

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Executive Director

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Member Agencies

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

REGULAR MEETING AGENDA

February 6, 2020

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

1. Consider the best used of funds from West Valley Collection & Recycling (WVC&R) for liquidated damages received for FY 17/18 in the aggregate amount of \$15,975.18.

NEW BUSINESS

2. Elect Chairperson and Vice Chairperson for 2020.*
3. Receive a report from WVC&R on its commercial organics program.*
4. Receive and file a report summarizing the key points and dates from the collection agreement with WVC&R.

“*” - indicates no board attachment

5. Receive and file a report summarizing the key points and dates from the disposal agreement with Guadalupe Landfill and receive an oral update on disposal agreement negotiations.
6. Receive an oral report on WVC&R's extraordinary rate adjustment request.*
7. Receive a report on SB 1383 and Member Agency Compliance Status.
8. Receive and file a report on recent regulatory changes and program updates.

PUBLIC HEARINGS

None

CONSENT CALENDAR

9. Approve minutes of November 7, 2019 Regular Board Meeting
10. YTD Financial Reports

EXECUTIVE DIRECTOR REPORT

FUTURE AGENDA ITEMS

BOARD MEMBER REPORTS

ADJOURNMENT

Next Regular Meeting: May 7, 2020, 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

AGENDA REPORT

Date: February 6, 2020
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Consider the best use of funds received from WVC&R for liquidated damages**

RECOMMENDED ACTION

Consider the best use of funds received from WVC&R for FY 17-18 liquidated damages totaling \$15,975.18.

DISCUSSION

At the November 1, 2018 Board Meeting, WVC&R offered to pay the Authority \$5,000 for public education and community outreach in lieu of \$6,338.34 in liquidated damages for new customer performance standards.

The funds were intended to be used for future public education and community outreach towards implementation of upcoming legislation including SB 1383. The Authority received the funds from WVC&R and will hold until the Board provides direction on the best use.

At the November 7, 2019 Board Meeting, \$10,975.18 of liquidated for FY 17-18 liquidated damages were assessed to WVC&R. This resulted from WVC&R failing to meet requirements for double missed pickups established at the November 1, 2018 Board Meeting.

At the January staff call, staff discussed various uses for the funds and suggested the best use for the \$15,975.18 in liquidated damages is to be used towards public education and outreach on the new requirements of SB1383. While the regulations do not require changes until January 1, 2022, it would be good to start some preliminary outreach of what is coming. The following are some recommendations for public education and outreach related to upcoming SB 1383 requirements and food waste prevention for the Board to consider:

1. Revision of existing education materials - Hire a graphic artist to create updated and effective outreach campaign materials including more graphics/pictures and less text. The new outreach can be used in any of the following recommendations and posted on Member Agency websites.
2. Mailer/Flyers - Provide funding for a separate postcard, insert, or updated quarterly newsletter with content related to SB 1383 regulations and/or food waste prevention.
3. Public Space Marketing - Provide funding for posters on WVC&R collection trucks or other public spaces the Authority has access to.
4. Tabling - Provide funding for tabling about SB 1383 and food waste prevention at special events where WVC&R provides solid waste collection services, if permitted. Examples of events from FY 18-19 include Recycle Day at Sacred Heart School and Jazz on the Plazz held by Los Gatos Music and Arts.
5. Outreach at schools - Provide funding for food waste prevention presentations at local schools and/or provide updated outreach material (posters, sticker, etc.)

Other public outreach could be towards the new "clean and dry" promotions seen in other communities on proper recycling to reduce contamination.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2020
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Key Points and Dates from WVC&R Agreement**

RECOMMENDED ACTION

Accept report on the key points and dates from the collection agreement with West Valley Collection & Recycling, LLC (WVC&R) that was effective March 1, 2014.

DISCUSSION

COLLECTION AGREEMENT, as of March 1, 2014

- Company
 - West Valley Collection & Recycling, LLC (a joint venture between GreenWaste Recovery, Inc. and Waste Connections of California, Inc.)
- Term
 - 10 years, expiring February 28, 2024
- Scope of Services
 - Collection of all separate solid waste, recyclable materials and green waste generated in the Authority and placed by the generator for collection.
 - Transporting collected materials to the designated disposal site, designated green waste processing site, designated construction and demolition debris processing site, and recyclable materials processing site.
 - Processing and marketing recyclable materials collected in the Authority by WVC&R.
 - Special Services
 - Holiday tree collection
 - City-directed cleanups

- Annual cleanups
 - Public education, including a company website
- Customer Rates
 - Set by the company
 - Adjusted annually by change in CPI (except for rate year 16 where rates will be based on actual costs) effective July 1st of each year
 - Include Agency fees (vary by Agency)
 - Franchise fees
 - HHW collection fees
 - Street sweeping fees
 - Vehicle impact fees
 - JPA administrative fees
- Contract Terms
 - A ten year term ending February 28, 2024.
 - Expanded recyclable materials collected curbside (various metals, certain e-waste materials, fibers, plastic, and glass).
 - Collection vehicles operate on compressed natural gas vehicles in order to reduce greenhouse gas and particulate emissions.
 - Specific provisions related to driver training and reporting of litter in order to comply with stormwater discharge permit (zero litter) requirements.
 - Process to ensure WVC&R addresses chronic customer complaints in order to facilitate the resolution of such complaints.
 - Added a floor and cap to annual rate adjustments related to collection services (1.5% and 5% respectively) in order to provide rate stability.
 - Contractor pays Authority \$450,000 annually (\$4,500,000 over the term of the agreement) for uses such as but not limited to: 1) rate stabilization; 2) additional services desired by the Member agencies, their residents and businesses; and, 3) implementation of programs to comply with future regulatory changes.
- Contract Issues
 - Construction and Demolition Debris
 - Collection is part of WVC&R exclusive franchise agreement
 - Small, local haulers “poach” in the Authority area
 - Rates

- Regulatory changes
 - AB 341 - Mandatory commercial recycling
 - AB 1826 - Commercial and Multifamily organics recycling
 - CalRecycle - 75% Diversion goals
 - SB 1383 - State Board required to adopt regulations to reduce organics disposal 50% by 2020 and 75% by 2025

FISCAL IMPACT

\$450,000 annual payment to the Authority

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

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WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2020

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: **Key Points and Dates from Guadalupe Landfill Agreement and Disposal Agreement Negotiations**

RECOMMENDED ACTION

Accept report on the key points and dates from the disposal agreement with Guadalupe Landfill and receive an oral report on disposal agreement negotiations.

DISCUSSION

DISPOSAL AGREEMENT

- Company
 - Guadalupe Rubbish Disposal Company, Inc. (a wholly owned subsidiary of Waste Management, Inc.)
- Term
 - Effective date, January 1, 2006
 - 15 years, expiring December 31, 2021
 - Option to extend by mutual agreement between the Authority and the company
- Materials Disposed/Processed (Required to be delivered to Guadalupe)
 - Solid Waste
 - Yard Waste
 - Construction and Demolition Debris
- Rates
 - Initially set as part of the contract negotiations
 - Adjusted annually by the change in CPI and any change to State and local fees

- ❑ Contract Amendment -
 - February 2, 2017
 - ❑ Processing of Yard Waste -
 - The Board approved an Amendment that allows Waste Management to compost greenwaste material. The Amendment was effective July 1, 2017.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2020
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Update to SB 1383 and Member Agency Compliance Status**

RECOMMENDED ACTION

Receive a report on SB 1383 and Member Agency Compliance Status

DISCUSSION

Since the last Board Meeting on November 11, 2019, CalRecycle submitted their final draft regulations to the Office of Administrative Law (OAL) on January 21st, 2019 for final review and approval. If the OAL decides to approve the regulations, the final regulations are to be expected in mid to late February of 2020.

Legislation

SB 1383 was signed by Governor Brown on September 19, 2016. The first formal draft was released on January 18, 2019 with a 45 day comment period following. The second formal draft was released on June 19, 2019 with a 16 day comment period following and the third formal draft was released on October 2, 2019 with a 16 day comment period following. From comments received, CalRecycle made revisions to the third formal draft and submitted final draft regulations to the Office of Administrative Law (OAL) on January 1st, 2019.

The primary goals of SB 1383 are to reduce organic waste disposed in landfills 50% by 2020 and 75% by 2025 (2014 baseline), and to reach recovery of 20% of edible food that would otherwise be disposed of in landfills by 2025. To achieve these goals, SB 1383 requires action in the following areas: Organics, Ordinances, Education and Outreach, Contamination Monitoring, Procurement of Organic Materials, Edible Food Recovery, and Compliance Reporting. Enforcement and penalties for non-compliance begin

January 1, 2022 for jurisdictions and January 1, 2024 for generators, haulers, and processors.

Exemption waivers exist for both generators and jurisdictions if they have low-volume, low-population, or physical space constraints (§18984.11). The City of Monte Sereno may apply for a low-population waiver (<7,500), depending on the 2020 Census, that will be valid for up to 5 years. However, Monte Sereno may choose to adopt some or all of the policies and procedures adopted by the other Member Agencies.

The following is a summary of the main requirements of SB 1383 by category. Refer to the attached visual timeline for a high-level action plan and key compliance deadlines. The initial compliance deadline for all jurisdictions is **January 1, 2022** with additional compliance deadlines thereafter.

Recycling and Organic Waste Collection Services - Partially Compliant

Commencing January 1, 2022, the State requires all residential and commercial organic waste generators to divert organics materials, including food waste, green waste, and paper from landfill disposal. While the Authority currently offers a 3-container collection program, the current program will need to be expanded to include food waste in residential organics collection (§18984.1-18984.3). Additionally, containers will need to meet labeling and color requirements (§19894.7 & 19894.8).

Ordinances - Currently Non-Compliant

By January 1, 2022, jurisdictions must adopt enforceable ordinances or similar mechanisms to achieve local compliance with SB 1383 (§18981.2.a), including ordinances for recycling/organics, self-haul/back-haul, edible food recovery, hauler regulations, and enforcement. Currently, there are no ordinances in place that meet SB 1383 compliance. Model Ordinances will be released by CalRecycle in early 2020 for use by jurisdictions.

Education and Outreach

Food Recovery - Currently Non-Compliant

Prior to February 1, 2022, and annually thereafter, jurisdictions will need to provide businesses that generate edible food waste with information regarding the jurisdiction's edible food recovery program, generator requirements, reduction of edible food, and food recovery organizations (§18985.2.b).

Residential, Commercial, & Multi-Family Organics - Partially Compliant

Annually beginning February 1, 2022, jurisdictions will need to provide information on properly separating materials, organic waste prevention, on-site recycling, methane reduction benefits, public health and environmental impacts, how to recycle organic waste, a list of approved haulers, and information related to food recovery (§18985.1.a). Currently, WVC&R provides a quarterly newsletter to commercial or residential subscribers detailing recycling information.

Self-Haul Organics- **Currently Non-Compliant**

Self-haulers must be provided with information regarding their requirements to either source-separate organic waste or bring it to a high diversion organic waste processing facility, and keep records of organics delivered unless they are a residential organics hauler (§18988.3). Education and outreach provided to organic waste generators will need to include information regarding self-haul requirements (§18985.1.a).

Contamination Monitoring - **Currently Non-Compliant**

Enforcement of SB 1383 on generators and haulers begins on January 1, 2022 with compliance reviews of commercial accounts meeting certain requirements (§18995.1). Beginning April 1, 2022, annual route reviews or composition studies will be added. The reviews/studies may be performed by the Authority, Agency staff, or another designee (i.e. the WVC&R). Non-compliance results in educational material. After January 1, 2024, non-compliance results in enforcement action and penalties to generators.

Procurement of Materials - **Partially Compliant**

Organic Waste

Each jurisdiction must procure recovered organic waste products (e.g., compost or renewable transportation fuel) in quantities that comply with SB 1383 requirements (§18993.1). Procurement quantities shall be determined by the State every five years and are to be based on each jurisdiction's population. The total organic waste tons each Member Agency needs to procure is calculated by multiplying the Agency's population by the per capita procurement target as per the most recent draft regulations of 0.08. The table below summarizes how many tons of organic material each Member Agency will need to procure each year starting in 2022. Currently, some organic waste is being procured, but will need to be expanded.

SB 1388 Organic Waste Procurement Target		
Member Agency	Population (1/1/19)	Tons
Campbell	43,250	3,460
Los Gatos	30,988	2,479
Monte Sereno	3,787	303
Saratoga	31,407	2,513

Recycled-Content Paper

In addition to procuring recovered organic waste products, the Agency must procure recycled-content paper consistent with the Public Contract Code (§18993.3) starting January 1, 2022. This includes Parks and Recreation, Health Department, etc. Currently, some recycled paper products are being procured, but programs will need to be expanded.

Edible Food Recovery – Currently Non-Compliant

The jurisdiction’s responsibility surrounding edible food recovery includes educating generators, increasing access, and enforcing Tier 1 generators (Supermarkets, Wholesale Food Vendors, Food Service Providers/Distributors, and Grocery stores (<7,500 sq. ft.)) and Tier 2 generator’s (Restaurants, Hotels, Event Venues, Education Facilities, and Health facilities based on occupancy) use of food recovery organizations (§18991.1). A list of food recovery organizations shall be maintained on the jurisdiction’s website and be provided to food generators at least annually (§18985.2). Tier 1 generators must be compliant by January 1, 2022 and Tier 2 generators by January 1, 2024. If there is insufficient capacity for recovery, the jurisdictions shall be responsible for increasing capacity. The Member Agencies will need to coordinate with their Public Health Department and the County in establishing the program.

Compliance Reporting – Currently Non-Compliant

Implementation Record

Jurisdictions will report on their implementation and compliance with SB 1383 to CalRecycle. The Implementation Record will contain all actions taken for compliance with SB 1383 and shall be readily available upon request (§18995.2). This includes ordinances adopted, contamination records, education and outreach records, edible food recovery records, procurement records, enforcement records, etc.

We are in the process of developing the Member Agencies implementation record and will be working with Member Agency staff throughout the process.

Initial Compliance Report

The Initial Compliance Report details ordinances adopted and reporting items identified in the Annual Report (§18994.1).

Ongoing Reporting

The Capacity Planning Report will need to include the current level of organic waste and edible food disposed, current infrastructure capacity, and estimated new or expanded capacity (§18992.1 and §18992.2). The Annual Report will need to include all information regarding compliance with SB 1383 (enacted ordinances, organics collections, contamination monitoring, generator/jurisdiction waivers, food recovery, volumes diverted, overall compliance of generators, etc.) (§18994.2). Like the current AB 939 reporting, the Authority staff will prepare the Annual Reports on behalf of each agency.

Report Name	Due Date
Implementation Record	January 1, 2022
Initial Compliance Report	April 1, 2022
Capacity Planning Reports	August 1, 2022 and 2024
First Annual Report	October 1, 2022
Following Annual Reports	Annually starting August 1, 2023

Penalties

Jurisdiction Penalties – Beginning January 1, 2022

Penalties for non-compliant jurisdictions depend on the severity of a violation, as outlined in Section §18997.3 - Department Penalty Amounts. Violations are categorized as “minor,” “moderate,” or “major” and have associated fees ranging from \$500 to \$10,000 per violation per day.

Generator Penalties – Beginning January 1, 2024

Penalties for non-compliant generators and haulers are outlined in Section §18997.2 – Penalty Amounts. Penalties range from \$50 to \$500 per offense.

FISCAL IMPACT

Unknown

DOCUMENTS ATTACHED

SB 1383 Action Plan Timeline



Marva M. Sheehan
Executive Director

West Valley Solid Waste Management Authority
SB 1383 Action Plan

SB 1383 Regulation	2019				2020				2021				2022				2023				2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Organics Collection Programs																								
Disposal agreement negotiation	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Capacity Planning	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Expand residential organics collection	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Ensure containers have compliant labels	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Ensure new containers provided follow color requirements	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Ordinances and Policies																								
Adopt enforceable ordinance or similar mechanism	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Require organics haulers to identify facilities utilized	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Adopt ordinances/similar mechanisms for specific reqs.	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Grant waivers to generators & verify	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Contamination Monitoring																								
Route Reviews/Composition Studies	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Noncompliant generator educational follow-up	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Inspections triggered by processing facility	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Maintain noncompliance notice records	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Education & Outreach																								
Provide applicable businesses w/ food recovery info	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Provide all generators w/ required info	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Enforcement & Penalties																								
Inspections of regulated entities	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Provide noncompliant generators with public edu.	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Verify waivers granted to businesses	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Investigate complaints and maintain records	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Take enforcement actions	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Procurement of Recovered Organic Waste																								
Procure prescribed quantity of recovered organic waste	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Purchase 75% of paper with recycled content	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Reporting																								
Create an ongoing Implementation Record	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Produce a Capacity Planning Report	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Produce an Initial Compliance Report	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Produce an Annual Report	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Edible Food Recovery																								
Implement edible food recovery program	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Monitor compliance of edible food generators	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Increase edible food recovery capacity, if needed	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Annually provide Tier 1/Tier 2 generators w/ info	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			
Develop/maintain online list of food recovery orgs.	Planning				Implementation				Ongoing Operations				Ongoing Operations				Ongoing Operations				Ongoing Operations			

Legend	
	Planning
	Implementation
	Ongoing Operations

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WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2020
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Recent Regulatory Changes and Program Updates**

RECOMMENDED ACTION

Receive a report on the recent regulatory changes and program updates.

DISCUSSION

Legislation

AB 827

Effective July 1, 2020, AB 827 will require all businesses generating 4 cubic yards or more of commercial solid waste or 8 cubic yards or more of organic waste per week to provide visible recycling containers for customer use. These containers must be marked with educational signage. Full-service restaurants would be exempt.

AB 1162

Effective January 1, 2023, AB 1162 prohibits lodging establishments with more than 50 rooms from providing small plastic bottles containing personal care products. Commencing January 4, 2024, lodging establishments with 50 rooms or less will also be prohibited from providing these bottles. The bill grants local agencies to inspect sleeping accommodations in lodging establishments to enforce requirements through citations. Sleeping accommodations found with a first violation will receive a written warning and \$500 penalties will be imposed for the 2nd and any subsequent violations.

AB 1583

AB 1583 removes the state requirement for all plastic containers to have a resin identification code and chasing arrows symbol. Additionally, the Department of Resources Recycling and Recovery must convene a Statewide Commission on Recycling Markets and Curbside Recycling to issue policy recommendations to achieve specified market development and waste reduction goals. AB 1583 reauthorizes existing, and creates new, recycling infrastructure development programs, including sales tax exemptions, low interest loans, and new incentive payment programs.

Ongoing

AB 1826

AB 1826 was focused on separately collecting organic materials and phased in the participation requirements over several years. Effective January 1, 2019, it required customers generating 4 or more cubic yards of solid waste per week to subscribe to organic material collection.

Effective January 1, 2020, generators with 2 or more cubic yards of solid waste per week will be required to subscribe to organic material collection if CalRecycle determines on that date that organics waste has not been reduced by 50% of 2014 levels.

There are six (3) customers, one (1) in Campbell, one (1) in Los Gatos, and one (1) in Saratoga that are not currently in compliance with AB 1826. The customer in Los Gatos is in the process of establishing organic material collection with WVC&R. The customer in Saratoga has refused service and the customer in Campbell has been unresponsive to all attempts to bring them into compliance. WVC&R has sent a letter of non-compliance to the customers in Saratoga and Campbell.

AB 341

AB 341 mandates all businesses generating 4 cubic yards or more of solid waste per week to have recycling service, (effective July 1, 2012). Businesses include commercial customers producing 4 or more cubic yard of solid waste per week and all multi-family residential dwellings with five or more units regardless of the amount of solid waste generated. Although the bill does not mandate diversion standards for each jurisdiction, it sets a statewide goal of 75% disposal reduction by 2020.

WVC&R reports that all businesses are in compliance.

Other Bay Area Programs

Berkeley Ordinances

The Berkeley single use foodware and litter reduction ordinance was designed to be implemented in three phases. The most second phase, of three, became effective January 1, 2020. The details of each phase are outlined below.

Phase 1 – Effective March 27, 2019

- All disposable foodware items should be provided to customers upon request
- Food vendors with self-bussing must provide color-coded receptacles with appropriate signage
- City facilities and sponsored events must use reusable or certified compostable foodware

Phase 2 – Effective January 1, 2020

- All disposal foodware must be certified compostable and free of chlorinated chemicals
- Food vendors must show a charge of \$0.25 for every disposable cup provided

Phase 3 – Effective July 1, 2020

- Food vendors who offer onsite dining can only provide reusable foodware

City of Santa Clara Food Scrap Recycling Program

In preparation for SB 1383, the City of Santa Clara selected 4,800 households to participate in a pilot program to separate food scraps collection in a split garbage and food scraps container. Convenience and organic material diverted were evaluated in the pilot. After feedback from the pilot program was received, the Council decided to continue negotiations with GreenWaste to offer a mixed waste processing program where food scraps and food soiled paper is placed in garbage containers and later processed to remove organic waste.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

None

Marva M Sheehan

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Executive Director

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Executive Director

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Member Agencies

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

MEETING MINUTES

November 7, 2019

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

CALL TO ORDER

At 5:03 pm, Chair Resnikoff called the meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Paul Resnikoff, representing the City of Campbell, Vice Chair Barbara Spector, representing the Town of Los Gatos, Member Rishi Kumar, representing the City of Saratoga, and Member Daniel LaBouve, representing the City of Monte Sereno, were present. Also present were Executive Director Marva Sheehan and Authority Counsel Kirsten Powell.

ORAL COMMUNICATIONS FROM THE PUBLIC

None

WRITTEN COMMUNICATIONS

None

SPECIAL PRESENTATIONS

None

OLD BUSINESS

1. The Board received and filed a report on the \$5,000 received from West Valley Collection & Recycling to the Authority for public education and outreach and directed staff to work with member agencies to decide the best use of the funds.

NEW BUSINESS

2. The Board received a report on SB 1383 and Member Agency Compliance Status.
3. The Board received a report on recent regulatory changes and updates.
4. The Board considered a report on WVC&R's prior fiscal year complaints and liquidated damages:

- a. Upon a motion by Vice Chair Spector, and a second by Member LaBouve, the Board unanimously approved to assess liquidated damages of \$10,975.18 for FY17-18.

The FY17-18 liquidated damages were held in abeyance since the November 1, 2018 Board Meeting to provide WVC&R an opportunity to reduce its double missed pick-ups from 67 in FY17-18 to 34 or fewer in FY18-19. If WVC&R improved double missed pick-ups to 34 or fewer in FY18-19 the Board would have waived the \$10,975.18. WVC&R had 51 double missed in FY18-19 and did not meet the requirement.

- b. Upon a motion by Member LaBouve and a second by Chair Resnikoff, the Board unanimously approved to place FY 18-19 double missed pick-ups liquidated damages of \$8,966.31 in abeyance to be reviewed at the November 2020 Board Meeting. The liquidated damages will be waived if double missed pick-ups are reduced to 34 occurrences or less in FY 19-20. If the FY19-20 double missed pick-ups are more than 34, liquidated damages for FY18-19 of \$8,966.31 will be assessed.
5. The Board received an oral report on AD Hoc Committee Meetings for the disposal procurement.
 6. The Board received an oral report on WVC&R's request for an extraordinary rate adjustment.

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.

PUBLIC HEARINGS

None

CONSENT CALENDAR

7. Upon a motion by Vice Chair Spector and a second by Member Kumar, the Board voted 4-0 to approve the minutes of the September 5, 2019 Board Meeting and the Executive Director financial report for the 3 months ended September 30, 2019.

FUTURE AGENDA ITEMS

None

BOARD MEMBER REPORTS

None

CONVENE TO CLOSED SESSION

The Board convened to closed session at 6:13 pm for the annual performance evaluation of the Executive Director and Authority Counsel.

RECONVENE TO OPEN SESSION

The Board reconvened to open session at 6:31 pm.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

There were no reportable actions from the closed session.

ADJOURNMENT

Chair Resnikoff adjourned the meeting 6:32 pm until the next regular meeting, which will be held February 6, 2020.

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**

AGENDA REPORT

Date: February 6, 2020
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **YTD Financial Report**

RECOMMENDED ACTION

Accept report on the Authority's FY 2019-20 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 December for FY 2019-20. With 50% of the fiscal year passed, the report shows that the Authority expended \$284,667 or 44% of the approved FY 2019-20 budget.

The preliminary fund balance of \$324,116 is an increase of \$13,951 from the FY 2018-19 preliminary fund balance of \$297,161. The increase is primarily due receiving unbudgeted liquidated damages of \$10,975 from WVC&R. Additionally, member agencies, the Town of Los Gatos, City of Monte Sereno, and City of Saratoga contributed 100% of its annual revenues while expenditures are made throughout the year.

It has been the Board's policy, adopted February 2011, to maintain a fund reserve of \$200,000 with \$100,000 designated as an operating reserve and \$100,000 designated as a rate stabilization reserve. As part of the FY 2020-21 budget process, we will review the fund balance to ensure it meets the Board's policy.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual December 31, 2019.



Marva M. Sheehan
Executive Director

West Valley Solid Waste Management Authority Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual December 31, 2019					
Acct #	Description	JPA Budget FY 2019-20	Year to Date Actual	Balance	YTD %
<u>Revenues</u>					
4410	Interest	\$ -	\$ -	\$ -	N/A
4431	Unrealized Gains/Losses	\$ -	\$ -	-	N/A
4970	City of Campbell	42,681	-	42,681	0%
4970	Town of Los Gatos	30,590	30,590	-	100%
4970	City of Monte Sereno	3,629	3,629	-	100%
4970	City of Saratoga	31,424	31,424	-	100%
4975	Franchise Agreement WVC&R	450,000	225,000	225,000	50%
4965	Other	(1)	10,975	(10,976)	N/A
	Total Revenues	<u>\$ 558,323</u>	<u>\$ 301,618</u>	<u>\$ 256,705</u>	<u>54%</u>
<u>Expenditures:</u>					
Services and Supplies:					
7424	Office Expense	\$ 500	\$ -	\$ 500	0%
7427	Special Departmental Exp. (Legal Services)	17,344	1,200	16,144	7%
7430	Prof. & Special Services (Executive Director)	158,630	55,992	102,638	35%
7430	Prof. & Special Services (Other)	5,000	-	5,000	0%
7432	Other Contractual Services (Countywide Support)	1,000	1,870	(870)	187%
7432	Other Contractual Services (Website Administration)	1,149	-	1,149	0%
7432	Other Contractual Services (Audit Svcs.)	6,019	-	6,019	0%
7433	Insurance (Liability)	2,667	3,605	(938)	135%
7435	Travel/Conf. & Meetings	4,000	-	4,000	0%
7438	Other Charges (Accounting & Bookkeeping)	9,145	-	9,145	0%
7675	JPA Solid Waste Distribution	450,000	225,000	225,000	50%
	Total Expenditures	<u>\$ 655,454</u>	<u>\$ 287,667</u>	<u>\$ 367,787</u>	<u>44%</u>
	Excess (deficiency) of revenues over (under) expenditures	(97,131)	13,951	(83,180)	
	Beginning Fund Balance 7/1/19 (Preliminary)	\$ 297,131	\$ 310,165		
	Ending Fund Balance	<u>\$ 200,000</u>	<u>\$ 324,116</u>		

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Calendar of Future Agenda Items

May 7, 2020 Meeting

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

September 3, 2020 Meeting

- Receive and file annual CalRecycle Annual Reports

November 7, 2020 Meeting

- Closed Session – annual evaluations of Authority Attorney and Executive Director
- Consider a report on WVC&R's prior Fiscal Year Complaints/Liquidated Damages

February 4, 2021 Meeting

- Elect new officers
- Review of Collection and Disposal contracts
- Accept Audited Financial Statements

Recurring Meeting Agenda Items

- Approval of prior meeting minutes
- Receive and file the Executive Director financial report
- Regulatory and program updates
- SB 1383 Update and Member Agency Compliance