

3

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

Board of Directors Meeting

Thursday, March 21, 2024

1:45 P.M – 2:45 P.M

In-person: San Rafael City Hall, 1400 Fifth Ave, 3rd Floor, Large Conference Room, San Rafael, CA 94901

MEMBERS PRESENT

Dan Eilerman, County of Marin

John Stefanski, San Rafael

Heather Abrams, Fairfax

Greg Chanis, Tiburon

Todd Cusimano, Mill Valley

Christa Johnson, Ross

Cory Bytof, San Rafael

Shannon O'Hare, Larkspur

STAFF PRESENT

Kimberly Scheibly

Casey Poldino

Meilin Tsao

Amy Kolnes

Justin Newsome

ZOOM

Dale McDonald, ZWM LTF, Special District

Bonner Buehler, Homestead Valley Sanitary

IN-PERSON PUBLIC

Justin Wilcock, Marin Sanitary Service

Greg Christie, Bay Cities Refuse

3

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Call to Order

1. Remote Public Participation Instructions

Information only.

2. Open Time for Public Comment

No public comments were tendered.

Consent Calendar

3. JPA Board Meeting Minutes from January 18, 2024

Motion to approve the JPA Board Meeting Minutes from August 17, 2023.

Motion: David Donery. Second: Dan Eilerman. Vote: Unanimous.

Regular Agenda

4. Executive Director Update

Executive Director Kimberly Scheibly delivered the update. ZWM staff have worked to identify gaps and deficiencies in processes and areas of improvement. FY24-25 will have a focus on process improvement and tightening internal controls, goal setting, and measurement. The auditing firm Pisenti and Brinker that was hired to audit the JPA has been instrumental in identifying deficiencies and has worked closely with ZWM, County of Marin's accounting/fiscal staff in designing tighter internal controls. Pisenti and Brinker is in the process of completing the draft of the audit and is a couple weeks behind schedule. The Local Assistance Grant has been awarded and the final budget was sent to CalRecycle as a stipulation of the award. The budget sent is a baseline budget that can be moved in determining needs and the check should arrive in April. New programs have been added: A solar panel program which is in the works and will launch later this year. Next is the Marin Takeback Program which is funded through CalRecycle. Lastly, a grocery store outreach program. There has been feedback on the types of reusables being used and ways for decreasing waste. The Waste Characterization Study-Vendors and Budget will be reviewed by the Executive Committee and will be funded by the Local Assistance Grant money. City of San Rafael is spending the last of its money on a pilot with multifamily dwellings in the Canal area. Other special districts have reported using the money to purchase sorting stations and signage. ZWM has participated in their first meetings with Zero Waste Sonoma to find out areas in where they can learn and partner.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

5. SB54 (Plastic Pollution Prevention and Packaging Producer Responsibility Act) Draft Regulatory Comments for CalRecycle

Executive Director Kimberly Scheibly shared that SB54 aims to eliminate packaging that is not 100% recyclable or compostable and will improve recycling rates and reduce the overall amount of packaging. Additionally, the law requires producers to manage single-use plastic and develop a sustainable funding mechanism.

Producers in California will be required to join the Producer Responsibility Organization (PRO) (Circular Action Alliance, appointed by CalRecycle as the P.R.O. They will establish plans, collect fees, and report to CalRecycle. This will be a multiyear effort to shift the cost from jurisdictions to producers. On March 8, 2024 CalRecycle formally opened a 45-day public comment period and will commence on April 23, 2024. This law may impact existing franchise agreements and ordinances such as the Reusable Foodware ordinances. Municipalities are encouraged to comment, draft, and communicate with the P.R.O. as they are going to develop a budget to reimburse municipalities for the cost of implementing.

Executive Director Kimberly Scheibly mentioned there is an attached presentation from Timothy Burrows, Executive Director of StopWaste and Chair of the SB54 Advisory Board. If there are any comments, Burrows would be the contact individual. If choosing to do so, member agencies, alternates, and staff can present comments to ZWM staff by April 5, 2024 and it would be included in a letter going to CalRecycle on behalf of all agencies. CalRecycle will have another public workshop on May 1, 2024 on this law. Executive Director Scheibly added that there are links in the agenda packet provided with more information.

A follow up question-and-answer session was held, and additional questions were addressed by Executive Director Kimberly Scheibly.

6. Recommendations for FY25 Contract Management

Executive Director Kimberly Scheibly stated that the JPA follows Marin County's policies and procedures for the bidding process and contract and purchasing terms; this includes when to obtain quotes, and formal bids and proposals. When justified, the County does allow for single or sole sourced vendors and/or products. ZWM staff presented the county's procedures in the February 29, 2024 Executive Committee meeting and the following recommended changes were reviewed and approved by the committee to be considered for full adoption by the board.

For contracts greater than \$50,000, every 3 years staff will obtain quotes from other vendors who provide similar services and present findings to the subcommittee for recommendations to the board. Every 5 years, for contracts greater than \$150,000 there will be a request for proposals (RFP), unless there is justification for the lack of an RFP.

Overall, 5 of the 6 contracts were recommended to continue for FY25 and one was recommended to go out for bid. The 5 that were continued are R3 and their 2

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

contracts are C&D self-haul, there is now a dedicated staff person due to SB-1383 to help with the modeled water efficiency landscape ordinances and CalGreen.

Strategic Energy Innovation has been a partner in the Zero Waste schools program, each year they work with staff to improve the program. Revolt has managed the bulb and battery program including the collection, hauling, and recycling of the batteries and bulbs at various locations throughout Marin. Soluna has managed the used motor oil recycling program funded by the CalRecycle grant and are the only bilingual outreach and education program. Trash Bin Cleaners provide green cart cleanings to Zero Waste schools. The last item, Gigantic Ideas Studio, was recommended to go out for bid. The social media, website content, updates, and quarterly newsletters efforts have been moved inhouse. Support is still needed for advertising and marketing campaigns along with ad placement.

Executive Director Scheibly shared staff's recommendation that the board to adopt the motion to follow the County of Marin procurement and bidding procedures with the changes mentioned for the effort for the every 3 years contracts over \$50,000 gathering quotes, and contracts over \$150,000 every 5 years going out for RFP unless a case is made and the last is to adopt a motion to begin the RFP process for marketing and advertising strategic plan according to the approved FY25 budget which will be discussed with the budget subcommittee, the executive committee, and then it will come back to the full board.

A follow up question-and-answer session was held, and additional questions were addressed by Executive Director Kimberly Scheibly.

Member Dan Eilerman made the recommendation to spread out the RFP's over the next few fiscal years.

Motion to approve to follow County of Marin procurement and bidding procedures with the following changes:

- Every 3 years, for contracts >\$50,000 staff will gather quotes from other vendors who provide similar services to ensure pricing remains competitive and present findings to the budget subcommittee for recommendation.
- Conduct a Request for Proposals (RFP) every 5 years for contracts greater than \$150,000 unless a case is made to justify lack of need and present findings to the budget subcommittee for recommendation.

Motion to begin the RFP process for a Marketing & Advertising Strategic Plan according to the approved FY25 budget.

Motion: Christa Johnson. Second:).John Stefanski Vote: Unanimous.

7. Clarification of ZWM Committees

Executive Director Kimberly Scheibly commented that during the Program and Budget subcommittee meeting March 4, 2024, members requested clarification

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

regarding goals and requested tasks. Staff reviewed the past staff meetings and recordings dating back to September 2023, and noticed the inadvertent combination of the budget subcommittee and the programmatic subcommittee instead of the programmatic subcommittee and the Zero Waste reimbursement program subcommittee.

Executive Director Scheibly made clear that staff would like to correct and clarify the committees. The Executive Committee is made up of Chair and Vice Chair, City of Novato, City of San Rafael, County of Marin, and a representative from Southern Marin and Ross Valley cities. Current Executive Committee consists of Heather Abrams, Todd Cusimano, Dan Eilerman, Cristine Alilovich, Jessica Deakyne.

Additionally, the Executive Committee is tasked with administration and management of the JPA affairs and provides assistance and advice to the Board. The committee meets quarterly according to the agreement per the schedule approved at the January meeting. Executive Director Scheibly shared that a Doodle poll will be sent out to reserve a time for the April meeting.

Furthermore, according to past procedures from reviewing minutes and recordings, an Ad Hoc Budget Subcommittee has been appointed to provide guidance on the development of the Budget. The committee consists of the Chair, Vice Chair, and the representative from the County. It is proposed that the Subcommittee meet with the Executive Director to review the draft and make recommended changes to the FY25 budget for discussion with the Executive Committee and adoption by the full board in May.

The final Ad Hoc subcommittee should have been the Program Subcommittee and this committee was established to discuss the needs of Member Agencies and to suggest how and if to fund it; that was the ZWM Reimbursement program that was eliminated. It is also responsible for determining how the CalRecycle Local Assistance grant would be spent. The two people that signed up for that committee were Gretchen Schubeck, City of Novato and Cory Bytof, City of San Rafael, it would be ideal to have 1 or 2 more members who have experience with program implementation and outreach & education on the subcommittee.

Executive Director Scheibly acknowledged the pros and cons of having City Town Managers on the board. The biggest pro is their expertise on fiscal matters relating to their jurisdiction and the cons are scheduling conflicts. Staff feels the new plan would result in fewer meetings for most. The Chair and Vice Chair would have 8-9 meetings per year, while the full committee could have 2-3 per year, this would be primarily to review the proposed plan and budget, evaluate progress, and make recommendations for changes; the subcommittees would meet as needed. Staff recommends the board adopt a motion to continue the budget subcommittee as

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

approved in January 2024 and adopt a motion to appoint staff members to a Program Subcommittee to review existing and new program needs.

A follow up question-and-answer session was held, and additional questions were addressed by Executive Director Kimberly Scheibly.

Motion to continue the Budget Subcommittee as approved in January 2024.

Motion to appoint staff members to a Program Subcommittee to review existing and new program needs.

Motion: Greg Chanis Second: Dave Donery Vote: Unanimous

Member David Donery made mention to note under the second motion specifically appointing Grace Ledwith.

8. Budget categories

Executive Director Scheibly stated that Pisenti and Brinker (P&B) the firm hired to perform the annual audit of the JPA's financial statements, recommended several process improvement areas which staff has been implementing. Staff has been working with the accounting team on the proper coding of revenue and expenditures line items detailed in the annual budget to align with revenue and expenditure groupings in Munis which is the County's accounting system.

The JPA revenues and expenses have historically been placed into 3 funds: The Administrative Fund has been changed to the Regulatory, Administration, Compliance & Reporting Fund (RACR), the Zero Waste Programs Fund and the Household Hazardous Waste Programs Fund (HHW). The JPA Member Agencies can choose, per agreement, to participate in all but the RACR fund. To align with accounting best practices and standards, the RACR fund serves as the General Fund and the Zero Waste Programs and Household Hazardous Waste Programs Fund (HHW) funds serve as Special Revenue Funds. P&B has recommended all unrestricted revenues be placed in the RACR fund and revenues that are committed to specific expenditures be placed in either the Zero Waste Programs Fund and the Household Hazardous Waste Programs Fund.

At the February 29, 2024 Executive Committee meeting, staff presented the following recommendations which were approved by the Committee for consideration and adoption by the Board. The RACR fund would be for the expenditures for day-to-day operations and overall administration of program. This includes rent and lease, insurance, taxes, professional accounting services, office supplies, procurement, reporting software, memberships, education and training.

The Household Hazardous Waste Fund would include everything relating to household hazardous waste, that would include all the programs, facility, and the oversight and administration of that. Legal Services specific to HHW, consulting and

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

vendor contracts, Clean Harbors Contract, CPSC – California Product Stewardship Council, grants from the state for used motor oil, and any new Hazardous Waste program that is used would be apart of that fund.

The Zero Waste Programs Fund would be for expenditures for day-to-day operations of all Zero Waste programs which would included community and jurisdiction support for the Zero Waste School Program. Additionally, the Construction and Demolition self-haul program, advertising and marketing, printing and mailing, and reusable items and sorting equipment. Executive Director Scheibly closed with staff's recommendation to approve the new budget categories for FY25 and these will show up as line items in the FY 25 budget.

A follow up question-and-answer session was held, and additional questions were addressed by Executive Director Kimberly Scheibly.

Motion to approve new Budget Categories for FY25.

Motion: Dan Eilerman. Second: Todd Cusimano Vote: Unanimous

9. Restated and Amended Staffing & Services

Executive Director Scheibly stated that the fiscal, managerial, and operational functions are provided through an agreement between the JPA and the County of Marin which was revised in 2023. The original staffing agreement between the JPA and County of Marin was approved in 1996 as a one-year contract and was extended each fiscal year by both parties until 2013.

At the January 24, 2013, JPA Board Meeting, staff reported that JPA Auditor Maher Accountancy made recommendations in the final report of FY2010-11 to update the Staffing Contract to reflect the current arrangement between the JPA and County of Marin for staffing and other services.

This included clarification of routine practices and identification of 6.1 and 6.2 Programs which are in the original JPA agreement with all the cities, towns, and the county. The motion passed and that was the new amendment in 2013, the agreement expired on June 30, 2020. Due to the organizational assessment and Zero Waste Plan update scheduled to be completed 2021, staff recommended the agreement be renewed for one year to allow time for the JPA to better explore and identify changes it might desire to reach its goals.

The First Amendment to the agreement providing operational services was approved June 16, 2020. The current auditor, Pisenti & Brinker, in their final report of FY22, noted deficiencies in the internal controls which led to delays. In addition, it was not clear how compensation for staff allocation and rent were calculated. In conversations between JPA staff, the County of Marin Accounting Staff, and the Financial Director, it was determined that a new agreement that incorporated current

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

best practices would be beneficial. Staff worked with Jenna Brady, legal counsel for the JPA and the County of Marin, on this final draft agreement and it was reviewed and approved by the Executive Committee at the February meeting.

The JPA Annual Budget will remain the controlling document that will identify specific programs and contracts to be funded and will detail the labor calculations and allocations. The new agreement adds clarification and more detailed language about staff including the Executive Director position, payment terms, and methods of reimbursement and included 3 new exhibits: Exhibit A is the existing agreements between the County of Marin and the JPA for staffing and other services, exhibit B - Scope of Services, and exhibit C is the Compensation.

Executive Director Scheibly said staff recommends the board adopt a motion to have Member Agencies approve the attached revised and restated agreement between the JPA and the County of Marin for staffing services, rent, and associated administrative support.

A follow up question-and-answer session was held, and additional questions were addressed by Executive Director Kimberly Scheibly.

Motion to have Member Agencies approve the attached revised and restated agreement between the JPA and the County of Marin for staffing services, rent, and associated administrative support.

Motion: David Donery. Second: Greg Chanis. Vote: Unanimous

10. Suggested Agenda items for April Meeting

Staff Member Casey Poldino shared comments for the May meeting that standing item provides members of the board the opportunity to make suggestions for future agenda topics to ensure the needs of the board are being addressed. Staff Member Poldino went on to share that the next full board meeting is May 16, 2024, which will primarily cover the draft budget and review.

Christa Johnson asked if there are any actions that the Town of Ross needs to be taking regarding SB-1383 and reporting. Staff Member Casey Poldino clarified the responsibilities and expectations for Staff Member Johnson. Board Chair Abrams requested a look into encouraging reusables and to-go containers and repair fares.

A follow up discussion session was held.

11. Adjournment

Next meeting TBD

3

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

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

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____