

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

Board of Directors Meeting
Thursday, October 20, 2022
9:00 A.M.

In-Person: 240 Tamal Vista Boulevard, Suite 108
Online: via Zoom
Hybrid Format

MEMBERS PRESENT

Heather Abrams, Fairfax
Cristine Alilovich, (Alt.) San Rafael
Greg Chanis, Tiburon
Todd Cusimano, Mill Valley
David Donery, San Anselmo
Dan Eilerman (Alt.), County of Marin
Dan Schwarz, Larkspur
Adam Wolff, Corte Madera

MEMBERS ABSENT

Matthew Hymel, County of Marin
Christa Johnson, Ross
Craig Middleton, Belvedere
Adam McGill, Novato
Jim Schutz, San Rafael
Robert Zadik, City of Belvedere
Chris Zepeda, Sausalito

STAFF PRESENT

Berenice Davidson, Interim Exec. Director

OTHERS PRESENT

Garret Toy, Tamalpais Community Service
District (TCSD)
Cory Bytof, San Rafael Sustainability
Program Manager
Alex Soulard, R3 Consulting Group Inc.
Garth Schultz, R3 Consulting Group Inc.

1. Open Time for Public Comment
No public comment was tendered.

Consent Calendar

2. Approval of the JPA Board Meeting Minutes from June 16, 2022
3. Resolution No. 2022-01 Making Findings and Determinations Under AB 361 Regarding Virtual Meetings (Approved)

Motion: by Mr. Cusimano to approve the Consent Calendar. Second: by Dan Eilerman. Abstentions: None. Vote: Unanimous.

Regular Agenda

4. Update from Interim Executive Director on Executive Director Recruitment

Ms. Davidson reminded the Board that they had approved Staff to hire a consultant for the recruitment process for the permanent Executive Director position. ZWM hired Deborah Muchmore with Muchmore than Consulting. ZWM has received a draft flyer for the advertisement of the position. This information (flyer) has been shared with the subcommittee. The subcommittee has provided their comments. The recruitment is slated to be opened Monday, October 24, 2022). The tentative timeline is to close recruitment on November 4, 2022; with tentative interview dates on December 4, 2022. ZWM anticipates coming to Board in December or January with interview presentations. Interview panels will be coordinated with subcommittee.

Mr. Chanis indicated that this was an update and not an action item. Since there were no questions or comments, Board moved to the next agenda item.

5. Consultant Recommendation for SB 1383 Membership Support

Ms. Davidson reminded the Board that they had approved \$100,000 to find a consultant that could assist in developing a more regional approach to compliance with SB 1383. Since that time, ZWM released a Request For Proposal (RFP) and received one response, from R3 Consulting. ZWM reviewed this proposal and recommended moving forward with R3 Consulting. ZWM will be ready at the next meeting to answer specific questions regarding how R3 will be able to help to meet the Board's request to analyze and identify the resources that can assist jurisdictions with SB 1383 compliance.

Mr. Chanis iterated this was not action item insofar as approving an agreement with R3, instead it was to look for Board direction as to whether they wanted to move forward with the proposal and to proceed with developing an MOU (memorandum of understanding) that the Board could review and approve at a future meeting.

Ms. Davidson confirmed Mr. Chanis's statements and indicated that ZWM, in a future meeting, will be able to have a better sense of resources needed and what represents a fair share for each location jurisdiction.

Mr. Chanis noted that this Agenda Item (5) is also related to Agenda Item 7 where several districts have written letters seeking to be part of this process.

Mr. Eilerman asked a question to clarify that his reading of the item on the agenda was an action item. Staff recommended that we adopt a contract that an MOU would be developed by R3 in consultation with the subcommittee.

Ms. Davidson confirmed Mr. Eilerman's interpretation of the agenda item. The action is to enter a contract with R3; however, determining what the commitment of each jurisdiction's share would be the first step, and then each jurisdiction would then enter into an MOU. Ms. Davidson asked Garth Schultz, R3 Consulting, to speak to this in more detail.

Mr. Shultz, R3 consulting, spoke about how they proposed to proceed. They would facilitate the development of a MOU between the member agencies that would clarify the roles, responsibilities, programs, and services that would be undertaken at the regional Zero Waste Marin level. This would be overseen by the Board, Executive Director and implemented by Staff. Additionally, it would outline roles and responsibilities under SB 1383 that would remain with the member agencies. The action, per Mr. Shultz understanding was to approve the agreement between Zero Waste Marin and R3 Consulting. R3 would most likely develop the MOU with a subcommittee of the Board. Dependent on the action taken by the Board, R3 would work with members to develop the outline and parameters of the program that they would recommend and to further define the regional activities responsibilities for Zero Waste Marin. The deliverables for this project would be an MOU clearly outlining the regional responsibilities of Zero Waste Marin vs. the individual Agencies. In addition, they would provide recommendations for clear descriptions and conceptual, programmatic approaches to SB 1383. This includes regional coordination of enforcement, edible food recovery programs, procurement, and technical resources to the member agencies with respect to compliance and reporting. These details were included in their proposal. This is a typical approach used by other JPAs including immediate neighbors to the north and east. Per, Mr. Shultz, this will allow some clarity for programmatic ZWM budget parameters for the fiscal 2023/24 budget.

Mr. Chanis confirmed that the action would be for ZWM Staff to contract with R3. In addition, he asked a clarifying question to Mr. Schulz regarding if the proposal assumed in its cost that R3 would be working on behalf of the special districts.

Mr. Schultz indicated that it is right to include special districts in this regional coordination. R3 did not consider shepherding the MOUs through to the special districts for approval because they are not members of Zero Waste Marin. R3 is happy to receive feedback of special districts, but the scope of their agreement does not include separate MOU consideration for any special district because they are not signatories.

Garret Toy, General Service Manager of Tamalpais Community Service District, spoke to the Board on behalf of nine special districts. He indicated that if all combined into one, the special districts would represent the third largest municipality in Marin. He stated it would be important that they have a least one representative participate in the process of the Zero Waste Marin MOU. Reiterating as a representative to these special districts, they would like to participate in this process as outlined in item #7.

Mr. Eilerman stated that conceptionally it made sense to have county-wide coordination of the issues that have been outlined in the R3 proposal. Having just seen the letter and not having a chance to meet about it with the subcommittee, he suggested the Board should proceed cautiously to ensure the subcommittee is walking in with eyes wide open to any engagement with responsibilities beyond membership of the Zero Waste Marin Board. He was not opposed to the special districts being signatories to the MOU if the Board is going to expand services beyond the ZWM membership. He was fully supportive of moving the item to move forward with the R3

engagement, but happy to hear further discussion.

Mr. Chanis echoed what Dan stated. In concept, it made a lot of sense to have the special districts involved. The two issues that need to be resolved are: what does it look like financially in terms of paying for the service and two including special district representative. Mr. Chinas stated supported moving ahead with the proposal to work with R3.

Mr. Chanis stated that they are looking for a motion to authorize ZWM staff to contract with R3 to implement the proposal included in the packet. Regarding handling special districts, he asked for suggestions if this should be included as part of the motion.

Mr. Cusimano indicated that he would make the motion to include special districts in the conversation and then task the subcommittee to work with staff to move the conversation going forward.

Motion: By Todd Cusimano (restated by Greg Chanis) to authorize the contract with R3 to move forward with the proposal, as requested including special districts in the process in resolving any open questions in the process. Second: by Dan Eilerman. Abstentions: None. Vote: Unanimous.

6. Presentation from the City of San Rafael and Recommendation to all Member Agencies to engage with PlaceWorks

Mr. Cory Bytof, Sustainability Manager, from the City of San Rafael shared his PowerPoint PlaceWorks Procurement Study Proposal. PlaceWorks provides an ArcGIS based study and dashboard to help local jurisdictions understand their actual capacity to utilize the compost and mulch required to be procured as part of the SB 1383 regulations. PlaceWorks would contract with Zero Waste Marin on behalf of all jurisdictions in the county that wish to participate. The County or City of San Rafael would host the database and tools via their current ArcGIS Online Account. The City and County are moving forward with this and inviting all other cities and towns to participate.

Mr. Chanis inquired if all the jurisdictions decided not to opt-in how this would impact the cost.

Mr. Bytof stated that some of cost is a start-up for each jurisdiction, and some cost is ongoing, and the total cost for that would be spread out to the jurisdictions that do participate. The Consultant would then come back in and update what the cost to each jurisdiction.

Mr. Chanis asked how the agreement was structured in terms the signing parties on the agreement..

Mr. Bytof stated that he and Casey Poldino discussed, if Board approved, the agreement would be between Zero Waste Marin and PlaceWorks. The consultant would invoice each jurisdiction individually.

Mr. Eilerman asked the following: What is staff's perspective on how we should move forward at this time. Second, is it budgeted, and if not, how do we consider working that into the budget based on the size of the contract? Based on what we heard in the R3 proposal, does it rhyme with what they are doing, or does it duplicate what they are doing? Is it consistent with one of the objectives that R3 was asked to look into?

Mr. Chanis echoed Mr. Eilerman and stated he was curious if it duplicates efforts of the R3 proposed work.

Mr. Schultz stated from the R3 perspective; it was wholly consistent. Their effort under the MOU development is to clarify the boundaries of where ZWM would provide long term support to the member agencies on meeting the procurement target. He stated that what Cory and San Rafael are doing is a good model for regional collaboration and has good synergy with what R3 is doing. He stated there were no conflicts or duplications.

Mr. Chanis asked if Mr. Bytof wanted to discuss the budget and staff recommendations.

Mr. Bytof stated that he and Ms. Poldino had spoken about this and she was prepared to recommend that the Board move forward with contracting with PlaceWorks. Regarding the ZWM budget, it would not be impacted as this would be paid by the jurisdictions individual CalRecycle grants or through the ZWRP. He also reiterated that the Consultant would bill the jurisdictions individually.

Mr. Chanis asked Mr. Bytof to confirm that it would be at the discretion of each jurisdiction on how they would pay for their portion of the work.

Mr. Bytof confirmed that what Mr. Chanis stated was accurate.

Mr. Eilerman stated this answered his questions. He was supportive of the concept. His only concern was the extent of which they could achieve county-wide coordination considering there isn't full membership at the meeting. He was comfortable recommending for the County of Marin but wanted to ensure it did not present a surprise to everyone.

Ms. Davidson recommended that the Board authorize staff to follow up with each jurisdiction in the next week and receive approval and then formalize the approval.

Mr. Chanis echoed Ms. Davidson recommendation by stating that the staff could poll the agencies in the next week to determine who would participate and the agreement would reflect this information, accordingly.

Ms. Davidson stated that Mr. Bytof already is engaging the Consultant; therefore the authorization would be for staff to follow up with the jurisdictions and to determine who will participate

Mr. Bytof stated his understanding is that this could be brought back for a final approval or this could be authorized to move forward with approval with a revised budget based on the number of participating jurisdictions.

Mr. Chanis indicated that he was comfortable with Mr. Bytof's latter recommendation. His reservation was regarding this was if only a few jurisdictions want to participate what will the contract costs be associated with this.

Ms. Davidson stated that they could add to the motion, based on the results, staff would go to the subcommittee and the subcommittee would provide direction to move forward with the contract or go back to the Board.

Mr. Chanis was comfortable with Ms. Davidson's recommendation.

Mr. Eilerman concurred with Mr. Chanis.

Motion:by Dan Eilerman: Proceed with polling membership and delegating to the subcommittee the ultimate execution of the contract based on the cost of membership based on the level of engagement. Second: by Mr. Cusimano. Abstentions: None. Vote: Unanimous.

7. Special Districts Letter to Request SB 1383 Assistance

Mr. Chanis indicated that this was already discussed in Item 5 and that unless anyone wanted to discuss again, Board can move to adjournment.

8. Adjournment

The next meeting is tentatively scheduled for November 17, 2022.