

# MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

## Board of Directors Meeting Minutes

Thursday, May 16, 2024

1:45 pm – 2:45 pm

In Person: San Rafael City Hall, 1400 Fifth Ave, 3<sup>rd</sup> Floor Large Conference  
Room, San Rafael, CA

### **BOARD MEMBERS PRESENT**

Town of Corte Madera: Adam Wolff

County of Marin: Dan Eilerman (Alt.)

Town of Fairfax: Heather Abrams (Chair)

City of Larkspur: Dan Schwarz

City of Mill Valley & Town of Tiburon Grace Ledwith (Alt)

City of San Rafael: John Stefanski

City of San Rafael: Cory Bytof (Alt.)

### **STAFF PRESENT**

Kimberly Scheibly (Executive Director)

Casey Poldino (Staff)

Amy Kolnes (Staff)

Casey Fritz (Staff)

Kathy Rico (Staff)

Meilin Tsao (Staff)

Justin Newsome (Admin)

Melody Mitchell (Admin)

### **Other**

David Biggio: Mill Valley Refuse Service

Greg Christie: Bay Cities Refuse

### **1. Call to Order Regular Meeting**

Regular session was called to order at 1:51 p.m.

### **2. Remote Public Participation Instructions**

Information Only

### **3. Open Time for Public Comment (Items not on the agenda)**

No public comments.

### **3. JPA Board Meeting Minutes from March 21, 2024**

**Motion** to approve the JPA Board Meeting Minutes from March 21, 2024.

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

**First** County of Marin: Dan Eilerman (Alt.)

**Second** City of San Rafael: John Stefanski

### Vote Count

City of Belvedere: Absent

Town of Corte Madera: Aye

County of Marin: Aye

Town of Fairfax: Aye

City of Larkspur: Aye

City of Mill Valley: Aye

City of Novato: Absent

Town of Ross: Absent

Town of San Anselmo: Absent

City of San Rafael: Aye

City of Sausalito: Absent

Town of Tiburon: Absent

Ayes: 7

Noes: 0

Absent: 6

Abstain: 0

### Motion passed

#### 4. Executive Director Update

Executive Director Scheibly reported Zero Waste Marin (ZWM) received notice from CalRecycle of a deficiency in last year's Electronic Annual Report (EAR) on the edible food recovery capacity. The study was completed and will be submitted in August [2024].

Staff Amy Kolnes and Staff Andy Buck will support [the board] in the process of gathering data and reporting on the EAR due on August 1 and there are no changes to the reporting requirements this year.

Kolnes will email member agencies and the haulers requesting data and send it back no later than June 14. ZWM staff will compile and complete the draft and submit it on behalf of jurisdictions.

ZMW is moving forward with compliance for Recovered Organic Waste Product (compost and mulch) and is working with partners on a plan for calendar years 24 and 25. Procurement will happen again through Agromin, building a plan to work with jurisdictions and West Marin stakeholders MALT, Marin Carbon Project, Marin RCD, Parks, West Marin Compost, and Supervisor Rodoni's office. Staff Casey Poldino is leading this effort.

Regarding the Reusable Food Ware Ordinance, since the public feels that ZWM is responsible for the Reusable Foodware Ordinance, ZWM will take it over from CDA and EHS. However, they will continue being responsible for citations and fines while ZWM will continue with outreach and education.

ZWM is following 21 bills currently. Two bills of note are looking to redefine products that can be included in the recycled organic waste product category. A draft of collective responses has been submitted regarding SB-54 (Plastic Pollution

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Prevention and Packaging Producer Responsibility Act). Additionally, ZWM staff is currently waiting for a draft for an EPR bill.

A new website was launched and ZWM staff would like feedback from the board.

Scheibly concluded the Executive Director's report.

### **Information Only**

#### **Board Comments**

Questions regarding ZWM taking over Reusable Food Ware Ordinance. Scheibly clarified and it was noted that this item can be put as a future agenda item for further discussion.

#### **Public Comments**

No public comments.

### **5. Approve Zero Waste Reimbursement Program Reimbursement Request (Action)**

Staff Casey Fritz reported Zero Waste Reimbursement Program was created to help with activities related to waste law compliance. Reimbursements were submitted for three station big belly bins in public areas, SB 1383 compliance, purchase of compost pales. For FY23-24, a total allocation close to \$450,000 and made available to the cities, towns, county, and special districts. Fritz notated a correction to a staff report with a small discrepancy of \$7,000 from the Excel spreadsheet and will update the change in the minutes.

All of the 12 cities and towns used partial or total funding allocated, while four of the ten Sanitary Districts used partial or total funding allocated. An attachment with all of the requests is included, Fritz made a recommendation to vote to approve the total amount requested for reimbursement.

#### **Board Comments**

Board Member Adam Wolff commented that it has been exciting to receive new three big belly bins.

#### **Public Comments**

No public comments.

**Motion** to approve the allocation for the reimbursement program.

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

**First** Town of Corte Madera: Adam Wolff

**Second** County of Marin: Dan Eilerman (Alt.)

#### Vote Count

City of Belvedere: Absent

Town of Corte Madera: Aye

County of Marin: Aye

Town of Fairfax: Aye

City of Larkspur: Aye

City of Mill Valley: Aye

City of Novato: Absent

Town of Ross: Absent

Town of San Anselmo: Absent

City of San Rafael: Aye

City of Sausalito: Absent

Town of Tiburon: Absent

Ayes: 7

Noes: 0

Absent: 6

Abstain: 0

#### Motion passed

#### Update

As previously stated, the following changes to the Zero Waste Reimbursement Program are as follows: Note that the original agenda packet contained an error for this agenda item in the table summarizing the reimbursement request amount. The total sum listed for the amount requested for reimbursement was incorrect in the table, and has now been updated to reflect the actual total of \$364,640.82.

#### 6. Review and Discuss Audit (Information Only changed to Action)

Scheibly reported Pisenti and Brinker have completed their second audit of JPA financial statements and reviewed the draft with the Executive Committee April 18<sup>th</sup> [2024]. A representative from Pisenti and Brinker was on-hand with a brief presentation via Zoom and was available to answer questions.

#### Board Comments

Discussion was had among the board members to motion to accept the audit per conversation at the previous Executive Committee meeting; therefore changing the agenda item from Information Only to an Action Item.

#### Public Comments

No public comments.

**Motion** to motion accept the audit.

**First** City of Larkspur: Dan Schwarz

**Second** County of Marin: Dan Eilerman (Alt.)

#### Vote Count

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

City of Belvedere: Absent  
Town of Corte Madera: Aye  
County of Marin: Aye  
Town of Fairfax: Aye  
City of Larkspur: Aye  
City of Mill Valley: Aye

City of Novato: Absent  
Town of Ross: Absent  
Town of San Anselmo: Absent  
City of San Rafael: Aye  
City of Sausalito: Absent  
Town of Tiburon: Absent

Ayes: 7      Noes: 0      Absent: 6      Abstain: 0

### **Motion passed**

#### **7. Budget & Resolution Setting Assessment Fees for Fiscal Year 24-25 (Action)**

Scheibly reported the JPA has been awarded three grants from CalRecycle; the largest is the Local Assistance Grant (LAG) for \$1.1 million, the others are HHW Grants (used motor oil annually and Marine Flares Collection Programming Expansion). The budget proposed to the board has half of the LAG money spent in FY 25 and the other half slated for spending in FY 26 at the Executive Committee's recommendation.

ZWM funding is provided by assessment fees coming from the five haulers and the three facilities that operate in the county. The calculations used to calculate the JPA's revenue requirement are prescribed in the 1996 JPA agreement using hauler and facility disposal figures to meet the revenue requirement. This requirement is then translated into individual assessments upon each hauler and facility. The franchise haulers may pass along these costs to their customers per their rate setting methodology sections of the Franchise Agreements, the facility operators may do the same.

Most of the expense contained in the customers' "resource hauling bill" is for the collection, processing, and disposal of the materials in the landfill, organics, and recycling containers.

Those costs are regulated by the individual Cities, Towns, County, or special districts with Franchise oversight. Please recall that the JPA is not funded by County, City or Town general funds or any sort of assessment on the Member Agencies.

The JPA Budget is Organized into Three Funds: Zero Waste Programs Fund (ZWP), Household Hazardous Waste (HHW) Fund, and Regulatory Administration & Compliance Reporting Fund (RACR). The FY23/24 approved budget was provided to the board members in their packets along with the proposed FY 25 budget. Staff's recommendation: 1. Adopt a Motion to approve the Proposed 24-25 FY budget or provide specific directions to staff on any desired changes.

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2. Adopt a Motion to approve Resolution 2024-01 establishing hauler/facility assessment fees for Integrated Waste Management Planning & Implementation of Programs.

### Board Comments

Discussion was had among the board members regarding FY planning, rates, and volatility mitigation.

### Public Comments

Justin Wilcox (Marin Sanitary Service) introduced the new Program Manager.

**Motion** to adopt staff recommendation.

**First** County of Marin: Dan Eilerman (Alt.)

**Second** City of San Rafael: John Stefanski

### Vote Count

City of Belvedere: Absent  
Town of Corte Madera: Aye  
County of Marin: Aye  
Town of Fairfax: Aye  
City of Larkspur: Aye  
City of Mill Valley: Aye

City of Novato: Absent  
Town of Ross: Absent  
Town of San Anselmo: Absent  
City of San Rafael: Aye  
City of Sausalito: Absent  
Town of Tiburon: Absent

Ayes: 7      Noes: 0      Absent: 6      Abstain: 0

### Motion passed

## 8. Approve Contract Signatory Authority to the Executive Director (Action)

Scheibly reported this agenda item continues each year with the budget process, there is a resolution that states the Executive Director can enter into prescribed contracts under \$50,000 in the approved budget and programs. All contracts will be subject to approval by County Counsel prior to execution. The contracts within the RACR, HHW, and ZWP funds were shared with the board along with the recommendation to adopt a motion granting the Executive Director signature authority to enter into contracts for the specific services with the payment caps as outlined in the staff report as approved in the FY 24/25 Budget.

### Board Comments

Discussion was had among the board members requesting the scopes and total amounts of the signed contracts.

### Public Comments

No public comments.

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

**Motion** granting the Executive Director signature authority to enter into contracts for the specific services with the payment caps as outlined above if approved in the FY 24/25 Budget.

**First** County of Marin: Dan Eilerman (Alt.)

**Second** City of Larkspur: Dan Schwarz

### **Vote Count**

City of Belvedere: Absent

Town of Corte Madera: Aye

County of Marin: Aye

Town of Fairfax: Aye

City of Larkspur: Aye

City of Mill Valley: Aye

City of Novato: Absent

Town of Ross: Absent

Town of San Anselmo: Absent

City of San Rafael: Aye

City of Sausalito: Absent

Town of Tiburon: Absent

Ayes: 7

Noes: 0

Absent: 6

Abstain: 0

### **Motion passed**

#### **9. Approve 3-month extension on Household Hazardous Waste Facility Agreement (Action)**

Scheibly reported that historically the JPA has funded the Household Hazardous Waste Collection Facility for Marin (except for Novato). On July 1, 2023, the JPA assumed responsibility as the generator of Household Hazardous Wastes with the State of California and is now responsible for funding and oversight; San Rafael is no longer involved. Staff have been working with MRRRA staff, County Counsel, and consultant Larry Sweetser & Associates to ensure contract specifications and appropriate regulations are being upheld.

The JPA was unable to fill this specialty position until late fall 2023 which set the process back and are now requesting a three-month extension of the existing agreement to fully review the documents gathered to create a contract that incorporates these best practices and current regulatory standards. The recommendation is to delegate authority to the JPA Board Chair to sign the First Amendment to the Hazardous Waste Collection Agreement, which extends the agreement until September 30, 2024.

### **Board Comments**

Discussion was had among the board members around the timeframe of the extension and the need to extend beyond three months to six months.

### **Public Comments**

No public comments.

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**Motion** to adopt staff recommendation with the exception that the contract be extended six months instead of three months and empower the Chair of the JPA to execute the contract.

**First** County of Marin: Dan Eilerman (Alt.)

**Second** Town of Corte Madera: Adam Wolff

### **Vote Count**

City of Belvedere: Absent

Town of Corte Madera: Aye

County of Marin: Aye

Town of Fairfax: Aye

City of Larkspur: Aye

City of Mill Valley: Aye

City of Novato: Absent

Town of Ross: Absent

Town of San Anselmo: Absent

City of San Rafael: Aye

City of Sausalito: Absent

Town of Tiburon: Absent

Ayes: 7      Noes: 0      Absent: 6      Abstain: 0

### **Motion passed**

## **10. Form Subcommittee to Review Special Districts Responsibilities (Action)**

Scheibly reported that a letter was received in fall of 2022 requesting SB 1383 assistance from ZWM to nine of the special districts from Tamalpais Community Services District (excluding Novato Sanitary District) for enforcement, outreach and education materials, and reporting to CalRecycle. This request was initially declined due to lack of staff. Since that time the staff has made progress in implementing the requirements of SB 1383 and have engaged with each of the special districts regarding their requested support.

Staff now recommend the creation of a subcommittee and the selection of no more than four Member Agencies to review and further define the role and responsibilities of the Marin County Special Districts as it relates to the JPA. Including historic review of payment to Novato Sanitary District to supplement the HHW program they operate for Novato residents and businesses. Recommendation is to adopt a motion to appoint Board Members to the Special Districts Subcommittee.

### **Board Comments**

Discussion was had among the board members regarding who would be on this subcommittee. Board Members; Eilerman, Greg Chanis and Christa Johnson.

### **Public Comments**

No public comments.

**Motion** to appoint Board Members to the Special Districts Subcommittee.

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

**First** County of Marin: Dan Eilerman (Alt.)

**Second** City of Larkspur: Dan Schwarz

#### **Vote Count**

City of Belvedere: Absent

Town of Corte Madera: Aye

County of Marin: Aye

Town of Fairfax: Aye

City of Larkspur: Aye

City of Mill Valley: Aye

City of Novato: Absent

Town of Ross: Absent

Town of San Anselmo: Absent

City of San Rafael: Aye

City of Sausalito: Absent

Town of Tiburon: Absent

Ayes: 7

Noes: 0

Absent: 6

Abstain: 0

#### **Motion passed**

#### **Update**

Board Member Christa Johnson was not present at the time of meeting and it was confirmed that Johnson will not be able to serve on the subcommittee.

### **11. Suggested Agenda items for April Meeting (Information Only)**

Discussion was had among the board members to not needing as much time between meetings. Staff Casey Poldino read the adopted recommendation from the Board for on the five minute allocation to provide suggestion topics for upcoming ZWM JPA board meetings.

Staff Poldino read back the noted recommendations: request for the reusable foodware ordinance update and staff report, contract update with scope of work and contract total amount.

#### **Information Only**

#### **Board Comments**

No Board comments

#### **Public Comments**

No public comments

### **12. Adjournment**

Chair Abrams adjourned the meeting at 2:32 p.m.

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**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: \_\_\_\_\_