent the governmental or the private sectors, or other entities or groups. The documentation shall define the terms of membership for each member.

(2) The terms of membership shall be determined by the county board of supervisors and a majority of the cities within the county which contain a majority of the population in the county.

(3) After its establishment, each LTF shall inform the Board of how frequently it intends to meet.

(b) Role of the LTF. The LTF shall advise jurisdictions responsible for the SRRE, HHWE and NDFE preparation, and review goals, policies and procedures for jurisdictions, which, upon implementation, will aid in meeting the solid waste management needs of the county, as well as the mandated source reduction and recycling requirements of Public Resources Code section 41780.

(1) The LTF shall assist and advise in the review of the SRRE, HHWE and NDFE, and shall assist jurisdictions in the implementation of the SRRE, HHWE and NDFE.

(2) The LTF shall provide technical guidance and information regarding source reduction, waste diversion and recycling to local jurisdictions during preparation and revision of the SRRE, HHWE and NDFE. Such information may be presented to the general public at public hearings and upon request by members of local government and community organizations.

Attachment B
MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT
JOINT POWERS AUTHORITY - AB939 LOCAL TASK FORCE
PROCEDURES

SECTION 1 – SUMMARY OF PURPOSES AND RESPONSIBILITIES

- Identify solid waste management issues of county-wide or regional concern
- Make recommendations to the JPA Board regarding updates and maintenance of the County Integrated Waste Management Plan including the five-year review(s) as set forth in Public Resources Code Sections 41770 and 41822
- Monitor and review proposed legislation related to integrated waste management. If determined appropriate, propose recommendations to the Joint Powers Authority Board regarding advocating for legislation that will assist the County in meeting its goals pursuant to the California Integrated Waste Management Act
- Consider recommendations to the Joint Powers Authority Board regarding ordinances and/or minimum standards for possible adoption by local jurisdictions to assist in meeting the goals according to the California Integrated Waste Management Act and related legislation

SECTION 2 – MEMBERSHIP

The Marin County Hazardous and Solid Waste Management Joint Powers Authority Board has determined that the Local Task Force membership shall include at least two representatives of waste haulers, with two alternate members for those positions, three representatives of environmental organizations, two representatives of special districts involved in the regulation and disposal of waste, and five public representatives appointed by the member agencies serving on the Joint Powers Authority Executive Committee.

Local Task Force members shall be appointed by the Joint Powers Authority Board of Directors, with the exception of the five public representatives which will be appointed by the respective member agency serving on the Joint Powers Authority Executive Committee.

SECTION 3 – MEETINGS

Local Task Force regular meetings will be held monthly on the first Wednesday of each month in the offices of the Marin County Department of Public Works or other available locations. All regular meetings shall comply with the noticing, agenda, and comment requirements of the Brown Act (Government Code §54950 et seq.). Special meetings may be called by the Chair or by a majority of the members, and held in accordance with the requirements of the Brown Act.

b. ROLES AND RESPONSIBILITIES

What is my role as a commission member?

The primary purpose of a commission is to serve as an advisory body to assist governmental bodies in the decision-making process. Commissions serve as a conduit for citizen input by gathering, analyzing and recommending options to the Board of Supervisors. Some commissions are mandated by Federal or State statute or established by County ordinance or resolution; others may be established by Joint Powers Agreement. Regardless of the establishing mechanism, the Board of Supervisors usually retains the final responsibility and authority for making policy decisions. The Planning and Personnel Commissions are exceptions and have the authority to take independent actions.

What does a commission member do?

Each commission shall have a set of by-laws outlining the mission, purpose and specific details on the functioning of the group. For most commissions there is typically an establishing ordinance, resolution, or legal mandate that outlines the scope and function of the commission. This is very useful in orienting members to the specific charge and focus of the assigned commission. New commission members should familiarize themselves with these documents. A County staff person is usually assigned to support the commissions' activities and is an excellent resource.

The Board of Supervisors has also adopted a resolution establishing standing rules and application and appointment procedures. This document is one that every commissioner should carefully review as it clarifies Board policies and roles and responsibilities of commissioners. (See Section 2)

Many commissions also have an annual list of goals and priorities that guide their work program for the year. Reviewing these goals and priorities will assist you in understanding the function of the commission you now serve; especially its authority, work programs and relationship to the Board of Supervisors, county staff and other commissions. The most productive and effective commissions are those whose members are clearly committed to fulfilling the mission and goals of their commission and focus on accomplishing the annual priorities.

- Actions (motion or vote) can only be taken on items that have been publicly noticed on the published agenda.
- The body can declare “urgency,” and therefore discuss an item not on the agenda at a regular meeting, if the need for immediate action came to the attention of the agency subsequent to posting of the agenda. This requires a vote of at least two-thirds of the members present (or all members if less than two-thirds are present) to determine there is the need for immediate action which cannot reasonably wait for the next regularly scheduled meeting.
- The body may discuss a non-agenda item at a regular meeting in open session if, by majority vote, the body determines the matter constitutes an emergency. Declaration of an “emergency” item means that the public safety is at risk.
- Meetings must provide for public input (open time) for both regular and special meetings.
- Meetings must be accessible to all without reservation.
- Meetings may be audio or video taped by any person as long as it is not disruptive.
- Generally, meetings must be held on a regularly scheduled basis and within the jurisdiction.
- Voting must be done by voice or hand – no secret ballots or proxy votes are permitted.
- No “straw votes” either in person, phone or e-mail or other methods are permitted. Serial conversations, by phone, e-mail, in person or other methods to determine action in advance are prohibited.

Taking the "Oath of Office"

Commission members may not participate or vote on matters before their appointed commission until the Oath of Office has been fully executed before an authorized County representative. (See Section 5)

What is a “Conflict of Interest” and how will I know if I have one?

Financial Conflicts of Interest

A conflict of interest applies when a decision may have a financial impact on personal income or assets of an individual or the personal income or assets of their spouse or dependent children. The conflict applies whether the financial impact is positive or negative and is “material” if it exceeds a certain dollar amount as set by the Political Practices Commission. (See Section 6) Depending on the nature of

What is Assembly Bill 1234 (Ethics Training) and who is required to take it?

AB 1234 applies to commission members who may receive compensation and/or expense reimbursement by the County. Pursuant to AB 1234, the County adopted revised Administrative Regulation No. 1 (AR No. 1) regarding reimbursement of expenses for County commissions, committees or boards. Please refer to Appendix 10 for the full text of the policy as it relates to commission members. Additionally, commission members listed in AR No. 1, and therefore covered under AB 1234, must complete Ethics Training every two years.

COUNTY OF MARIN

3. BROWN ACT

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards, and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”

THE RALPH M. BROWN ACT (Government Code Section 54950, et seq.)

General

The Brown Act embodies the philosophy that public agencies exist for the purpose of conducting public business, and the public has the right to know how its “collaborative decisions” are being made. It represents the determination of the balance that should be struck between access on the one hand, and the need for confidential candor on the other. There is a presumption in favor of access, with exceptions for confidentiality where there has been a demonstrated need. The exceptions are construed narrowly.

The Brown Act may be divided into six topics: to whom does the Act apply, what is a meeting, the agenda requirements, the public’s rights, closed sessions, and consequences for violation.

1. Bodies covered by the Brown Act
 - A. Legislative bodies of local agencies, e.g., boards, commissions, councils and committees. Also applies to person who is elected as part of body who has not yet taken office.
 - B. Does not apply to individual decision makers, e.g., department heads, legislative bodies acting in judicial capacity, bodies created by single

- F. There is a specific exception for “non-standing” (or ad hoc) advisory committees that are composed of less than a quorum of the legislative body that serves a limited or single purpose, is not perpetual, and will be dissolved once its specific task is completed.
- G. If a legislative body designates less than a quorum of its members to meet with representatives from another body to exchange information, a separate body is not formed. However, if less than a quorum meets with another agency to perform a task, e.g., make a recommendation, a separate legislative body is formed.

2. What is a meeting?

- A. Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate on any matter within its jurisdiction. Can include lunches, social gatherings, board retreats.
- B. Serial meetings fall under the provisions of the Brown Act if they are for the purpose of developing a concurrence as to action to be taken.
 - 1. A serial meeting is a series of communications (whether in person or by phone or other media), each of which individually involves less than a quorum, *but* which, taken as a whole, involve a majority of the commission’s members. Examples include meetings of commission members’ intermediaries, chain communications (a@b@c), and hub communications (a@b, a@c).
 - 2. “Concurrence as to action to be taken” includes substantive matters that are or are likely to be on a commission’s agenda, but does not include purely housekeeping matters (e.g., times, dates and locations of upcoming meetings.)
- C. Exemptions for: 1) individual contacts between members of the public and commission members; 2) *conferences open to the general public which involve issues of interest to the body; 3) *community meetings; 4) meetings of other bodies under same local agency; or 5) social or ceremonial occasions, as long as a majority of the members do not discuss application of specific issues to the legislative body.

(*as long as majority does not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency’s subject matter jurisdiction.)

- D. Location of meetings - must generally be within geographic boundaries of the body's jurisdiction, except for compliance with law or court order, to inspect real property, meetings of multi-agency significance, nearest available facility if body has none available, meeting with state or federal officials to discuss regulatory issues, nearby facility to discuss facility itself, visit to legal counsel to reduce fees.

4. Rights of the Public.

- A. Access generally means the right to be notified of items to be considered (agenda), to attend meetings of legislative bodies without identifying oneself, to record the meeting, to have access to documents distributed to members of the legislative body¹, not to pay for the agency's costs in complying with the Brown Act, to be free from discrimination, and to provide public comment. No meeting can be held in a facility that is inaccessible to the disabled.
- B. Legislative bodies may provide greater public access than required by the Brown Act.

5. Permissible Closed Sessions.

The Brown Act begins with a strong statement in favor of open meetings; private discussions among a majority of a legislative body are prohibited, unless expressly authorized under the Brown Act. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter must be discussed in public.

***In general, most advisory commissions do not hear matters which would qualify for a closed session. However, since there are some exceptions such as the Personnel Commission and Retirement Board, a brief discussion of the subject follows.**

In general, the most common purpose of a closed session is to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the agency or compromise the privacy interests of employees.

¹ Recent legislation (SB343) amends Section 54957.5 of the Government Code. The new law requires that a writing that relates to an agenda item for an open session of a regular meeting shall be made available for public inspection at the time the writing is distributed to all, or a majority of all, the members of the legislative body. In order to comply with the requirement to make writing that is distributed after the 72-hour posting "available" for public inspection, the local legislative body must make the writing available at a public office location that the agency shall designate for this purpose. Therefore, each local agency is required to list the address of that office or location on the agenda for all meetings of the body. Staff should also be prepared to provide additional copies of the supplemental material to the public at the meeting.

C. Real Estate Negotiations

1. A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency.
2. After real estate negotiations are concluded, approval of the agreement and the substance of the agreement must be reported.

D. Labor Negotiations

A legislative body may meet in closed session to instruct its bargaining representatives on employee salaries and fringe benefits. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

E. Grand Jury Testimony

A legislative body may testify in private before a grand jury, either individually or as a group.

F. License Applicants with Criminal Records

G. Public Security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, or to the public's right of access to public services or facilities.

H. Multijurisdictional Drug Law Enforcement Agency

6. Consequences of Violation.

- A. Criminal penalties. Misdemeanor where action taken in violation of the act.
- B. Civil remedies:
 1. Injunction, mandamus, declaratory relief
 2. Action may be voided following notice to correct, which must be received within 90 days, and acted on within 30 days, lawsuit filed within 15 days.

Marin Independent Journal
Tuesday, July 10, 2001

Charter board in violation of meeting act

Judge sends directors back to school

By Con Garretson *IJ reporter*

The Novato Charter School Board of Directors broke the state's open meetings law several times last year and board members could face fines or jail time *if* future violations occur, a judge has ruled.

Also, board members and the school's director must attend a seminar on the Ralph M. Brown Act in the next six months under the terms of a final judgment and permanent injunction signed last week by Marin County Superior Court Judge Lynn Duryee.

Officials said they weren't certain, but it might be the first such judgment against a public agency in Marin County. An expert on the Ralph M. Brown Act said it is the first time that such a legal ruling has been made against a California charter school under the 48-year-old law. Novato Charter School officials, without admitting wrongdoing, settled a civil complaint filed by the Marin County District Attorney's Office resulting from a December letter signed by a group of school parents, said Deputy District Attorney Robert Nichols, who investigated the case.

At issue are seven instances in which the board failed to meet the requirements of the state public meetings law in the second half of 2000, including failure to properly notify the public of meetings, the agendas of closed sessions and decisions made during such sessions.

The judgment notes that the charter school, established in 1996, "has limited resources and experience regarding compliance with the Ralph M. Brown Act."

The act, established by the state Legislature, is designed "to ensure the accountability of government officers and to enable citizens' oversight of government agencies by keeping official decision-making processes as open as possible to public knowledge and participation," according to the California First Amendment Coalition.

The act sets out regulations governing public information on meetings and open and closed sessions. Nichols said there was no evidence that the board or the director *intended* to break the Brown Act, which could have led to an even rarer criminal prosecution.

"Our belief was that the violations in this case were more erroneous than intentional," he said. The judgment does not specifically identify the board members — Philip Hallstein, Curt Kruger, Jeanette Longtin, Janine Perra and Mary Williams, but applies to them and school Director Rachel Bishop, who also was not named.

Nichols said the Brown Act typically applies only to elected officials, but in this case Bishop was included because of the role she plays in setting and conducting public meetings. Bishop did not return a call left at the school yesterday.

Marin Independent Journal
Friday, March 1, 2002

Sanitary District settles complaint

**Las Gallinas Valley board
accused of violating meeting law**

By Con Garretson
II reporter

The Las Gallinas Valley Sanitary District yesterday settled a civil complaint that accused board members of violating the state's open meetings law by deliberating in private. It was only the second judgment against Marin elected officials in connection with violations of the Ralph M. Brown Act, according to Marin Deputy District Attorney Bob Nichols, who led an investigation by his agency.

The settlement approved by Judge Lynn Duryee and filed yesterday, indicates the violations were made up of district matters being deliberated and decided upon by a majority of directors outside of a meeting setting, which is two separate violations. The illegal meetings did not have an agenda, nor were they publicized by a public notice, which made up the two other alleged violations in this case, according to the court documents.

In settling the lawsuit without admitting wrongdoing, the district agreed to pay \$7,500 in district attorney investigative expenses and have board members attend a seminar on the Brown Act, a term that was met in January.

ROBERT'S RULES OF ORDER

The following is an introduction to Robert's Rules of Order. Please note that Robert's Rules are not the only way to conduct public meetings. However, they are a well-established and accepted method that allows everyone to be heard and to make decisions without confusion.

Robert's Rules of Order in no way preclude Brown Act rules such as including a "public comment" or "open time" on every meeting agenda.

There are two Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.

How are Motions Presented?

1. **Obtaining the floor**
 - a. Wait until the last speaker has finished.
 - b. Rise and address the Chair.
 - c. Wait until the Chair recognizes you.
2. **Make your Motion**
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, "I move that we..." rather than, "I move that we do not..."
 - c. Avoid personalities and stay on your subject.
3. **Wait for someone to second Your Motion**
4. **Another member will second your motion or the Chair will call for a second.**
5. **If there is no second to your motion, it is lost.**
6. **The Chair states your Motion**
 - a. The Chair will say, "It has been moved and seconded that we...", thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion, or may move directly to a vote.
 - c. Once your motion is presented to the membership by the Chair, it becomes "assembly property", and cannot be changed by you without the consent of the members.

Roberts Rules Made Simple

Points

The following three points are always in order:

1. **Point of Order: a question about process, or** objection and suggestion of alternative process. May include a request for the facilitator to rule on process.
 2. **Point of Information:** a request for information on a specific question, either about process or about the content of a motion. This is not a way to get the floor to say something you think people should know. People misusing points of information in this fashion will be defenestrated, or otherwise sanctioned forcefully.
 3. **Point of Personal Privilege:** a comment addressing a personal need - a direct response to a comment defaming one's character, a plea to open the windows, etc.
-

Motions

All motions must be seconded, and are adopted by a majority vote unless otherwise noted. All motions may be debated unless otherwise noted. Motions are in order of precedence: motions may be made only if no motion of equal or higher precedence is on the floor (i.e., don't do a number 5 (move to end debate) when the body is discussing a number 4 (move to suspend rules)).

1. **Motion to Adjourn:** not debatable; goes to immediate majority vote.
2. **Motion to Recess:** not debatable. May be for a specific time.
3. **Motion to Appeal the Facilitator's Decision:** Not debatable; goes to immediate vote. Allows the body to overrule a decision made by the chair.
4. **Motion to Suspend the Rules:** suspends formal process for dealing with a specific question. Debatable; requires 2/3 vote.
5. **Motion to End Debate and Vote or Call the Question:** applies only to the motion on the floor. Not debatable; requires 2/3 vote.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Vacant

Date: August 1, 2012

Corte Madera:
David Bracken

To: Local Task Force Members

From: Steve Devine, Program Manager

County of Marin:
Matthew Hymel

Re: CalRecycles Siting Element

Fairfax:
Judy Anderson

The Marin County Hazardous and Solid Waste Management Joint Powers Authority monitors the anticipated "site life" of the County's only landfill – Redwood Landfill, as part of statutory requirements outlined in PRC Sections 41700-41721.5 and regulatory requirements outlined 14 CCR Section 18755-18756.7.

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

In FY 11-12 the JPA budgeted funding for an analysis on the landfill's site life. The JPA retained Environmental Science Associates to perform the analysis – which is attached.

Novato:
Michael Frank

Ross:
Vacant

The attached analysis includes both a detailed spreadsheet and an explanatory narrative of the work.

San Anselmo:
Debbie Stutsman

As noted in the analysis, Column R of the spreadsheet depicts the current best estimate of the County's remaining landfill capacity. Based on the assumptions in that particular scenario – Redwood Landfill would have approximately 3.1 million tons of capacity remaining in 2027.

San Rafael:
Nancy Mackle

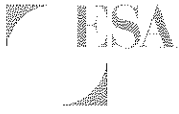
Sausalito:
Adam Politzer

Because the fill rate of the landfill is based on innumerable factors including general economic conditions, particular contracts the landfill may enter into to receive waste, legal decisions and other factors – the JPA will continue to monitor this issue closely, but at this time would not pursue the cost of conducting a full revised Siting Element – and will include information from this analysis in the 2011 Electronic Annual Report that will be filed with the state this August.

Tiburon:
Margaret Curran

Attachments

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350 Frank H. Ogawa Plaza
Suite 300
Oakland, CA 94612
510.839.5066 phone
510.839.5825 fax

www.esassoc.com

memorandum

date March 9, 2012

to Steve Devine, Marin County Hazardous and Solid Waste Management Joint Powers Authority

from Dan Sicular

subject Remaining Landfill Capacity Projections

This memo provides a description of the spreadsheet model we prepared, titled, Disposed Waste Projections for Marin County and Remaining Capacity Calculations for Redwood Landfill. The model is used to determine the need for additional disposal capacity for Marin County, and particularly whether such a need will arise within a 15-year period. As we have discussed, the modeling results indicate that the County has sufficient remaining landfill capacity for a period of greater than 15 years.

The following is a column-by-column description of the spreadsheet:

Column B shows the base year for the projections, 2010. The table provides projections through 2027. Extended projections beyond 2027 are shown below the table.

Column C uses information from the California Department of Finance, Demographic Research Unit (Report E-2) as the base year (2010) population figure. Population growth after 2010 is projected based on ABAG projections (ABAG Projections, 2009). The 5-year increments of population growth rates are shown in Column D. See the Marin Pop and CA Dept Finance E-2 Pop tabs in the spreadsheet for source data.

Column E shows waste generation for the 2010 base year and future years (generation is the sum of all waste disposed plus diverted). The 2010 figure is back-calculated from the diversion rate reported to CalRecycle for 2010 and the reported disposal figure for that year. See the calculations in the Waste Gen Calcs tab in the spreadsheet. Projections are based on the projected population growth rate, as described above.

Column F shows the 2010 base year disposed waste amount, as reported to CalRecycle. Disposed waste projections are based on population growth rate, as described above.

Column G provides projections of the County's diversion rate, expressed as a percentage of generated waste. The 2010 figure is that reported to CalRecycle. Projections are based on achievement of the JPA's short-term 80 percent diversion goal (achieved in 2015) and the long-term goal, expressed in the JPA's Feasibility Study, of 94% ten years later. Diversion is assumed to level out at 94% after 2025.

Columns H and I use the diversion rate projections in Column G and the waste generation projections in Column E to estimate future amounts diverted and disposed, respectively.

Column J provides the year-to-year cumulative total of waste disposed, based on the disposed amounts in Column I.

Columns K and L show the projected waste disposed out-of-County and in-County (at Redwood Landfill) respectively. The amount disposed out-of-County is set at 32 percent of the total disposed, based on the average for Marin for the years 2008-2010, as shown in the Disposal 1995-2010 tab in the spreadsheet. Column M provides the year-to-year cumulative total for projected disposal at Redwood from within Marin County.

Column O provides base year and projected waste amounts disposed at Redwood Landfill from outside Marin County. An analysis of waste coming to Redwood from outside the County in recent years indicates that about 97 percent was from Sonoma County (see the Disp at Redwood tab in the spreadsheet). Therefore, ABAG's projections of Sonoma County population increase, shown in Column N, were used as a basis for projecting future increases in waste disposed at Redwood Landfill originating from outside Marin County.

Column P shows the projections for total amount of waste disposed at Redwood Landfill, combining Marin County and non-Marin County wastes. Column Q provides the year-to-year cumulative total disposed at Redwood Landfill, based on Column P.

Column R provides our best estimate of the County's remaining landfill capacity. This column shows, for 2010, the estimated remaining capacity at Redwood Landfill, in tons, based on the landfill's report of their 2011 capacity survey, which was reported to Marin County Environmental Health Services in November, 2011. This report assumes the total landfill capacity shown in the 2008 Solid Waste Facility Permit. Projections show the year-to-year decrease in capacity, assuming the disposed amounts in Column P. As shown, Redwood Landfill would still have about 3.1 million tons of capacity remaining in 2027. The projection of remaining capacity continues below the table. The projections after 2027 use increases in disposal based on user-defined population growth rates (the highlighted cells in Columns L and O).

Worst Cast Scenarios

Columns T through Z provide several "worst-case" scenarios, which use different assumptions to test whether Redwood Landfill might run out of capacity within 15 years. Column U shows remaining capacity based on the disposal amounts in Column T, which assumes no increase in the diversion rate above the 2010 level, and also assumes that all of Marin County's solid waste would be disposed at Redwood Landfill, along with continued import of waste from outside the County. Under this scenario there would still be about 1.15 million tons capacity remaining at Redwood Landfill in 2027.

Columns W and X show remaining capacity assuming the maximum permitted annual rate of disposal (shown in Column V), and two different assumptions regarding in-place density of waste at the landfill: Column W uses the density factor of .99 tons per cubic yard reported by the landfill; and Column X uses a density factor of .66 tons per cubic yard, which is a more typical density for conventional landfills. Column W shows that, even at the maximum permitted rate of disposal, and assuming the in-place density reported by the landfill, there would still be about .5 million tons of capacity remaining in 2027. Column X shows the landfill running out of capacity in 2023.

Columns Y and Z provide the opportunity for the user to conduct a sensitivity analysis to test different rates of disposal and their effects on remaining landfill capacity. The highlighted user-input field below the table indicates the percent of maximum permitted rate of disposal. Column Z provides remaining capacity, using the more conservative in-place density factor of .66 tons per cubic yard.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
2	<p>Disposal Waste Projections for Marin County and Remaining Capacity Calculations for Redwood Landfill</p> <p>Draft 2-10-2012</p> <p>Revised 2-23-12</p> <p>QA/QC: KGR</p> <p>2/9/2012</p>														
3	Revised 3-9-12														
4															
5	Year	Population	5-year Population Change	Generation Adjusted for Population Growth	Disposal @ current Diversion Rate, Adjusted for Population Growth (2010 figure from annual report)	Diversion Rate (% of Gen) per Authority Goals and Feasibility Study	Amount Diverted	Net Diversion, With Increase	Cumulative Diverted	Disposal Out of County (projections calculated at 32%, based on 3-year avg)	Disposal in County at Redwood	Cumulative Diverted in County at Redwood	Sonoma County Population Change	Non-Marin Disposed at Redwood (97%)	Compared Main Non-Marin Disposed at Redwood
6	2010	252,767		702,143	180,155	74.3%	521,988	180,155	180,155	57,274	122,881	122,881		191,122	314,002
7	2011	253,512		703,241	180,686	75.5%	530,762	172,479	352,634	55,565	116,914	239,795		193,207	310,121
8	2012	254,258		705,312	181,218	76.6%	540,306	165,006	517,640	53,157	111,849	351,644		195,315	307,163
9	2013	255,007		707,390	181,752	77.7%	549,903	157,487	675,127	50,735	106,752	458,396		197,445	304,198
10	2014	255,758		709,474	182,287	78.9%	559,551	149,923	825,050	48,298	101,625	560,021		199,600	301,224
11	2015	256,512	1.481%	711,563	182,824	80.0%	569,251	142,313	967,363	45,847	96,466	656,487		201,777	298,243
12	2016	257,237		713,575	183,341	81.4%	580,850	132,725	1,100,088	42,758	89,957	746,454	5.575%	203,952	293,619
13	2017	257,964		715,592	183,859	82.8%	592,510	123,082	1,223,170	39,651	83,431	829,885		206,150	289,680
14	2018	258,693		717,615	184,379	84.2%	604,232	113,383	1,336,553	36,527	76,856	906,741		208,371	285,228
15	2019	259,424		719,644	184,900	85.6%	616,015	103,629	1,440,182	33,384	70,244	976,985		210,617	280,661
16	2020	260,158	1.421%	721,678	185,423	87.0%	627,860	93,818	1,534,000	30,224	63,594	1,040,580	5.506%	212,886	276,481
17	2021	260,805		723,473	185,884	88.4%	639,550	83,923	1,617,923	27,036	56,837	1,097,467		215,194	272,080
18	2022	261,454		725,273	186,346	89.8%	651,295	73,978	1,691,901	23,832	50,146	1,147,612		217,526	267,672
19	2023	262,104		727,077	186,810	91.2%	663,094	63,983	1,755,883	20,612	43,371	1,190,983		219,883	263,254
20	2024	262,756		728,886	187,275	92.6%	674,948	53,938	1,809,821	17,376	36,551	1,227,544		222,267	258,828
21	2025	263,410	1.250%	730,699	187,740	94.0%	686,857	43,842	1,853,663	14,124	29,718	1,257,262	5.538%	224,676	254,394
22	2026	264,065		732,517	188,207	94.0%	688,566	43,951	1,897,614	14,159	29,732	1,287,054		227,111	250,903
23	2027	264,722		734,339	188,676	94.0%	690,278	44,060	1,941,674	14,194	29,856	1,316,920		229,572	248,438

[illegible]



CIWMP Enforcement Part I: Plan Adequacy

As approved by CalRecycle on November 17, 1993

Countywide Siting Element Adequacy

The following is a discussion of the statutory, regulatory and content adequacy requirements of a Countywide Siting Element (CSE). This section contains what staff will focus on during the review of a CSE to determine and define adequacy.

In each of the following CSE component discussions, the focus is on specific topics to consider when determining whether a CSE is considered adequate. The specific topics in each component are significant and have been selected because those topics can provide the majority of the information necessary for staff to determine whether a plan or element can be deemed adequate.

Countywide Siting Element

Statutes: PRC sections 41700-41721.5

Counties are required to prepare a CSE that describes areas that may be used for developing new disposal facilities. The element also provides an estimate of the total permitted disposal capacity needed for a 15-year period if counties determine that their existing disposal capacity will be exhausted within 15 years or if additional capacity is desired.

Regulations: 14 CCR sections 18755 – 18756.7

These sections clarify and provide guidance to counties that will be preparing their CSE. The CSE is addressed in Article 6.5 that specifies requirements for goals, policies, criteria, location, general plan consistency, strategies for disposal when disposal sites are not available, and an implementation schedule.

Countywide Siting Element Content Adequacy

Facility Description

An adequate CSE contains a description and identification of areas, numbers, and types of new or expanded solid waste disposal and transformation facilities to meet a minimum of 15 years of combined permitted disposal capacity. If new or expanded facilities cannot be established, then a discussion of strategies selected by the local jurisdiction to dispose of the excess solid waste shall be included.

Siting Criteria

The element includes a discussion and description of the siting criteria used in the County's siting process for new or expanded solid waste disposal or transformation facilities. The siting criteria shall address the requirements of 14 CCR section 18756(a)(1-5) that are: environmental considerations, environmental impacts, socio-economic and legal considerations, and any other additional criteria included by jurisdictions that approve the element.

Strategies to Achieve 15-Year Disposal Capacity

The element includes a discussion of how excess solid waste will be handled if new or expanded disposal sites are not available. The discussion also includes the types and quantities of excess waste to be handled, diversion or export programs that would be implemented to handle the excess solid waste, and identification of solid waste disposal or transformation facilities that will be used to implement the strategies. A copy of the export and/or import agreement/contract with a participating jurisdiction is included in the element as well.

Environmental Justice

Senate Bill 1542 (Escutia; statutes of 2002) amended PRC Section 41701 to require a County that amends its CSE on or after January 1, 2003, to include a description of the actions taken by the county to solicit public participation from the communities that could be affected by the change(s), including, but not limited to, minority and low-income populations. While SB 1542 does not prescribe the specific actions that must be taken in order to satisfy the requirement, it did require CalRecycle to provide guidance on the types of actions that could be taken.

Links to Other Resources Related to Environmental Justice:

- 1) Cal/EPA Environmental Justice Recommendations Report to the Interagency Working Group on Environmental Justice. (In particular, see page 17, Goal 1)
- 2) CEQA (In particular, Section 21092)
- 3) California Resources Agency: Environmental Justice Policy
- 4) California Department of Transportation

Countywide Siting Element

5) California Energy Commission

Should you need further assistance or information on amending a CSE, please contact your local assistance staff representative or (916) 341-6199.



Last updated: May 5, 2004

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MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Vacant

Corte Madera:
David Bracken

County of Marin:
Matthew Hymel

Fairfax:
Judy Anderson

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

Novato:
Michael Frank

Ross:
Vacant

San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Date: August 1, 2012

To: Local Task Force Members

From: Steve Devine, Program Manager

Re: Marin Builders Association Presentation on Roof Tear Offs

Casey Mazzone of the Marin Builders Association recently contacted your Chair and requested to make a presentation to the LTF on recycling roofing tear off. The Marin Builders Association has recently been in contact with CalRecycle staff who suggested partnering with a local agency.

Additionally, staff would like to note that the JPA has been contacted by a Type A Inert Debris processing facility in Oakland named Asphalt Shingle Recyclers, LLC. The facility processes clean asphalt shingles and other Type A inert debris such as concrete, fully cured asphalt, rock, brick, and other similar aggregates. The material is used for asphalt applications within the region. This facility will be inspected by JPA staff as part of the upcoming Construction and Demolition recertification and reporting process.

Attachment.

F:\Waste\JPA\JPA Agenda Items\LTF 120801\Roof Tear Offs.doc

Asphalt Shingle Recyclers, LLC

Roof-to-Road Recycling

Asphalt Shingle Recyclers, LLC recycles asphalt shingles and other Type A inert debris such as concrete, fully cured asphalt, rock, brick, and other similar aggregates. We are located in the City of Oakland, just North of the Coliseum.

We are instrumental in achieving the “**Zero Waste**” goals of Alameda County. Let our experienced staff help you with your recycling needs. Together we are making a difference by diverting thousands of tons of material from disposal at area landfills.

Check out our **Rate Sheet** for a list of materials we accept and their respective prices. Please note that we do NOT accept any hazardous materials at our facility.

We are a proud member of CMRA (Construction Materials Recycling Association).



Check out our Recent News:

QUOTE

Welcome!!!

Posted on **May 10, 2012**

Our RAS (Recycled Asphalt Shingles) manufacturing facility is now open! Come grow with us as we begin the future of asphalt shingle recycling in the SF Bay Area!

Posted in **News** | **2 Replies**

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Vacant

Date: August 1, 2012

Corte Madera:
David Bracken

To: Local Task Force Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Re: Discussion of LTF Work Plan for FY 12/13

Fairfax:
Judy Anderson

Initially this item was brought to your Task Force at your June 6, 2012 meeting. Following discussion at that meeting several possible work items were identified by members. Those items have been added to the list of possible items to add to the work plan. The LTF decided to continue the discussion at this meeting.

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

Over the past few years the LTF has provided a lot of direction on the JPA's Zero Waste Feasibility Study, Zero Waste Tool Kit, and various programs the JPA wanted feedback on. Although recently the JPA has not been actively requesting feedback from the LTF, the group may address issues it sees as important and provide direction if concise clear recommendations are approved by a majority of the LTF. To help address concerns from LTF members on the LTF's productivity, JPA staff and your Chair are encouraging the LTF develop a work plan and goals.

Novato:
Michael Frank

Ross:
Vacant

San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

The LTF has the ability and responsibility to research and discuss emerging or important issues and provide direction to the Board. However, recommendations to the Board must come from a consensus of the LTF, being made as a formal motion on an agenda item, which is then seconded, and approved by a majority of the LTF. Members should consult with the LTF Chair to have an item placed on the agenda.

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Recommendation:

It is recommended that the LTF approve a list of work plan items that could include but is not limited to:

- Revision of the Legislative Platform
- Extended Producer Responsibility: Plastic Bags, Bulbs, Batteries, and Sharps
- Expanding Sharps and Pharmaceutical Collection
- Review of Long-Term Funding

It is further recommended that the LTF decide if each issue is ready to be placed on the agenda for action, should be researched and discussed by a subcommittee (must be less than a quorum of members), or should be placed on the LTF agenda for discussion by the whole group before an action item is proposed.

