

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Board of Directors Meeting - Minutes
Thursday, June 15, 2023
9:00 A.M – 10:00 A.M

In-Person: 922 Machin Avenue, Womack Conference Room, 2nd Floor, Novato

MEMBERS PRESENT

Adam Wolff, Corte Madera
Christa Johnson, Ross
Christine Alilovich, San Rafael
Dan Eilerman, County of Marin (Alt.)
David Donery, San Anselmo
Greg Chanis, Tiburon
Heather Abrams, Fairfax
Jessica Deakyne, Novato (Alt.)

MEMBERS ABSENT

Adam McGill, Novato
Chris Zapata, Sausalito
Dan Schwarz, Larkspur
Matthew Hymel, County of Marin
Todd Cusimano, Mill Valley

STAFF PRESENT

Andrew Shelton
Casey Fritz
Casey Poldino
Kimberly Scheibly
Melody Mitchell

OTHERS PRESENT

Cory Bytof, City of San Rafael
Dale McDonald, LGVSD
Greg Christie, Mill Valley Refuse
Gretchen Schubeck, City of Novato
Dee Johnson, Novato Sanitary District
Justin Wilcock, Marin Sanitary
Kathy Wall, Marin Sanitary HHW
Meilin Tsao, Recology

1. Open Time for Public Comment

No public comments were tendered.

Consent Calendar

2. JPA Board Meeting Minutes from June 15, 2023

Motion to approve the JPA Board Meeting Minutes from April 20, 2023.
Motion: David Donery. Second: Todd Cusimano. Abstention: Dan Eilerman Vote:
Unanimous.

3. JPA Public Remote Meeting Participation

Motion to approve public remote meeting participation.
Motion: David Donery. Second: Todd Cusimano. Abstention: Dan Eilerman Vote:
Unanimous.

Regular Agenda

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4. Zero Waste Marin (ZWM) Executive Director Updates

Kimberly Scheibly thanked the members for their hard work in the past four months on their SB 1383 Letters of Agreement. She now has the JPA Letter amendments and acknowledged that most of the agencies have approved their manager or assistant manager, sustainability specialist or a Public Works employee as a Board member and/or an alternate. She stated that this should allow someone from each agency to be available and present for each JPA monthly meeting.

She shared that ZWM has entered into a one-year agreement with the HHW facility, so that they may continue to keep the facility open to the public. They will work on a new and improved agreement with their long-term partner, the Marin Recycling and Resource Association. She stated that unfortunately she does not have an audit at this time for the members to receive and file. As she has mentioned in past meetings, this has been a very difficult audit process, as they have a new auditor, JPA staff, and DPW Accounting staff that are working hard to have it finalized and it should be available by the next JPA meeting.

She shared that Casey Poldino and herself have been refining their work plans, which includes looking over their programs, contracts, and the upcoming necessary SB 1383 work. They have mapped out a division of duties for new staff that they hope to hire upon approval of their budget. They will present their first fiscal year end report to the Board in August, so that they are able to highlight their accomplishments and also engage the Board on how they can improve.

She shared that ZWM was told today that today the electronic annual report with CalRecycle will open and it will appear different, primarily in formatting and style. They have not revised their spreadsheet to give to the jurisdictions, pending CalRecycle's new and improved appearance of the EAR. Once received, they will apply the changes to their spreadsheet and will send out to the jurisdictions. They understand that some of that information will come from the haulers and agencies, but it is a work in progress and they will keep everyone posted.

She is pleased to announce that they have selected HF&H to conduct an edible food recovery capacity planning study that was budgeted for last year, and the work will begin immediately. She mentioned that many of the members may have received notice of the Little Hoover Report on SB 1383. She explained that it is a commission that put together a 35-page report with good points; however, their overarching advice was a quick pause on SB 1383. She stated that the County of Marin is fortunate enough to have haulers that are dedicated and have very comprehensive programs, and have facilities that work hard to sort, process, and divert materials. Therefore, she believes it is not necessary to pause SB 1383, as they have put a lot of time, money and resources into this work and being compliant. She recommends that they stay their course, keep moving forward, and wait for the results with the State. Lastly, she stated the communication, collaboration and commitment between the JPA and ZWM has allowed them to

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accomplish what they have in a short period of time, but there is still a lot of work to do going forward, and timely communication during this time is imperative in order for them to progress. She asked that if there's anyone the agencies would like to add as a contact to help with this process, to please let them know.

Chanis requested a copy of the SB 1383 report be sent to the group.

5. Update on PlaceWorks

Poldino announced that the PlaceWorks contract is moving forward on schedule. This is the contract that was paid for by all members and put into place to get a better understanding of how and where we can apply compost in our County communities. She stated that she and Cory Bytof were on a conference call with them last week, and they shared that they have the database and toolset almost completed, therefore their timeline is on point. The next step is for Poldino to go in with PlaceWorks and do a final review of the data toolset to ensure that it works properly for end users. She says the website is great and very user friendly. She has asked for points of contact from each jurisdiction and is currently waiting to hear back from three of them, and she will reach out to them directly. She also asked jurisdictions to provide the user ID's of their contacts in their organizations for MarinMap, as this person will be the point person for PlaceWorks. She sent this email request on June 6 and will be sending a reminder soon to those who have not responded. Once they have every jurisdiction set up, if the point person has an account set up with MarinMap they must make sure their account is public. ZWM will then guide the user through the steps. They are anticipating PlaceWorks to visit the July JPA meeting to present. There will also be trainings via webinar for all the jurisdictions and any members responsible for this piece of the PlaceWorks contract. From there, they can start exploring where the land procurement piece will sit. As she stated in previous meetings, PlaceWorks will get us 90% there, all they are asking is that the jurisdictions update the information on the toolset the locations where compost can be spread (tree wells, parking lots, etc.).

Deakyne asked Poldino who the County is designating to be the point person for PlaceWorks and she responded that it will vary by jurisdiction. The County has some of their Public Works people as contacts, such as a GIS specialist. She stated that it could be a data analyst, or someone in Public Works who is boots on the ground and is familiar with the locations, or someone who is already on MarinMap.

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6. Executive Director Contract Signatory Authority

Scheibly reported that the upcoming budget contains activities that will require contracts over the JPA's \$50,000 Executive Director's signature authority. Typically, these core services are provided via professional services contracts, and the following contracts that ZWM are anticipating for FY 2023/24 are the Used Oil Payment Program implementation (\$65,000). She stated that this program is a "wash," as the State provides the County the \$65,000 and the County spends the full \$65,000. They will now be taking on the Toxic Away Day Events in West Marin (\$75,000), the Hazardous Waste Bulb and Battery Collection Program (\$175,000), the Zero Waste Schools Program implementation (\$220,000), Zero Waste marketing and outreach services (\$250,000), and Recyclist software (\$150,000). ZWM recommends the Board adopt a motion granting the Executive Director signatory authority to enter into contracts for the specific services outlined above, if they are approved into the budget.

Johnson expressed concerns about the \$250,000 to be spent on Zero Waste marketing and outreach services, and asked if it will be one contract or several. Scheibly stated that these services will be gone over in greater detail when she shares the budget. \$220,000 is for Gigantic Studios, which is the amount that was paid to them last year for all the marketing media campaigns: the website, the radio ads, bus pads, flyers, social media, and movie theater ads. The remaining \$30,000 is spent on other outreach and education activities. Johnson asked if staff had received any other quotes for cost comparison. Scheibly replied that it has been discussed internally but have not had the opportunity to explore other organizations yet, but it is something that staff would like to explore in the future. As of now, they have spent the money and have performed a great job with the marketing and outreach they have done, but she would like to revisit this issue with the Budget Subcommittee to see how they can move forward. She stated that some of the marketing items can be taken on internally by staff, such as social media, newsletters (which they are getting ready to launch), etc., and look at other organizations that can take on the items in which they are not familiar, such as web design. Johnson stated that it would be her preference for this item to come back to the Board.

Alilovich stated that she has seen other organizations in Marin County that are using the same firms repeatedly and expressed concerns regarding the high cost, and if the County is overspending for these services.

Alilovich stated she is interested in the bid process and would like to know how the bids are compared and what is determined to be the most advantageous, and what is the true impact of those dollars. She asked if we should be more focused on spending in certain areas than others.

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Poldino answered that staff does receive annual reports from Gigantic Studios, and these reports will be reflected in the annual report that ZWM staff will provide to the Board in August and will include the reported metrics. She also added that part of that money (which will go out to RFP) will go to a complete web redesign, as it is not ADA or SB 1383 compliant yet. With the LOAs and staff needing to touch base between ZWM's website, CalRecycle's website, all the jurisdictions and haulers, a significant piece of spending will need to go to the web redesign. Staff were waiting for all the LOAs to be signed before they can figure out what ZWM's role is with SB 1383, and this will need to go out to bid, as well.

Alilovich asked if it would go out to bid separately and Poldino replied yes.

Scheibly stated that these are items that staff will be looking into, and she would like to see addressed.

Donery stated that he likes the idea of looking at what the deliverables and outcomes are, and he believes that putting an RFP together for the future will help identify specific interests, as well as provide identified metrics to show the items that are performed by the contractor. He believes Gigantic Studios has done a great job. He was wondering if perhaps the next RFP can go out as a multi-year contract but confirmed that an RFP doesn't need to go out every year. He agreed with Alilovich that it is a lot of money to be given signature authority, and he suggested that perhaps this item could set aside separately, reviewed to explore how to best move forward with it, and have the rest of the contracts approved.

Johnson asked that when ZWM provides their annual report with Gigantic Studios' data, if they could provide an impacts and outcomes analysis.

Scheibly stated that this is provided in the spreadsheet that she and Poldino are currently working on, and that many of these items they are starting to baseline.

Eilerman asked if this item were to be pulled to the side, would ZWM lost momentum in the programs going forward, and Scheibly replied that it slightly would. She clarified that this amount is up to \$220,000, and not an absolute amount that would be spent. They are not cutting a check for the entire amount to Gigantic Studios at the beginning of the fiscal year, and this will give staff time to re-evaluate the specific spending breakdown of the different tasks they perform. He replied that if staff could keep their momentum and not cause a delay, he would support setting it aside. Scheibly replied that pulling this piece will change the haulers assessment.

Donery stated he would be comfortable moving forward provided that we hear the report at the next meeting that was discussed.

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Alilovich clarified that she would not like to see it set aside, rather explore the options of another RFP going out to bid for the next fiscal year.

Chanis stated he comfortable with whatever is decided, but wanted to clarify how it will change the haulers assessment if it was set aside, and that it will not change the budget, rather it will change its approval process. He confirmed that he is comfortable giving the Executive Director signature authority for this item but agrees it should be further reviewed going forward and a more detailed report provided.

Motion to approve to delegate contract signatory authority to the Executive Director. Motion by Chanis, Second by Eilerman. Opposed: Johnson, Deakyne. Approved: Donery, Wolff, Eilerman, Alilovich.

7. Approval Compliance Reimbursement Program Payments

Fritz introduced herself and announced that she is the one sending out reminders to the members to complete their reimbursement documents. She reminded the group that the ZWM reimbursement program is intended to support all the compliance activities that are required regarding the State's waste laws and Zero Waste activities. The program was approved to grant up to \$667,000 to all of the member agencies, sanitary districts, etc. for FY 22/23. She provided a table summary, as well as all the documents that were received for reimbursement, and about 60% of the funds were requested for reimbursement (\$400,000). The table reflects this breakdown of funds. She stated that staff caught an administrative error after publishing the agenda packet and stated the correction: Novato Sanitary District is listed as requesting about \$3,600 for reimbursement and it is actually \$6,037.50, which brings the total for requested reimbursement to \$405,331.40. She concluded the summary and recommended that the Board adopt a motion to receive the file and make payments.

Chanis asked what becomes of the fund that are not expended. Scheibly replied that the \$667,000 is an "up to" amount, and the unused funds do not get carried over into the next fiscal year. The same amount starts over at the beginning of the next fiscal year. She stated that this was decided last fiscal year for ease of administration workload.

Donery asked what are some of the challenges and why aren't some of the districts not using their allocated funding from this program? Fritz answered that there is some confusion as to how the funds are to be used and what is eligible. She stated that some of the jurisdictions may have received an email from her encouraging them to reimburse for the PlaceWorks study. She stressed that jurisdictions may want to look for ways to use this funding. Some jurisdictions use their funding to purchase water bottle stations, for example.

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Scheibly shared that an analysis was discussed over the ways in which jurisdictions have used or not used this funding in the past, and discussions were made with each as to why they were not using it. One of the recommendations staff has internally is to send out a memo to each jurisdiction with the allocated amount and suggestions on ways they can spend it.

Johnson stated that it is difficult for their jurisdiction to administer these programs because they do not have the staff to accommodate, and expressed no desire to purchase items that contribute to further greenhouse gas emissions with this funding. She would rather focus on items that have a significant impact.

Abrams echoed Johnson's sentiments and agreed that many of the smaller jurisdictions do not have the staff capacity to fulfill these programs.

Donery acknowledged their statements and stated as he was looking through the variety of programs and the summary of the different items that were reimbursed, he liked the idea of the memo along with the different ways that jurisdictions would be able to reimburse.

Chanis wanted clarification of where the unused funds end up, and Scheibly explained that the \$667,000 is a budgeted amount, and the amount used are the actuals. Technically, these should go into the carryover list (the unspent funds) on the FY 23/24 audit.

Eilerman clarified that the unused funding is part of the assessments and not utilized and it will just go back into reserves, so it's not carried forward for individual jurisdictions, it will simply go into the fund balance.

Motion to receive file and approve payments for the Compliance Reimbursement Program. Motion: Chanis. Second: Donery. Vote: Unanimous.

Wilcock asked if these funds in the past were used for waste characterization. He stated that as haulers, they often have ideas, as well. In Ross, for example, they looked to address some of the public events. He offered that if jurisdictions feel short on resources to please do not hesitate to reach out to the haulers to discuss ways to use the grant funding in a more sustainable manner.

Tsao stated that in West Marin, there are many requests from residents for compost pails as another example as to how grant funding could be used.

8. FY 23/24 JPA Final Draft Proposed Budget & Related Hauler/Facility Assessments

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Before reporting on this item, Scheibly pointed out that the resolution was inadvertently left out of the haulers assessment in the packet, and it has been corrected in the online version and hard copies are available to the members, if needed.

Scheibly proceeded to deliver the report.

She stated that in the agenda packet, the draft FY 23/24 budget and the associated haulers and facilities assessments are provided. She thanked the Budget Subcommittee staff and HHW team for feedback and recommended changes during this process. Participation in the Zero Waste and Hazardous Waste funds are optional for member agencies. She was pleased to announce that Novato Sanitary District has opted into the Zero Waste fund for the first time, and they will be participating in all the Zero Waste programs. With SB 1383, this seemed to be a good direction in which for them to move. While the overall increase to the hauler assessment is 5.3%, most of this increase is going to be born by Recology Novato. Their increase is about 59%, and the other hauler facilities will see about a 4% increase. If members recall that last year, the hauler facilities assessments were 9.7%. These assessment fees usually have minimal impact to customers in their resource hauling bills. For Recology customers, this would be about a 1.2% increase in their customer rates. The methodology to calculate the assessments generating the JPA's revenue requirement is prescribed in the 1996 JPA Agreement, and that methodology utilizes disposal figures as a means to allocate the revenue requirement. The revenue requirement is then translated into individual assessments upon each hauler and facility. The tonnage allocation is reset every two years based on recent actuals. The 23/24 assessments were calculated using the most recently available data, which was the 2021 data. The JPA budget is organized into three funds: the Zero Waste fund (optional), the regulatory administration and compliance reporting fund (mandatory), and the Household Hazardous Waste fund (optional). Overall, the expenses decreased from last fiscal year, despite adding more staff. This was primarily due to decreases in the need for consulting contracts. She pointed out that the revenue requirement presented is based on the draft carryover numbers from our auditing firm, and these are fund balances reserves, basically the unspent money from FY 21/22. However, the auditing firm is not anticipating those number to change significantly and if they were to change, it would not change the haulers assessments. The higher contingency for the HHW fund will be explained in more detail when she reports on that particular fund.

For the Zero Waste fund, the ongoing programs and Zero Waste activities account for about 31% of the expenditures. There has been a shift between the Zero Waste fund and the regulatory administrative and compliance fund, and anything programmatic will be in the Zero Waste fund going forward. This includes the Zero Waste Schools, Zero Waste Marin marketing and outreach, and the Zero Waste Reimbursement Fund program, which constitutes about 63% of the overall expenditures. She has given highlights in the staff report that detail more about each of the programs. The regulatory administrative and compliance reporting

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fund activities account for about 20% of the JPA expenditures. Staff support is the largest component of this fund. The administrative requirements, the SB 1383 software, and the purchasing of recovered organic waste products makes up a large portion of the expenditures. Household Hazardous Waste, the third fund, comprises about 49% of the overall expenditures. This is the only fund that Novato does not participate in, and there is a calculation to pull out their portion of that fund and they will be reimbursed. The largest portion of the expenses are for the operation of the permanent Household Hazardous Waste facility that is operated by Marin Recycling and Marin Resource Recovery Association, a private company. They have safely, efficiently, and cost effectively managed this operation since the 1990s. The other HHW programs, the bulb and battery, motor oil, and marine flare make up the rest. Historically, the JPA has provided the funding for the operation of the facility and its oversight in agreement with the City of San Rafael Fire Department. The JPA will assume fiscal and operational oversight of the program, as well as responsibility for the Toxic Away Day events in West Marin beginning on July 1. Last year, the JPA Board approved a Waste Management Specialist to manage this program, however, upon review of the responsibilities and skills needed to oversee the program, the position was increased to a Senior Planner. This did not change what was allocated in the budget and it was actually decreased, because it was a shift in money that was given to the San Rafael Fire Department back to the JPA. A one-year bridge agreement was signed between the JPA and the Marin Recycling Resource Recovery. This will ensure continuity of services in a cost effective and safe manner. Both parties will spend the next several months working together on a new modernized agreement. Money has been set aside in this budget to hire a contractor to help facilitate this project, and the San Rafael Fire Department has also said they will continue to advise us during this transition. The San Rafael Fire Department will also transfer \$430,000 that they have in reserves to the JPA for this fiscal year. The JPA Subcommittee, with the advice of the County Department of Finance, and Accounting has recommended holding this money in contingency to cover any unanticipated expenses that may occur during this transition. For this reason, the HHW contingency portion that has historically been set at 10% is now set at 26%. The Budget Subcommittee will be reviewing in-depth the best way to use and apply these funds for the next fiscal year. Staff would like to recommend that the Board adopt a motion to approve the proposed 23/24 budget and resolution 2023-02 establishing hauler fees for integrated waste management, planning and implementation of the JPA's programs.

Donery wanted to clarify that the assessments are bringing in 5.3%, 5.5% of expenses are being allocated and taken as carryover. He had a question for Eilerman requesting to clarify that the contingency acts as a reserve. Eilerman replied that though he had not looked at the numbers yet, generally there is a difference between available fund balance and appropriated contingency, and confirmed that if there are appropriations not spent, they will go into reserves. He

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asked Scheibly if they are most likely appropriating the available fund balance with the contingency, and she confirmed yes. She replied that with the budget spreadsheet, she had confirmed every formula and line item, but she did ask many questions of the Budget Subcommittee and the Department of Finance, and they had worked through many of them, however, she is requesting that the Budget Subcommittee do further in-depth review of the calculations of these items. She stated that she is fairly confident of the expenditure line, but she does need more clarification on the contingency and the carryover portions.

Donery wanted to clarify that there is no separate pot of money acting as a reserve, and he imagined that the carryover listed is a different name for reserve. Eilerman speculated yes. He wanted to confirm that if there was an unbudgeted expense, they could use this reserve, and Eilerman confirmed. He stated that there is risk to the estimated fund balance, which he believes is not unusual.

Eilerman asked Scheibly to clarify whether the \$700,00 in the HHW fund is inclusive or not, along with the \$400,000 from San Rafael, and she stated it is inclusive, which is a higher contingency than ordinarily expected. Scheibly stated that the details of each of these funds are in the spreadsheet.

Alilovich requested clarification regarding the edible food donation portion of the Zero Waste fund, and the program reimbursement fund, and Zero Waste staff taking on more responsibility of SB 1383 compliance. Scheibly explained that this used to be the Zero Waste Grant program at \$350,000, and it was a carry forward program. Then it was changed to an SB 1383 reimbursement program and got moved to the administrative fund at \$667,000. Since the JPA is assuming more responsibility for SB 1383 and the jurisdictions will not need to use reimbursement money or consultants to help with that, she removed it from the budget. She left it at \$450,000, which is still \$100,000 more than the Zero Waste Grant program used to be. It is \$45,000 more than actual expenditures than last year. Alilovich wanted to clarify that it is \$450,000 here, but \$450,000 somewhere else, and Scheibly confirmed yes, from the compliance fund.

Motion to approve the FY 23/24 JPA final draft proposed budget and related hauler/facility assessments and resolution.

Motion by Donery. Second by Johnson. Approved: Unanimous.

Greg Christie wanted to thank the City of San Rafael for their partnership with HHW, and they look forward to working closely with the JPA.

Alilovich wished to clarify that the City of San Rafael did not relinquish the HHW responsibility because they did not want to do it anymore, rather that when there was a reorganization, it was agreed that it made more sense from a programmatic

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and staffing standpoint to have it bifurcated and hand it back to the JPA so that it could be fully functional.

9. Appoint New Member to Budget Subcommittee for FY 23/24

Scheibly reported that the Subcommittee is currently down two members plus the Executive Director and staff is recommending the Board add one additional member. This is an ad hoc subcommittee. She stated the main tasks that will be discussed will be an in-depth review of this year's fiscal budget process and calculations. They wish to develop an actual reserve policy, and they are also going to research establishing a solid waste enterprise fund, which are items that communities are looking at for rate stabilization. They will review and recommend the ongoing reimbursement program.

Alilovich stated that Cusimano shared with her that he is no longer able to serve on the Subcommittee. She spoke with Schwarz and he stated that he would be willing to serve.

Scheibly stated that staff is recommending that the Board elect no more than four members to the Subcommittee, excluding the Executive Director.

Motion to appoint Greg Chanis and Dan Schwarz to the Budget Subcommittee for FY 23/24. Motion: Chanis. Second: Wolff. Vote: Unanimous.

10. Set Meeting Calendar for Remaining 2023

Poldino stated that staff would prefer to have monthly meetings for the rest of 2023 based on feedback from the Board regarding contracts, in order to keep items, such as SB 1383, moving forward steadily. Staff will let the Board decide whether they would like to meet before or after their MMA meetings.

Motion and second stated vote unanimous to approve the meeting calendar for the rest of 2023.

11. Adjournment

Next JPA meeting will be on July 20, 2023.

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Board Chair: Please confirm the vote on this item by reading the following items out aloud after the vote.

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____