

# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

## **Executive Director**

Marva M. Sheehan, CPA  
HF&H Consultants, LLC  
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## **Member Agencies**

City of Campbell  
Town of Los Gatos  
City of Monte Sereno  
City of Saratoga

## **REGULAR MEETING AGENDA**

**November 7, 2013**

Monte Sereno City Hall  
18041 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030  
**5:00 p.m.**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **ORAL COMMUNICATIONS FROM THE PUBLIC**

### **WRITTEN COMMUNICATIONS**

None

### **OLD BUSINESS**

None

### **NEW BUSINESS**

1. Consider a report on WVC&R contractual liquated damages for the last fiscal year.

### **PUBLIC HEARINGS**

None

### **CONSENT CALENDAR**

2. Approve minutes of September 5, 2013 Special and Regular Board Meetings and October 23, 2013 Special Board Meeting

3. Executive Director report
  - a. YTD Financial Reports

**CONVENE TO CLOSED SESSION**

PUBLIC EMPLOYEE EVALUATION

Legal Authority: Govt Code section 54957(b)(1)

Position: Executive Director, Authority Counsel

**RECONVENE TO OPEN SESSION**

**REPORT ON ACTION TAKEN DURING CLOSED SESSION**

**FUTURE AGENDA ITEMS**

**BOARD MEMBER REPORTS**

**ADJOURNMENT**

Special Meeting: December 3, 2013, 5:00 p.m.

Next Regular Meeting: February 6, 2014, 5:00 p.m.

**ADDRESSING THE BOARD**

Any person shall have the right to address the Board during consideration of any item on the Board's agenda or during the time for oral communication if not on the agenda but pertaining to subject matter within the jurisdiction of the Board. Any person wishing to address the Board should stand or raise the hand and wait to be recognized by the Chairperson. Please stand at the podium, if able, state your name and address for the record, and proceed to address the Board. All remarks and questions should be addressed to the Board through the Chairperson and not to any member thereof or to the public. No question should be asked a Board member or a member of Authority staff without first obtaining permission of the Chairperson.

WEST VALLEY  
SOLID WASTE MANAGEMENT  
AUTHORITY

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## AGENDA REPORT

Date: November 7, 2013  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: **FY12/13 Liquidated Damages Assessed to WVC&R**

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### RECOMMENDED ACTION

Consider the report on service complaints reported under the collection agreement with West Valley Collection & Recycling (WVC&R).

### DISCUSSION

#### Summary

Section 13.6.B) of the Collection Agreement with WVC&R outlines the service performance standards and liquidated damages associated with failing to meet those standards. WVC&R reports the number of customer complaints to the Executive Director on a quarterly basis by type of complaint.

#### Missed Pickups

A missed pickup is defined as the failure of WVC&R to collect material that has been properly set out for collection within 24 hours. The performance standard allows 80 such failures per year. WVC&R reported that there were no failures during the year.

#### Double Misses

A double miss is defined as the failure to collect material that has been properly set out within 24 hours from the same customer on two consecutive scheduled pickup days. WVC&R reported that there were no double misses during the year.

#### Property Damage

The threshold for property damage claims in the collection agreement is 36 per year, or the equivalent of three per month. WVC&R reported seven property damage claims for the year. WVC&R met the standard for property damage during the year.

### Placement of Containers

When containers are emptied, they are to be properly returned to avoid pedestrian or vehicular traffic impediments and should be placed upright with lids closed and secured. The performance standard allows for 20 such failures annually. WVC&R has been notified of a significant number of occurrences of containers not being returned correctly. There was not a specific number identified during the year. WVC&R has agreed to correct the situation. The Authority Executive Director or Agency staff will monitor the situation during the next fiscal year and report the findings to the Company on a quarterly basis.

### Other Complaints

The collection agreement imposes liquidated damages for other service issues that are subject to performance thresholds in some cases. WVC&R's performance in these areas (e.g., collection outside authorized hours, customer responsiveness, and public education) meets or exceeds the standards.

### Recommendation

The purpose of assessing liquidated damages is to ensure consistent and reliable service and performance by WVC&R. Overall, WVC&R has provided excellent service to the Authority as evidenced by the Authority's desire to negotiate a new collection agreement with WVC&R. As part of the contract negotiations, several areas related to customer complaints and service were discussed, including the placement of containers. We will be working with WVC&R to better identify customer issues in its reporting system (WVC&R will be installing a new phone system to better classify calls) and performing our own "internal audit" during the year.

For FY 2012-2013, I do not recommend imposing any liquidated damages on WVC&R.

### **FISCAL IMPACT**

None

### **DOCUMENTS ATTACHED**



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Marva M. Sheehan, CPA  
Executive Director

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## **Member Agencies**

City of Campbell  
Town of Los Gatos  
City of Monte Sereno  
City of Saratoga

## **SPECIAL MEETING MINUTES**

September 5, 2013  
Monte Sereno City Hall  
18041 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030

### **CALL TO ORDER**

At 4:55 pm Chair Howard Miller called the meeting to order.

### **ROLL CALL**

Chair Howard Miller, representing Saratoga, Vice Chair Steve Leonardis, representing Los Gatos, Alternate Board Member Mike Kotowski, representing Campbell, and Board Member Curtis Rogers, representing Monte Sereno, were present. Also present were Marva Sheehan, substituting for Robert Hilton as Executive Director and Authority Counsel Kirsten Powell.

### **ORAL COMMUNICATIONS FROM THE PUBLIC**

None

### **OLD BUSINESS**

1. A study session was held on negotiations with West Valley Collection & Recycling, LLC.

No action was taken.

**ADJOURNMENT**

Chair Miller adjourned the Special Meeting of the Board at 5:50 pm until the next regular Board Meeting immediately following the Special Meeting.

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## **Member Agencies**

City of Campbell  
Town of Los Gatos  
City of Monte Sereno  
City of Saratoga

## **MEETING MINUTES**

September 5, 2013  
Monte Sereno City Hall  
18041 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030

### **CALL TO ORDER**

At 5:55 pm Chair Howard Miller called the meeting to order.

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Chair Howard Miller, representing Saratoga, Vice Chair Steve Leonardis, representing Los Gatos, Alternate Board Member Mike Kotowski, representing Campbell, and Board Member Curtis Rogers, representing Monte Sereno, were present. Also present were Marva Sheehan, substituting for Robert Hilton as Executive Director and Authority Counsel Kirsten Powell.

### **ORAL COMMUNICATIONS FROM THE PUBLIC**

None

### **WRITTEN COMMUNICATIONS**

None

### **OLD BUSINESS**

None

## **NEW BUSINESS**

1. Upon a motion by Vice Chair Leonardis and second by Member Rogers, the Board voted 4-0 to extend the contract (negotiation process) through December 31, 2013.
2. The Board received and filed a report on the Member Agencies' 2012 CalRecycle Annual Reports.
3. The Board received an oral update from the Website Ad-Hoc Committee.
4. The Board scheduled the annual Authority Attorney and Executive Director performance reviews for a closed session of the Board at the November 1, 2012 Board meeting.
5. Upon a motion by Member Rogers and a second by Vice Chair Leonardis, the Board voted 4-0 to approve the contract with HF&H Consultants, LLC. for Executive Director services.

## **PUBLIC HEARINGS**

None

## **CONSENT CALENDAR**

6. Upon a motion by Member Rogers and a second by Vice Chair Leonardis, the Board voted 4- 0 to approve the minutes of the June 10, 2013 Special Board Meeting and the Executive Director financial report for the twelve months ended June 30, 2013.

## **FUTURE AGENDA ITEMS**

None

## **BOARD MEMBER REPORTS**

None

## **ADJOURNMENT**

Chair Miller adjourned the meeting of the Board at 6:18 pm until the next Special Board Meeting on a date to be determined. The next regular meeting will be November 7, 2013.



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## **Member Agencies**

City of Campbell  
Town of Los Gatos  
City of Monte Sereno  
City of Saratoga

## **SPECIAL MEETING MINUTES**

October 23, 2013  
Monte Sereno City Hall  
18041 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030

### **CALL TO ORDER**

At 5:04 pm, Chair Howard Miller called the meeting to order.

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Chair Howard Miller, representing Saratoga, Vice Chair Steve Leonardis, representing Los Gatos, Alternate Board Member Mike Kotowski, representing Campbell (arrived at 5:10 pm), and Board Member Curtis Rogers, representing Monte Sereno, were present. Also present were Executive Director Marva Sheehan and Authority Counsel Kirsten Powell.

### **ORAL COMMUNICATIONS FROM THE PUBLIC**

Rich Cristina from GreenWaste Recovery invited all Board members to the Grand Opening of the company's new Anaerobic Digestion facility in San Jose on November 22, 2013.

### **WRITTEN COMMUNICATIONS**

None

## **OLD BUSINESS**

1. The Board received an oral report from the Executive Director and Bob Hilton from HF&H Consultants on negotiations with West Valley Collection & Recycling, LLC.

No action was taken.

## **PUBLIC HEARINGS**

None

## **CONSENT CALENDAR**

None

## **BOARD MEMBER REPORTS**

None

## **ADJOURNMENT**

Chair Miller adjourned the meeting of the Board at 6:01 pm until the next regular Board Meeting which will occur on November 7, 2013 at 5:00 pm.

WEST VALLEY  
SOLID WASTE MANAGEMENT  
AUTHORITY

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**AGENDA REPORT**

Date: November 7, 2013  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: **YTD Financial Report**

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**RECOMMENDED ACTION**

Accept report on the Authority's FY 2013-14 financial status.

**DISCUSSION**

The report titled "Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual" shows the approved budget, the year to date actual amounts, and the preliminary fund balance through October for FY 2013-14. With 33% of the fiscal year passed, the report shows that the Authority expended \$30,954 or 18.83% of the approved FY 2013-14 budget.

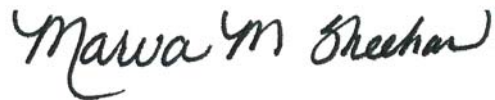
In February 2011, the Board adopted a policy that requires it to maintain an operating reserve of \$100,000 and a rate stabilization reserve of \$100,000. The preliminary fund balance (\$257,581) is more than the \$200,000 as a result of the revenues that are received quarterly and expenditures that are received at other intervals. Once those payments are made for the expenditures, the fund balance will be slightly in excess of \$200,000 which is consistent with the Board's policy.

**FISCAL IMPACT**

None

**DOCUMENTS ATTACHED**

Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual October 31, 2013.



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Marva M. Sheehan  
Executive Director

**West Valley Solid Waste Management Authority**  
**Statement of Revenues, Expenditures, and**  
**Changes in Fund Balance - Budget and Actual**  
**October 31, 2013**

Acct. #	Description	JPA Budget FY 13/14	Year to Date Actual	Balance	YTD %
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**Revenues:**

4410	Interest Earnings	\$ -		\$ -	N/A
4970	City of Campbell	42,989	42,989.00	-	100.00%
4970	City of Los Gatos	32,134	32,134.00	-	100.00%
4970	City of Monte Sereno	3,650	3,650.00	-	100.00%
4970	City of Saratoga	32,695	32,695.00	-	100.00%
4965	AB 2020 Program State Contribution	-		-	-
4965	Other	40,000		40,000.00	-
	<b>Total Revenues</b>	<b>\$ 151,468</b>	<b>\$ 111,468.00</b>	<b>\$ 40,000.00</b>	<b>73.59%</b>

**Expenditures:**

**Services and Supplies:**

7421	Communications-Phone	-	-	-	-
7424	Office Expense	500		500.00	-
7427	Special Departmental Exp. (Legal Svcs.)	13,150	2,240.00	10,910.00	17.03%
7430	Prof. & Special Services (Executive Director)	85,970	6,942.92	79,027.08	8.08%
7430	Prof. & Special Services (Special Projects)	40,000	20,271.55	19,728.45	50.68%
7430	Prof. & Special Services (Other)	5,000		5,000.00	-
7432	Other Contractual Services (Audit Svcs.)	4,990	1,500.00	3,490.00	30.06%
7432	Other Contractual Services (Countywide Support)	1,000		1,000.00	-
7433	Insurance (Liability)	2,211		2,211.00	-
7435	Travel/Conf. & Meetings	4,000		4,000.00	-
7438	Other Charges (Accounting & Bookkeeping)	7,549		7,549.00	-
7883	Improvements (AB2020 Infrastructure)			-	-
	<b>Total Expenditures</b>	<b>\$ 164,370</b>	<b>\$ 30,954.47</b>	<b>\$ 133,415.53</b>	<b>18.83%</b>

Excess (deficiency) of revenues over (under) expenditures	(12,902)	80,513.53	67,611.53
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Fund balance at beginning of year - 7/1/2013	206,992	177,067.79	
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<b>Fund balance as of October 31, 2013</b>	<b>\$ 194,090</b>	<b>\$ 257,581.32</b>	
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# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

## Calendar of Future Agenda Items

### December 3, 2013 Special Meeting

- Approve WVC&R collection agreement

### February 6, 2014 Meeting

- Elect new officers
- Board meeting schedule
- Review of Collection and Landfill contracts
- Discussion of the use of the Annual Fee to be received from WVC&R

### May 1, 2014 Meeting

- Ratify Guadalupe Landfill disposal contractual rate adjustment
- Ratify WVC&R contractual collection rate adjustment
- Review Executive Director and Authority Counsel contracts
- Approve Authority budget

### September 4, 2014 Meeting

- Receive and file annual CalRecycle Annual Reports
- Schedule annual Authority Attorney and Executive Director performance review

### Recurring Meeting Agenda Items

- Approval of prior meeting minutes
  - Receive and file the Executive Director financial report
-