

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Executive Director

Rob Hilton
1821 S. Bascom Ave. #405
Campbell, CA 95008

Telephone: (408) 471-6255
E-mail: wvswma@hfh-consultants.com

Member Agencies

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

MEETING AGENDA

May 4, 2023

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

Teleconference/Public Participation Information

This meeting will be held via teleconference and in-person at the City of Monte Sereno's City Hall located at 18041 Saratoga-Los Gatos Road, Monte Sereno, CA 95030.

For this meeting, members of the public may observe the meeting using either the meeting link below or by attending physically at the above-mentioned location. For those attending the meeting in person, please refer to the last bullet for instructions on making public comment. For those attending virtually, please refer to the following set of bullets for attendance and instructions on making public comment:

- Submit written comments via email to the West Valley Solid Waste Management Authority (Authority) at wvswma@hfh-consultants.com prior to or during the time for public comment at the meeting. Authority staff will share all comments with the Board at the meeting and will make the comments part of the public record.
- Observe and address the Board telephonically, at the appropriate time for public comment during the meeting, following these instructions:

Link to join the Virtual Meeting: <https://us02web.zoom.us/j/88576578611>

Call in Phone Number: +1 (669) 444-9171

Meeting ID: 885 7657 8611

- During the meeting, the Chairperson will call for public comment. If you wish to address the Board, please use the Zoom "raise hand" feature and the Chairperson will call on you when it is your turn.

Note: For those joining virtually, Authority Staff will need to temporarily promote you to a panelist and unmute you in order to speak.

- For those physically attending, please hold onto all comments until the Chairperson calls for public comment. Once the public comment period has opened, please either stand or raise your hand and the Board will call on you to speak and make your comment.

In accordance with the Americans with Disabilities Act, California Law, and the Governor's Executive Orders, it is the policy of the Authority to offer its public meetings in a manner that is readily accessible

to everyone, including those with disabilities. An individual may request reasonable modifications or accommodations so that they may observe and address the Board at this teleconference meeting. If you are disabled and require accommodations to participate, please contact the Authority at least 48 hours in advance of the meeting at wvswma@hfh-consultants.com with the following information: name, phone number, email, and type of assistance required.

Call to Order

Pledge of Allegiance

Roll Call

Oral Communications from the Public

Written Communications

None

New Business

1. Receive a presentation on the Authority's solid waste programs.
2. Receive a report and presentation and provide input to staff related to construction and demolition debris (C&D) program options.
3. Approve Resolution 2023-03 awarding an agreement to MIG, Inc. (MIG) for public education and outreach design services for fiscal year (FY) 23-24.
4. Approve Resolution 2023-04 adopting the FY 2023-2024 budget.

Public Hearings

5. Approve Resolution 2023-05 ratifying the Waste Management of South Bay (WM) contractual disposal proprietary rate adjustment effective July 1, 2023.
6. Approve Resolution 2023-06 ratifying the West Valley Collection & Recycling (WVC&R) contractual collection rate adjustment effective July 1, 2023.

Consent Calendar

7. Approve Resolution 2023-07 adopting the amended Conflict of Interest Code.
8. Approve Resolution 2023-08 authorizing the Authority Executive Director to sign a Memorandum of Understanding (MOU) for FY 23-24 Edible Food Recovery Program Services.

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.

9. Approve Board Meeting schedule for FY 23-24.
10. Receive a report on recent regulatory changes and program updates.
11. Approve minutes of February 2, 2023 Board Meeting.
12. Receive and file the Executive Director Year-to-date Financial Report for the nine months ending March 31, 2023.
13. Receive and file a report on the West Valley Solid Waste Management Authority's FY 21-22 Audited Financial Statements.

Executive Director Report

Future Agenda Items

Board Member Reports

Adjournment

Next Regular Meeting: September 7, 2023, 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.

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 2
Meeting Date: May 4, 2023

Date: May 4, 2023

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: Construction and Demolition Debris Program Options

Recommended Action

Receive a report and presentation and provide input to staff related to construction and demolition debris (C&D) program options.

Discussion

Background

The West Valley Solid Waste Management Authority's (Authority) has an agreement with West Valley Collection and Recycling, LLC (WVC&R) for the collection of solid waste, recyclable materials, and organic materials, and processing of recyclable materials and organic materials. The current franchise agreement, expiring February 28, 2024, includes exclusive franchised hauling of C&D materials.

At the December 5, 2023 Board Meeting, the Board removed C&D collection from the exclusive scope of the franchise agreement that will start on March 1, 2024. The Board directed staff to review the C&D program and determine a process for managing C&D materials in an effective way that allows for competition, improved service, compliance with SB 1383, and more accurate reporting.

Policies for Board Direction

The Executive Director has prepared a presentation and will present the following policy issues for the Authority Board to discuss and provide direction on:

- Management of the Waste Management Plans – Staff recommends that each member agency continue to manage the building permit and waste management plan process and the Authority's role would be limited to supporting the member agencies with education about C&D recycling.
- Approved Haulers – Staff recommends that the Authority take the lead role in approving and regulating haulers to provide C&D collection throughout the service area. This simplifies requirements on builders/permittees and provides risk management to the Authority and Member Agencies.
- Certified Processing Facilities – Staff recommends that the Authority take the lead role in establishing and maintaining a certified processing facility regulatory system throughout the service area. This simplifies requirements on builders/permittees and monitors performance of facilities.

Documents Attached

None

Fiscal Impact

None

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 3
Meeting Date: May 4, 2023

Date: May 4, 2023

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: Initial Branding and Ongoing Graphic Design

Recommended Action

Approve Resolution 2023-03 awarding an agreement to MIG, Inc. (MIG) for public education and outreach design services for fiscal year (FY) 23-24.

Discussion

Background

The West Valley Solid Waste Management Authority (Authority) has an agreement with West Valley Collection and Recycling (WVC&R) for the collection of solid waste, recyclable materials, and organic materials in the City of Campbell, City of Monte Sereno, City of Saratoga, and Town of Los Gatos. On December 5, 2022, the Board approved a new Franchise Agreement commencing March 1, 2024, that includes initial start-up and annual funding to assist with Public Education and Outreach to develop comprehensive marketing campaigns and outreach tools to be used to educate residents and businesses in the community. The initial start-up funding of \$100,000 includes initial branding, website development, and graphic design material templates in print and web-based formats. Annual funding thereafter of \$235,000 includes ongoing graphic design materials in print and web-based formats and printing and mailing costs associated with delivering materials to residents and businesses. All funding, both initial start-up and annual thereafter, is funded through the Franchise Agreement and staff is not anticipating using any Authority general funds for this purpose.

Staff determined, in an abundance of transparency, the appropriate action would be to release a Request for Proposal (RFP) through a competitive procurement process, approved by the Board. While this was not a required step, as WVC&R could have contracted directly for these services, this allows for a vendor to be chosen that can assist with current needs, as well as any future needs the Authority may have. An Evaluation Subcommittee was formed to design the RFP, evaluate the proposals, and recommend a service provider. This subcommittee is comprised of representatives of Authority, Member Agency staff, and WVC&R staff, and will continue to be a joint effort when evaluating project development. The Subcommittee will work with the chosen vendor to implement the scope of work described below.

On March 7, 2023, the Authority released an RFP for Initial Branding and Ongoing Graphic Design. The RFP was posted through the California Resource Recovery Association (CRRRA) bid board, Santa Clara County TAC News, the Authority's website, and circulated to firms recommended by solid waste and recycling professionals at other public agencies. Four proposals were received on March 31, 2023, in response to the RFP:

- Admanor
- Gravity Switch
- MIG
- Design in Mind

The Subcommittee reviewed and clarified these proposals to their satisfaction. The Subcommittee established a shortlist for interviewing and conducted interviews with the top three firms.

Scope of Work

The scope of work presented in the RFP for Initial Branding and Ongoing Graphic Design was presented in the RFP to support the need for initial branding, website design and graphic design of materials in both print and web-based formats. The primary goals/objectives to be achieved by the branding initiative include, but are not limited to:

- **Logo.** Logo design is complementary to creating a brand and the Authority has never had one.
- **Website.** Website redesign and merging of WVC&R's and Authority's current websites will allow for cohesive messaging with a clearer communication path for customers.
- **Signage.** Truck and enclosure signage assists with educational messaging platforms.
- **Print.** Brochures, posters, fliers, container stickers, service guides, door hangers and postcards are print collateral used as outreach tools to assist with public education.
- **Digital.** Digital graphic content/visualizations are required to develop attention grabbing content in web-based forums.
- **Advertising.** Digital and print campaign development is necessary when communicating important messaging.
- **Newsletter Templates.** Newsletters are a staple item to communicate news, designed with flexibility for continued use by Authority.
- **Other projects as needed.**

Cost Proposals

The Authority intends to enter into a contract with the selected vendor for the total amount of the contractual budget for public education and outreach for the start-up and rate year 1 amounts (\$335,000). The cost of the initial scope proposed by each agency is presented here. The lower the cost of the initial scope items, the more resources remain for printing, postage, distribution, and additional education campaigns beyond the initial scope. Cost comparisons for the top three proposals reflecting proposed costs associated with the scope of work issued within the RFP are presented in Figure 1 below.

Figure 1. Initial Start-Up Cost Proposal

Cost Category	Gravity Switch	MIG	Design in Mind
Hourly Rates	\$150.00	\$95.00 - \$265.00	n.a.
Research and Discovery	\$5,400	\$5,665	\$4,000
Branding Development	n.a.	\$12,530	\$28,000
Marketing Materials	\$21,600	\$13,195	\$46,000
Website Development	\$21,400	\$41,160	\$83,000
Project Management	n.a.	\$17,385	\$18,000
Total Initial Start-Up	\$48,400	\$89,935	\$179,000

MIG's proposal included estimated direct costs for printing and/or cost of campaign implementation (i.e., advertisement space, social media buys). MIG also included an optional branding campaign to roll out the new branding which includes campaign strategy, concepts, and reporting. In order to review like for like services, the Evaluation Subcommittee removed those two items from their cost proposal, which placed MIG's total initial start-up for year one at \$89,935. The costs for these optional services are presented in Figure 2 below.

Figure 2. Additional MIG Costs

Cost Category	MIG
Direct Costs	\$50,000
Brand Campaign	\$15,475

Recommended Action

In April 2023, the Evaluation Committee met to review the proposals and to make a recommendation to the Board for the selection of a contractor.

The Evaluation Committee finds the proposal from MIG offers the Authority the best overall value among the proposers for the received and recommends that the Board award the Agreement to MIG. The following summarizes the key value differences that form the basis for the recommendation.

- **Work Quality.** MIG provided sample work examples that delivered high quality work. During their interview with the Evaluation Subcommittee, they presented a vast understanding of graphic design and marketing. In fact, their proposal included an option to conduct a branding campaign to better market the work being done by the Authority and WVC&R. Although, at this time a branding campaign is not within our initial startup scope of work and costs associated with this option was removed from the overall cost proposal (referenced above), presenting additional options conveyed their interest and excitement in providing full-service design and marketing.
- **Experience.** MIG showcased the highest level of experience working with municipalities, with an emphasis in the solid waste industry. Their example works and associated references were projects with a similar scope of work for solid waste authorities throughout the region.
- **Cost of Service.** The proposal from MIG resulted in a comprehensive quote with the most transparency of the proposals. The cost proposal was broken down by hourly rate based on the individual working on the project. This is helpful when monitoring budgets. In addition, once the direct

costs of printing and branding campaign costs were removed from the total budget, MIG was below the initial startup budget.

- **Locality.** MIG is a California based company with understanding of the industry as it has evolved. The benefits of working with a vendor that is local include knowledge of California State solid waste initiatives, ease of scheduling, potential for in person meetings when needed, and general support of California businesses.

The Evaluation Committee recommends the Board Chair to execute an agreement with MIG for an amount not to exceed \$335,000 for design and any potential printing or mailing, should MIG be used for printing and/or mailing services. If the Authority chooses to use an alternative contractor for printing and/or mailing services of education and outreach materials, MIG design costs and printing and mailing costs will not exceed \$335,000 in FY 23-24. This is determined by the Authority budget for FY 23-24 and WVC&R's start-up and Year 1 education and outreach costs in the new franchise agreement. WVC&R's new franchise agreement includes \$100,000 for initial start-up and \$235,00 for Year 1 of education and outreach funding.

Documents Attached

Resolution 2023-03 Resolution of the Board of Directors of the West Valley Solid Waste Management Authority Approving the Agreement with MIG, Inc. for Initial Branding and Ongoing Graphic Design Services and Authorizing the Chairperson to Execute the Agreement

Fiscal Impact

The cost for public education and outreach design services will be funded through the Education and Outreach line item in the FY 23-24 budget.

RESOLUTION NO. 2023-03

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE
MANAGEMENT AUTHORITY APPROVING THE AGREEMENT WITH MIG, INC. FOR INITIAL
REBRANDING AND ONGOING GRAPHIC DESIGN SERVICES AND AUTHORIZING THE
CHAIRPERSON TO EXECUTE THE AGREEMENT**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY that the document entitled "West Valley Solid Waste Management Authority Agreement Initial Rebranding and Ongoing Graphic Design Services", a copy of which is attached hereto and incorporated herein by reference, is hereby approved and the Chairperson of the Board is hereby authorized to execute such agreement.

This resolution was passed and adopted by the Board of Directors of the West Valley Solid Waste Management Authority at a regularly scheduled meeting on the 4th day of May 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved: _____
Bryan Mekechuk, Chairperson

Attest: _____
Rob Hilton, Executive Director

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGREEMENT INITIAL REBRANDING AND ONGOING GRAPHIC DESIGN SERVICES

THIS AGREEMENT is dated this _____ and is made by and between the WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY, a California joint powers authority, ("Authority") and MIG, Inc., a legal corporation, ("Consultant").

Section 1. Recitals

- 1.1 The Authority desires to engage Consultant to provide initial branding and ongoing graphic design services to the Authority.
- 1.2 The Consultant represents and affirms that it is qualified and willing to perform the desired work pursuant to this Agreement.

Section 2. Agreement

- 2.1 Scope of Services. Consultant shall provide services as described in Consultant's Proposal sent to the Authority on {Insert Date}, which is hereby incorporated by reference and attached as Exhibit {Insert Exhibit Page Number}.
- 2.2 Time of Performance. Consultant shall perform the services described in this agreement in accordance with the Proposal and as directed by the Authority.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state, and local laws. Consultant represents and warrants to Authority that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement. Rob Hilton shall act as the Executive Director for the Authority.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Authority and all reports and supportive data prepared by the Consultant under this Agreement are the Authority's property and shall be delivered to the Authority upon the completion of Consultant's services or at the Authority's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Authority to the public, and the Consultant shall not make any of these documents or information available to any individual or organization not employed by the Consultant or the Authority without the written consent of the Authority before such release. The Authority acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Authority's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Authority's risk, unless Consultant expressly consents to such use in writing. Authority further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

- 2.6 Compensation. Compensation for Consultant's professional services shall be paid on a time and material basis in accordance with the Compensation Schedule attached hereto as Exhibit {Insert Exhibit Number}. Payment shall be based upon Authority approval of each task. Compensation for the approved scope of work for branding and initial graphic design will be paid by WVCR. Any additional work performed outside of the approved scope of work will be paid by the Authority.
- 2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents, or other pertinent materials shall be submitted for Authority review, even if only in partial or draft form. Additional Consultant billing information is provided in the Exhibit.
- 2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three (3) years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Authority at the Consultant's offices during business hours upon written request of the Authority.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Authority.
- 2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Authority. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Authority employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.
- 2.11 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

Section 3. Insurance and Indemnification

3.1 Minimum Scope of Insurance:

- A. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

- B. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- C. Consultant shall provide to the Authority all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Authority before work commences.
- D. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

3.2 General Liability:

- A. The Authority, its officers, officials, employees, and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- B. The Consultant's insurance coverage shall be primary insurance as respects the Authority, its officers, officials, employees, and volunteers. Any insurance or self-insurances maintained by the Authority, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- C. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Authority, its officers, officials, employees, or volunteers.
- D. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.3 All Coverages. Each insurance policy required in this item shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice has been given to the Authority by Consultant.

3.4 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Authority before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

3.5 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Authority its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, agents, or subconsultants.

Section 4. General Terms

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Authority and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Authority all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Authority shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Authority bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Authority and the Consultant.
- 4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

If to Authority:

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY
Attn: Rob Hilton, Executive Director
590 Ygnacio Valley Road, Suite 105
Walnut Creek, CA 94596

If to Consultant:

MIG, INC.
Attn: Deanna Chow Trotter, Principal-in-Charge
800 Hearst Ave
Berkeley, CA 94710

or personally delivered to Consultant or Authority to such address or such other address as Consultant or Authority designates in writing.

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this

Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Authority and Consultant. No terms, conditions, understandings, or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the parties to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Authority and Consultant have executed this Agreement.

West Valley Solid Waste
Management Authority:

MIG, Inc:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

Exhibit:

Consultant Proposal

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MIG, Inc.
800 Hearst Ave
Berkeley, CA 94710
510-845-7549
www.migcom.com
Deanna Chow Trotter

March 31, 2023



West Valley Solid Waste
Management Authority

Proposal for Initial Branding and Ongoing Graphic Design



March 31, 2023

800 Hearst Ave.
Berkeley, CA 94710
(510) 845-7549
www.migcom.com

CALIFORNIA

BERKELEY, FULLERTON,
LOS ANGELES, PASADENA,
RIVERSIDE, SACRAMENTO,
SAN DIEGO, SAN JOSE,
AND SONOMA

COLORADO

DENVER

NEW YORK

BROOKLYN

OREGON

PORTLAND

TEXAS

SAN ANTONIO

WASHINGTON

SEATTLE

Sara Parral

West Valley Solid Waste Management Authority

Submitted via email: wvswma@hfh-consultants.com

Re: Proposal for Initial Branding and Ongoing Graphic Design

Dear Sara Parral and Selection Committee Members:

On behalf of MIG, Inc., I am pleased to offer this proposal to provide brand strategy, strategic communications, and creative services in support of the West Valley Solid Waste Management Authority's rebranding and outreach efforts.

MIG is renowned for building strong partnerships with local agencies in support of resource conservation and waste management initiatives, collaborating on successful branding and social marketing campaigns for programs that have a positive impact on Bay Area communities. We are excited to bring that collaborative spirit to WVSWMA and apply the knowledge and experience gained from projects we have developed with clients throughout California and the nation.

With our innovative communications strategies, cutting-edge design, and careful thought to audience needs, MIG is well suited to be WVSWMA's creative partner. Our approach combines strategy and style, creating eye-catching campaigns that are based on a solid foundation of research and clear insights on target audiences.

Through diligent planning, elegant design, thoughtful implementation (and a touch of humor), we can help WVSWMA achieve its program goals.

MIG brings decades of subject matter expertise from a variety of fields—with specific knowledge of recycling and resource conservation. We are also attuned to broader community goals and values, including essential principles of equity that seek to ensure all communities are healthy and strong.

We will use our strengths to help you establish a compelling and recognizable brand identity and increase awareness of the services that WVSWMA provides—supporting campaigns to instill new social norms and ultimately achieve higher environmental goals.

I am authorized to contractually bind our firm and receive any correspondence during the selection process. This proposal is valid for six months after receipt. Please feel free to reach me at (510) 845-7549 ext. 1080 or by email at dchowtrotter@migcom.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Chow Trotter".

Deanna Chow Trotter
Principal-in-Charge

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Executive Summary

MIG, Inc. is a multi-disciplinary communications, planning, design, and technology firm primarily serving public agency clients. Our depth of knowledge and breadth of experience in branding, graphic design, and web development make us supremely qualified to help the Authority create a robust and recognizable identity.

In this proposal we describe our capabilities and outline the process we feel will best achieve the goals of this project. As we explain in detail in the Qualifications section, we believe that the primary tasks for the project can be divided into three phases:

- **Phase One:** Branding, Brand Assets, and Web Portal
- **Phase Two:** Initial Awareness Campaign
- **Phase Three:** Ongoing Work

Phase One lasts for approximately nine months and comprises all tasks associated with the brand identity and website design and development, including a new logo, branded assets and templates, and an integrated West Valley Recycles website.

Once Phase One is complete, Phase Two will implement a campaign to announce the new brand and website to customers. This phase can be completed in approximately six months.

We are confident that Phase One and Phase Two can be completed within a year of the initial contract. Our budget covers the first year of the contract and provides specific staff hours and costs for each subtask in Phases One and Two.

Phase Three includes ongoing tasks that will be determined in consultation with WVSWMMA staff as we gain insight into the specific opportunities and challenges facing the Authority. For that reason, providing specific staff hours and costs is difficult at this time. However, we have provided some general ideas (and associated costs) for a variety of communications tasks that have proven effective for other clients.

Based on our experience, we recommend the following ongoing tasks for Phase Three:

- Quarterly newsletter and e-news design, development, and distribution
- Social media content support
- Website content management and maintenance
- Targeted social marketing campaigns (1-2 per year)

Firm Introduction

About MIG

For 40 years, MIG has produced compelling and effective branding, social marketing, and strategic communications campaigns for public agencies across multiple sectors, including energy, energy efficiency, transportation, water supply and conservation, health and safety, and resource conservation.

MIG's in-house, full-service creative agency provides branding, marketing, and communications strategies, graphic design, website design, multimedia services and media relations to increase awareness and build support for programs and initiatives that advance the public good. We have developed hundreds of communications and outreach campaigns for public agencies throughout California—including StopWaste, RecycleSmart (Central Contra Costa Solid Waste Authority), Metropolitan Transportation Commission, San Francisco Municipal Transit Agency, San Diego County Stormwater, and myriad others.

Successful marketing and communications campaigns require messaging that resonates and inspires. Using clear, concise language and compelling imagery, we make the complex understandable and the aspirational tangible. Our project managers, communications strategists, social marketers, writers, and art directors collaborate to create campaigns that promote, educate, and inform.

We deliver sophisticated and compelling design, with a passion for clarity and a commitment to innovation.

Our Services

Branding

MIG has extensive experience developing effective brands for public agencies and resource conservation initiatives throughout California and beyond. We have applied our branding expertise for both new programs and supplemental add-ons to existing brands.

We work closely with clients throughout the brand development process to make sure that the identities we create are in line with the client mission and convey programs and services accurately and compellingly. Our branding process begins with in-depth discussions with staff and key stakeholders to get a firm understanding of the program's goals and objectives, as well as the tone and style that the agency wishes to project.

Our graphic designers carefully consider these factors along with any additional market research and experience with target audience groups (with expertise in non-English speaking communities) to create brand concepts that resonate with diverse audience segments.

Our branding and identity campaigns have received numerous awards, including the Communicator Gold Award, the MarCom Gold Award, and the IABC Gold Quill Award.

Web Design and Development

MIG's web technology group is an award-winning, full-service digital services agency. The MIG Team has worked with hundreds of public agencies and possess the following qualifications:

- **Award-winning design.** Our web designers have a passion for innovation design and effective communication.
- **State-of-the-art web technology, tools, and services.** MIG has produced hundreds of web design and development projects, as well as provided web hosting and support for scores of public agencies. This experience gives the MIG Team unique insight into how to create and build web solutions that are highly reliable, secure, and cost-effective.
- **A “turnkey” web solution.** Our enterprise-class cloud infrastructure supports Software as a Service (SaaS) platform solutions, enabling us to provide modern database-driven web application development and highly customized portal solutions. Our experience providing a full-service solution—from specification to development, to ongoing support and enhancement—uniquely qualifies us to provide client-driven, innovative, flexible, and customized solutions.
- **Digital strategies and products for public agencies.** We understand the dynamics of communications, social marketing, and human behavior and are adept at melding this understanding with state-of-the-art data-driven UI/UX analysis resulting in elegant, streamlined, and highly accessible information architecture and UI/UX design.

- **A proven ability to communicate, distill, and adapt information for the web.** Our team brings exceptional communication and creative strategists together with designers and engineers to ensure our clients' websites are easy to navigate, engaging, highly functional, and built to be efficiently maintained and updated by agency staff.

Campaign Strategy and Implementation

MIG has proven expertise in implementing public education, outreach, and participation programs associated with resource conservation, and deep experience with community-based social marketing, behavior change, and environmental psychology. Our full-service strategic communications and creative teams combine their expertise in brand strategy, communications planning, and community engagement with in-depth knowledge of critical issues related to reuse, recycling, waste reduction, and resource conservation that many public agencies are facing.

Firm Information

Established in 1982, MIG currently has over 200 staff working in offices across the nation, including our headquarters in Berkeley, California, as well as San José, Los Angeles, Pasadena, San Diego, Sacramento, Portland, Seattle, Denver, San Antonio, and New York City.

Qualifications

Project Understanding

With over 25 years' experience developing branding, strategic communications, social marketing, and web development for public agencies, MIG is uniquely qualified to help WVSWMMA successfully navigate the complexities of an institutional rebrand and a comprehensive website redesign. Our expertise working on projects of similar scale has proven the importance of diligent planning to ensure streamlined delivery of project deliverables and implementation of the brand.

The West Valley Solid Waste Management Authority, together with West Valley Collection & Recycling, LLC, provides essential recycling, green waste, and garbage collection for single-family, multi-family, and commercial customers in Campbell, Los Gatos, Monte Sereno, and Saratoga.

While the Authority and WVC&R collaborate on public communications (primarily through the “West Valley Recycles” website), there is little brand cohesion in current materials or across the disparate web portals. Therefore, the Authority seeks to develop a unified identity that will convey the full services of West Valley Recycles through clear and compelling communications—print collateral, digital advertising, and an integrated website that provides a more positive user experience.

The refreshed brand should communicate the vision, mission, and values of West Valley Recycles to a diverse audience. Information should be expressed in a clear, concise, and compelling way—using simple language and graphics—through print collateral, online publications, and campaigns.

All materials should adhere to a consistent style guide to maintain a uniform look and feel that establishes uniformity and makes the brand recognizable. At the same time, the brand should provide a level of flexibility that allows for growth as the Authority and the industry evolve to meet new needs.

Approach

To achieve West Valley Recycles Authority's broad communications goals, we recommend dividing the project into the following key phases:

Phase One: Rebranding and Website Redesign

During Phase One, MIG will establish a visual identity for WVR and implement the new brand across a variety of collateral, and complete the design and development of a revised WVR web portal that makes information easier to access.

Phase Two: Campaign Planning and Implementation

Once the WVR brand has been finalized and the revised web portal is ready to launch, MIG will coordinate a campaign to formally announce the new identity and website to customers. Phase Two of the project includes the initial planning and implementation of this campaign.

Phase Three: Ongoing Customer Outreach

In collaboration with the Authority, MIG will assist with to-be-determined communications and outreach for WVR—for instance, developing quarterly newsletter content, social media, and web features. Working with the Authority, MIG will also identify opportunities for targeted campaigns based on particular topics (e.g., food waste, etc.).

Relevant Work

The pages that follow showcase some of our relevant project work for other recycling, waste management, and energy and resource conservation agencies.

RecycleSmart Branding and Recycling Education

Central Contra Costa County, California



Single-family households in Central Contra Costa County were recycling, but more instruction was needed to decrease contamination in single-stream recycling carts. And both single-family and multi-family residents need encouragement to recycle their food scraps and landscaping leftovers in order to reach California targets, even as policies and programs evolve.

RecycleSmart hired MIG to create a bold, visually forward website, quarterly newsletters and topical educational mailers that instantly convey how its services make recycling easy. Videos on the home page model desired behavior, “How It Works” infographics demystify the recycling process, and a

Kid’s Corner column offers engrossing articles like “Be a Compost Sleuth!” Inspiring information (an aluminum can has probably been recycled 100 times, and can continue to be recycled infinitely) leads to “aha” moments that can affect behavior.

As a result, with MIG’s support, the RecycleSmart service area is one of the best-educated in the region. Residents are achieving a 61%—and rising!—landfill diversion rate. In addition, several accolades have been bestowed on this work: The website won a 2016 Davey Award; the newsletter has won awards in 2017 and 2018 from CAPIO, the Association of Marketing and Communications Professionals and the Academy of Interactive and Visual Design.

Tri-County Regional Energy Network (3C-REN) Branding and Marketing

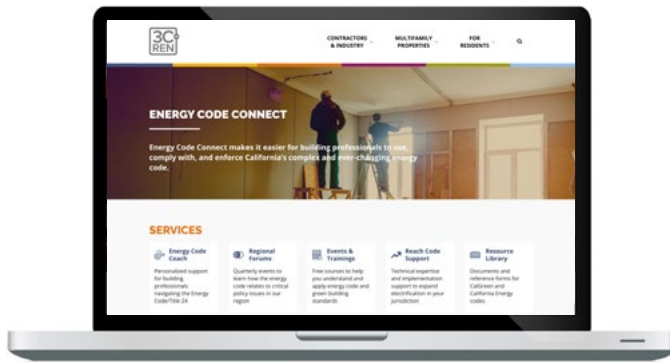
San Luis Obispo, Santa Barbara and Ventura Counties, California



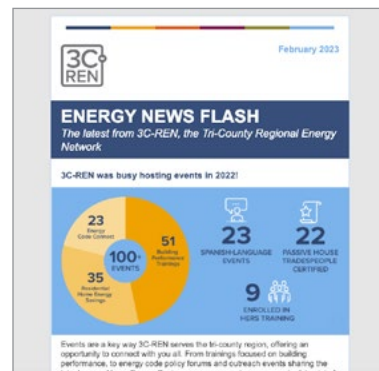
Branding



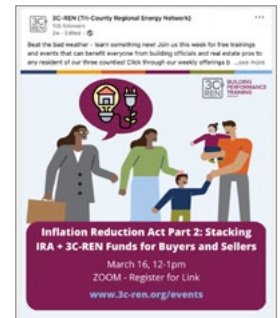
Flyers



Website (3c-ren.org)



Quarterly Eblast



Social Media Identity

3C-REN, the Tri-County Regional Energy Network, is a partnership formed among three California counties—San Luis Obispo, Santa Barbara, and Ventura—to meet State climate change goals through a range of energy programs. 3C-REN designs and implements direct-install energy efficiency measures for low-income residential customers, provides workforce training in building performance measures, and offers up-to-date information about changes to state energy codes and standards.

3C-REN hired MIG to develop an overarching brand for the organization, along with specific sub-brands for each of the three prominent programs that 3C-REN manages.

MIG created a visual identity with a logo, color palette, and graphical elements that reflect the diverse audiences, cultures, and geographies

throughout the Tri-County region. We also developed simpler names for 3C-REN's three public-facing programs: Home Energy Savings, Building Performance Training, and Energy Code Connect. The individual programs are differentiated by color, reinforcing their connection to each other and their place in the 3C-REN family.

On approval of the brand, MIG produced brand guidelines to ensure appropriate usage of the brand elements by 3C-REN as well as third party implementers and program partners. In addition, MIG created a program website (3c-ren.org) and a “jumpstart” marketing strategy to help 3C-REN effectively launch its programs to the public. Four years later, the brand is stronger than ever, with an evolving website, quarterly e-newsletter, and full suite of marketing materials.

San José Clean Energy Branding and Marketing

San José, California

SAN JOSE
CLEAN ENERGY



Website (sanjosecleanenergy.org)



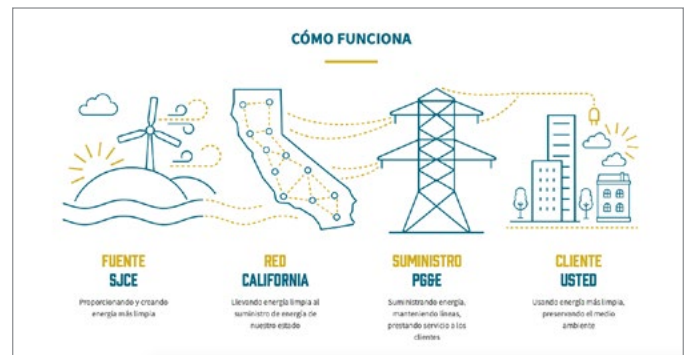
Brochure



Pull Up Banner



Train Wrap



Illustrations



Video (vimeo.com/showcase/8684381)

MIG was tasked with developing a compelling brand for the new clean energy provider in San José, and creating communications and outreach collateral to ensure that residential and commercial customers were informed and on-board with the new service at launch time.

The simple yet bold visual identity conveys the forward-thinking nature of the new service while honoring the City's tradition. The MIG Team also designed a visually-stimulating web portal to increase awareness and build anticipation prior to launch. Supplemental print collateral and out-of-home advertising increased the reach of our messaging.

The community responded positively to the new City department and its clean energy program. Press coverage was overwhelmingly positive. Service to Notices were mailed Citywide to announce San José Clean Energy's April 2019 residential and commercial service launch.

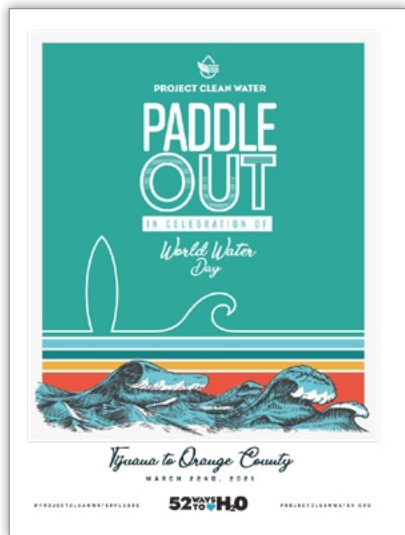
As of April 2020, San José Clean Energy provides electricity for more than 328,000 residential and business customers, with a stellar participation rate of 98.2%.

Project Clean Water Branding and Marketing

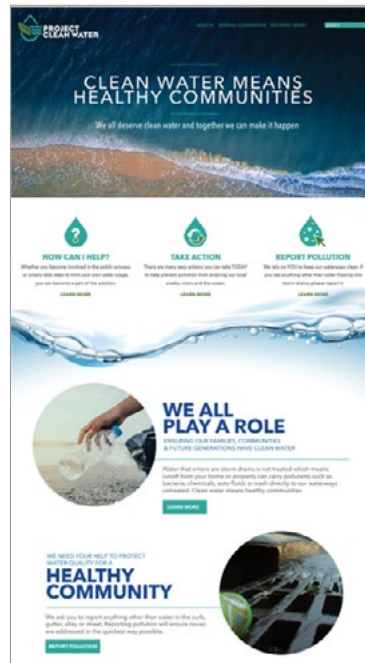
San Diego County, California



Branding



Flyer



Website (projectcleanwater.org)



Website (projectcleanwater.org)



Digital Ads

Project Clean Water (PCW) is a collaboration among San Diego County, the Port of San Diego, San Diego County Regional Airport Authority, and dozens of local municipalities (the Co-permittees) to develop consensus solutions for issues impacting the Region's watersheds. A key component of PCW's mission is public education, the organization needed a meaningful and recognizable brand to help establish itself in the public consciousness. PCW hired MIG to develop a compelling brand and visual identity for the organization.

In Fall 2020, MIG facilitated an interactive workshop with Co-permittee representatives to jumpstart the branding process and define PCW's value proposition. Simultaneously, MIG studied the organization's mission, vision, and values, and researched partner agency and organization brands in the region. The

outcome of this engagement and discovery process was a robust brand platform that forms the basis of PCW's public identity.

Using the brand platform as a guide, MIG created a series of logo concepts—and worked collaboratively with the client to arrive at a final logo. The logo is a simple distillation of the essential connection between water quality and broader environmental health—a green leaf juxtaposed with a layered wave pattern placed within a single droplet, representing the power of individual action. The selected font lends a friendly yet sophisticated character to the brand and provides brand consistency when applied to related marketing campaigns and materials, including a website, letterhead, water bottles, and other collateral.

StopWaste Household Hazardous Waste Drop-off Campaign

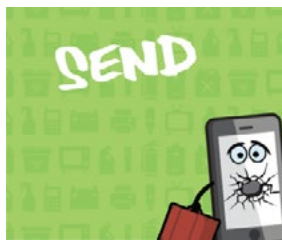
Alameda County, California



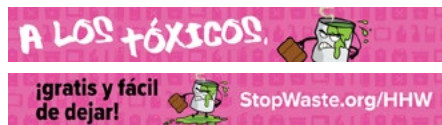
Bus Advertising (English and Spanish)



Social Media Ads (English and Spanish)



Video (vimeo.com/showcase/8684381)



Digital Ads (English and Spanish)



Radio Ad

(vimeo.com/showcase/8684381)

StopWaste, Alameda County's waste reduction and recycling agency, serves a population of 1.6 million people and tens of thousands of businesses. As part of its service, StopWaste manages four hazardous waste drop-off facilities throughout the County. These free facilities accept used paint, expired cleaners, pesticides, e-waste, and other household hazardous waste. During COVID-related shutdowns, use of these sites dropped. StopWaste needed to draw people back to ensure safe disposal of these products, while creating a campaign that would last beyond the COVID moment.

MIG worked with StopWaste to develop a campaign to educate the public on proper disposal of household hazardous materials, as well as promoting its free drop-off facilities. Using a humorous approach, MIG

created an eye-catching cast of characters—from a grumpy paint can to a suspicious weed killer—to teach techniques and get the word out about how to "Send Toxics Packing." Vibrant colors, amusing illustrations, and colorful designs make this motley crew of characters memorable and guide residents to use StopWaste's facilities.

The campaign was implemented in English and Spanish through short videos, online advertisements, web banners, and bus sides. MIG was able to create additional versions to extend the StopWaste creative to audio and video outlets, making the most of the Agency's modest media budget.

The campaign has proven to be evergreen, as hoped, and continues to run in additional outlets throughout the service area.

Project Staffing

MIG has assembled a team with the relevant skills and experience to ensure a successful project—each member has worked closely on branding and graphic design projects for recycling and resource conservation agencies.

Deanna Chow Trotter

Principal-in-Charge

As Principal-in-Charge, Deanna will oversee this project to ensure client objectives and communications goals are achieved and quality work is delivered. With her expertise and experience in brand development and marketing strategy, she will provide consultation throughout the project.

Deanna is a highly accomplished marketing and communications strategist whose versatility and expertise are applied to branding and communications projects for public, private, and nonprofit organizations nationally. Deanna helps clients define their marketing and communication needs, develops strategic recommendations, and guides them in selecting the best media and distribution channels for the greatest reach and impact.

Education:

- MBA, Santa Clara University
- BA, Architecture, University of California, Berkeley

Relevant Experience:

- RecycleSmart Clean Recycling Education and Digital Marketing
- 3C-REN Brand Development and Strategic Marketing
- Clipper on Your Phone Launch Marketing
- San Francisco Municipal Transportation Agency (SFMTA) Muni Marketing
- Vision Zero San Francisco Strategic Communications

Rebecca Graham

Project Manager

As Project Manager for the WVSWMA contract, Rebecca will be the primary point of contact, coordinating efforts among the internal MIG Team, WVSWMA's Project Manager and the agency's project team. She will provide hands-on project management to ensure project goals are achieved, on-time, and on-budget.

Rebecca provides comprehensive communications support for public agencies across all channels—including web, out-of-home advertising, earned media, digital marketing, social media, and in-person outreach. For MIG she successfully manages projects for a wide range of public sector programs and initiatives, including infrastructure projects, energy and resource conservation initiatives, and social marketing campaigns. Rebecca is a passionate advocate for zero waste and will teach you how to mend your jeans or eliminate plastic from your bathroom.

Education:

- BA, Environmental Studies, University of Oregon

Relevant Experience:

- RecycleSmart Clean Recycling Education and Digital Marketing
- 3C-REN Brand Development and Strategic Marketing
- StopWaste Household Hazardous Waste Drop-off and Marketing
- Vision Zero San Francisco Strategic Communications

Tim Carroll

Communications Strategist

Tim will serve as communications strategist for the contract, providing research support, marketing strategy, and content development for all campaigns.

Tim is a highly accomplished marketing strategist and writer whose talents in communications, content development, and interactive media contribute to a variety of social marketing and public outreach programs. Tim's creativity and collaborative spirit enable him to work closely with each client to develop content and communications tools with the most impact in service of the public good.

Education:

- MFA, Creative Writing, University of Virginia
- BA, English and Art, Rice University

Relevant Experience:

- RecycleSmart Clean Recycling Education and Digital Marketing
- 3C-REN Brand Development and Strategic Marketing
- StopWaste Household Hazardous Waste Drop-off, Brand Development, and Marketing
- San Francisco Municipal Transportation Agency Muni Marketing

Gary Pyskacek

Art Director

As Senior Designer and Art Director, Gary will bring more than 15 years of experience developing high-level concepts that translate into print and digital products, including websites and interactive content. He applies strategic and systems thinking to design user interfaces for products and websites that are both visually appealing and deliver intuitive interaction and functionality.

At MIG, Gary seeks new ways to see and present behavior-change messaging, uniting communities with eye catching artwork. He brings his experience in visual storytelling to numerous MIG projects, with a particular focus on web-based media.

Education:

- BFA, Painting, University of Illinois, Urbana-Champaign

Relevant Experience:

- RecycleSmart Clean Recycling Education and Digital Marketing
- 3C-REN Brand Development, Strategic Marketing, and Website Design
- Port of Oakland Website Redesign
- StopWaste Re:Source Brand Development
- Clipper on Your Phone Launch Marketing
- Vision Zero San Francisco Strategic Communications

Madeleine Salem

Graphic Designer

Madeleine will provide graphic design support and production on design concepts, branded templates, marketing collateral, and creative assets.

Madeleine is an accomplished graphic designer for both print and web products. Passionate about inclusive design, Madeleine applies her education in Psychology to create materials that have impact with all end users. Her broad range of experience includes illustration, document design, and branding and identity development, as well as advertising for print, outdoor, and online media.

Education:

- BA, Design and Psychology, University of California, Davis

Relevant Experience:

- RecycleSmart Clean Recycling Education and Digital Marketing
- 3C-REN Brand Development and Strategic Marketing
- San José Clean Energy Branding and Marketing
- StopWaste Household Hazardous Waste
- Clipper on Your Phone Launch Marketing
- San Francisco Municipal Transportation Agency Muni Marketing
- Vision Zero San Francisco Strategic Communications

Steve Kokotas

Technology Director

Steve brings more than 20 years of experience synthesizing, analyzing and communicating information and overseeing the development of innovative websites, applications and services for public agencies.

As the director of the MIG web team, Steve has overseen the development of, and ongoing support for, a wide range of web-based information services for government agencies, including database-driven web applications, robust content management systems and mission critical public agency data warehouses, as well as interactive educational games, web animations and data visualizations. The hallmarks of Steve's public-serving professional career are strategic thinking, facilitative leadership and innovation.

Education:

- Master of Urban Planning and Policy, University of Illinois, Chicago
- BA with High Honors, Social Sciences, University of California, Berkeley

Relevant Experience:

- RecycleSmart Website Redesign and Development
- Port of Oakland Website Redesign
- 3C-REN Website Design and Development
- Vision Zero San Francisco Strategic Communications

Ray Bullard

Front End Web Developer

Ray Bullard is a front-end developer with over 15 years of experience in the web development and graphic design field. He serves as the front-end developer for many of MIG's web design and development projects. He leads QA testing and provides client training and support.

Ray has extensive website development experience, spanning multiple content management platforms, such as Wordpress, Drupal and Joomla. To maintain a high degree of project efficiency, he stays up to date with his knowledge of best website practices and standards in order to apply them to our web projects.

Ray also provides project management for the MIG web development team. He coordinates project schedules and maintains direct client contact to ensure that MIG's website projects are delivered on time to client satisfaction.

Education:

- BEVD (Environmental Design), University of Colorado, Boulder

Relevant Experience:

- RecycleSmart Website Redesign and Development
- Port of Oakland Website Redesign
- 3C-REN Website Design and Development
- Vision Zero San Francisco Strategic Communications

Dave Banks

Software Engineer

For over 13 years, Dave has served as the lead software engineer on scores of projects for public agencies. His primary areas of expertise include customizing CMS solutions with easy to administer web-based data management and specialized publishing workflow and integrating CMS solutions with external data management or third party application services.

Dave has a deep and broad background in software development, engineering and computational sciences. His primary software development skills are PHP and PostgreSQL/MySQL on an Apache/Linux platform (LAMP). His experience with related technologies include CakePHP framework, Drupal, JavaScript/AJAX using the JQuery and Prototype frameworks, Google Maps, RSS, XML, XHTML, CSS and WAI conforming accessible web design.

Overall Dave's skills range from system administration to algorithm research and software development. His software development work prior to MIG includes programming with Perl, C/C++, FORTRAN and Java.

Education:

- Master of Science, Mechanical Engineering
University of California, Davis
- BS with Honors, Aeronautical Science and Engineering, University of California, Davis

Relevant Experience:

- RecycleSmart Website Redesign and Development
- Port of Oakland Website Redesign
- 3C-REN Website Design and Development

Geena Stellato

Project Associate

Geena will provide general project management support, as well as research and write content for West Valley social media platforms. Geena plays an active role developing content and managing and responding to reader comments for several client social media accounts. With a background in journalism and corporate communications, Geena is a highly skilled writer and is eager to apply her literary prowess to this project.

Education:

BA, Journalism, San Francisco State University

Relevant Experience:

- RecycleSmart Clean Recycling Education and Digital Marketing
- Project Clean Water Branding and Marketing
- Clipper on Your Phone Launch Marketing

References

Reference #1: RecycleSmart

Short Description of the Project: Website Development; Recycling Education including Interactive Game Development, Newsletter and Seasonal Mailer Editorial Design and Production, Social Media Content Development

Name of the Client: RecycleSmart (Central Contra Costa Solid Waste Authority)

Contact Information for the Client, including email and phone number:

Janna McKay
Executive Assistant/Board Secretary
janna@recyclesmart.org
925-906-1801, ext. 101

Short statement describing budget adherence:
This project continues to be delivered according to scope and budget with annual renewals.

Short statement describing schedule adherence:
Seasonal newsletters and supporting recycling education materials are delivered according to schedules agreed upon with client.

Reference #2: 3C-REN

Short Description of the Project: Brand Development, Website Development, Organization Launch, Earned Media Strategy and Implementation, Ongoing Programs Marketing and Advertising

Name of the Client: 3C-REN (Tri-County Regional Energy Network)

Contact Information for the Client, including email and phone number:

Alejandra Téllez
Project Management Analyst, Sustainability Programs
alejandra.tellez@ventura.org
805-794-2831

Short statement describing budget adherence:
This project continues to be delivered according to scope and budget with annual renewals.

Short statement describing schedule adherence:
Marketing campaigns and ongoing supporting materials, along associated website update, are delivered according to schedules agreed upon with client.

Reference #3: San José Clean Energy

Short Description of the Project: Brand Development, Website Development, Organization Launch Marketing

Name of the Client: San José Clean Energy

Contact Information for the Client, including email and phone number:

Zachary Struyk
Assistant Director
zachary.struyk@sanjoseca.gov
408-535-4868

Short statement describing budget adherence:
This project was delivered according to scope and budget.

Short statement describing schedule adherence:
Brand assets, website and launch marketing campaign were delivered according to schedules agreed upon with client.

Scope of Work

The following Scope of Work outlines specific tasks associated with Phase One and Phase Two of the project; some general Phase Three tasks are also summarized below, but a detailed Phase Three scope will require additional coordination with WWSWMA staff to confirm objectives.

Ongoing Tasks

Task 1: Project Coordination

MIG provides strong leadership and project management to ensure on-time and within-budget project success. Our project management approach incorporates timely and routine communication and high-quality project deliverables through management best practices.

MIG's Project Manager Rebecca Graham will serve as the main point of contact for the duration of the project, coordinating all tasks and activities.

1.1 Project Initiation Meeting

MIG's project manager and key team members will meet with the WWSWMA project team to confirm project goals and objectives, review the scope of work and timeline, and establish clear lines of communication. Ideally the Project Initiation Meeting will take place in person at WWSWMA offices; however, if necessary, the meeting can take place remotely.

1.2 Project Meetings

MIG will schedule regular conference calls with the client to provide status updates and receive feedback on draft deliverables. These meetings will take place via Zoom conference call. We anticipate weekly calls during Phase One and Phase Two of the project; in Phase Three, meetings may be reduced to bi-weekly or monthly, depending on need.

In addition to the regularly scheduled weekly meetings, MIG will also arrange any additional meetings involving more staff than the core project team—for example, to review logo concepts or website wireframes, etc.

1.3 Ongoing Project Management

MIG's Project Manager will maintain open lines of communication and will respond to client queries within a suitable timeframe (i.e., <24 hours). The Project Manager will manage all internal coordination among MIG staff and third-party vendors, review and approve billing, and handle all project logistics.

MIG will coordinate with WWSWMA to set up a suitable file-sharing system to ensure appropriate version control of all project materials and designs.

Phase One Tasks

Task 2: Project Branding

MIG will develop a compelling visual identity for WVR that conveys its mission and services to customers, stakeholders, and internal staff in a clear and authentic way.

2.1 Research and Discovery

MIG will conduct a thorough review of relevant WWSWMA literature, its website, and other source material, to gain insight into WWSWMA's essential relationship with local communities. We will also solicit feedback from project staff in the form of a Brand Questionnaire to determine goals and aspirations for the new brand identity. Together, these tasks will allow us to develop a compelling and recognizable brand that resonates with internal and external audiences.

Deliverables:

- Internal Brand Questionnaire
- Summary Memo

2.2 Visual Identity Development

Following completion of Task 2.1, MIG will begin the logo design process. We will develop three (3) to four (4) initial logo concepts and taglines for review by WWSWMA. WWSWMA will choose one (1) design direction to take to the revision stage. Initial design concepts will include a graphical logomark, font, color palette, and graphic style.

Once the District has identified the preferred concept, MIG will revise the logo and present it in situ—i.e., within a design mockup of an WWSWMA webpage, and print collateral (e.g., newsletter). These examples can illustrate how the logo might look in varying contexts. It is important to see the logo in context, since viewing in a vacuum often distorts the impact of the logo.

The Authority's Project Manager will be responsible for consolidating stakeholder comments, arbitrating any conflicting views, and providing clear direction to MIG for each round of refinement, not to exceed two (2) rounds from original presentation. (Any additional rounds of refinement beyond the defined limit will prompt an MIG request for funding to cover all time and materials associated with the overage.)

At the final stage of the logo design process, MIG will incorporate feedback on the revised logo and produce a final design for review and approval by WWSWMA's Project Manager. MIG will deliver the final logo as a vector-based art file (Adobe Illustrator) as well as in standard graphical formats (.EPS, .JPEG, .PDF) in full color, and black and white.

Deliverables:

- Four (4) logo concepts—logomark, font, color palette, graphic style
- Logo revisions, Round 1
- Logo revisions, Round 2
- Final logo vector-based file (Adobe Illustrator)
- Final logo image files (.EPS, .JPEG, .PDF)

2.3 Style Guide

Once the logo is finalized and art files delivered to the District, MIG will provide WWSWMA with a Style Guide that provides clear parameters on proper usage of the logo, including size, placement, Pantone colors, font specifications, and relationship with partner logos and brand elements. It will also offer guidance on appropriate use of photography and illustration to use with the logo, and will include a variety of icons to incorporate in newsletter templates and cart stickers, etc.

WWSWMA's Project Manager will have an opportunity to review a draft version of the Style Guide and send any consolidated feedback to MIG.

MIG will review any feedback offered by the Authority and will incorporate necessary changes into the final document. The final Style Guide will be provided as both a PDF and an Adobe InDesign document.

Deliverables:

- Draft Style Guide (PDF)
- Final Style Guide (PDF and Adobe InDesign)

Task 3: Brand Assets

Working with the finalized logo and style guide, MIG will develop a series of branded assets and design templates to implement in outreach materials and across subsequent campaigns.

3.1 Signage

MIG will design branded signage for WWSWMA vehicles and other materials. Some signage (cart stickers, e.g.) may include additional content such as icons and brief text. Exact specifications of signage will be determined in consultation with the client.

Deliverables:

- Truck signs (4)
- Enclosure signs (amount TBD)
- Cart stickers (amount TBD)

3.2 Design Templates—Print

MIG will develop design templates for key print collateral using the approved logo and incorporating the design style established in the Style Guide. The final list of templates will be determined in consultation with WVSWMA staff; however, for the purposes of our cost proposal we assume that the branded templates will include a letterhead, newsletter, poster, door hanger, brochure, and postcard. MIG will present draft versions of each template for review by the Authority and will conduct two (2) rounds of review before providing final template files.

Once all draft templates have been approved, MIG will provide the source files for each individual template in a format that staff can edit to suit their specific communications needs.

Deliverables:

- Letterhead (Word, PDF, and Adobe InDesign)
- Newsletter template (Adobe InDesign)
- Poster template (Adobe InDesign)
- Door hanger template (Adobe InDesign)
- Brochure template (Adobe InDesign)
- Postcard Template (Adobe InDesign)

3.3 Design Templates—Digital

MIG will develop a series of templates for digital assets, including an electronic newsletter, e-blast, web banner, and social media posts. These templates will allow Authority staff to produce online materials for future campaigns. MIG will present draft versions of each template for review by the Authority and can conduct up to two (2) rounds of review before providing final template files.

Once all draft digital templates have been approved, MIG will provide the source files for each individual template in a format that staff can edit to suit their specific communications needs.

Deliverables:

- Electronic newsletter template (HTML)
- E-Blast template (Mailchimp or similar)
- Web Banner (Adobe Photoshop)
- Social Media template (Adobe Photoshop)

Task 4: Web Portal

4.1 Discovery

As the preliminary task in the Web Portal scope, MIG will make a comprehensive audit of the existing WVSWMA and WVC&R websites, identifying challenges and opportunities that will impact the integration of the two sites.

We recommend a meeting with key staff (web managers, program managers, etc.) from both the Authority and West Valley Collection and Recycling to confirm goals and objectives and discuss technological logistics that may arise during the design and development process.

MIG will formalize any technical details for the scope items included in the RFP and any other scope items identified during the discovery and planning phases. A key decision at this time will be whether to continue to use Weebly or switch to Drupal for the CMS platform, and plan for content migration.

Deliverables:

- Coordination meeting with Authority and WVC&R representatives
- Summary of website audit and key recommendations, including content migration plan

4.2 Site Architecture

MIG will develop draft site architecture based on the recommendations outlined in Task 4.1. The site architecture will provide a clear outline of the integrated site's navigational structure and content hierarchy, proposing top and side menus with drop-down content as appropriate.

We will present the draft architecture for review and will make any necessary revisions before finalizing the document in advance of the Visual Design process (Task 4.4).

Deliverables:

- Draft site architecture
- Final site architecture

4.3 Content Development

Concurrent with the Site Architecture, MIG will make recommendations for content revisions, with a primary objective of making content more concise and identifying opportunities for infographics and other visual means of communication in order to make information easier to access and to improve the overall user experience.

We will be mindful of accessibility issues that may impact the implementation of new content, making sure that no critical information is lost to users with visual impairments or other conditions.

The Content Development task will prioritize the site home page and top-level secondary pages. As the project continues, MIG will be on call to provide ongoing editing during Phase Three.

Deliverables:

- Revised content (home page and secondary pages)

4.4 Visual Design

The visual design process will use a rapid and agile design development process. This means that the design work will tackle discrete site elements (e.g., main navigation, major content templates, search, etc.) separately and incrementally. Thus, the design process becomes more transparent and more efficient because issues are discovered and addressed quickly and help inform the design work on the other elements and other sites.

Our design approach includes “wireframes,” or page schematics, that serve as a visual guide of the website’s skeletal framework. The wireframes depict how key aspects of the digital strategy are addressed via the UI/UX design.

Once the wireframes are approved, MIG will bring the UI/UX to life by applying the brand and style guidelines to the wireframes, resulting in a set of high-fidelity design prototypes in Adobe XD.

Deliverables:

- Site wireframes (PDF)
- High-fidelity design prototypes (Adobe XD)

4.5 Site Integration

MIG will configure and develop the consolidated website to meet the functional requirements approved during the Visual Design phase (4.4). MIG will use the approved high-fidelity mockups as design blueprints for the site. Our front-end developers will work with Authority and WVC&R web staff to ensure a seamless transition to the new site, conducting QA/QC on all features and functionality on a test platform.

The site will be built using four responsive breakpoints to ensure it looks and functions equally well on mobile, tablet, desktop, and large monitor displays.

MIG will migrate existing content to the new website following the content migration plan developed during the planning phase. MIG will develop the website to be accessible to persons with disabilities based on the current Web Content Accessibility Guidelines, called WCAG 2.1, which are the most current standards for accessibility compliance.

Deliverables:

- Beta site (QA/QC)
- Accessibility compliance plan
- Final site/content migration

Phase Two Tasks

Task 5: Rebrand Campaign Strategy

Once the rebranding and website redesign process is complete, the Authority can promote the refreshed West Valley Recycles brand to its customers. MIG will help develop a campaign strategy that clearly articulates the new brand and builds interest in the website—creating “buzz” among the public while minimizing confusion when users visit the site.

5.1 Campaign Strategy Brief

MIG will develop a campaign strategy that clearly defines the campaign objectives, identifies audiences, develops message themes, and recommends specific tactics to reach community members. Key tactics will be determined in consultation with the Authority, but will likely include social media, print collateral, and targeted digital advertising.

The brief will include a campaign media plan for targeted outreach through paid media channels (digital, social, etc.). We will also recommend public relations strategies to increase awareness by local press.

Deliverables:

- Campaign strategy brief
- Media buy and public relations plan

5.2 Campaign Concepts

MIG will develop copy and graphic design for campaign collateral that aligns with the Brand Style Guides. We will present two (2) to three (3) variants for the campaign for review by Authority staff and will take the chosen direction through up to two (2) rounds of review.

Deliverables:

- Two (2) to three (3) initial campaign concepts
- Revised concept
- Final concept

5.3 Campaign Implementation

Once the campaign design is approved, MIG will incorporate it across multiple channels—print, digital, etc.—creating ad units for a range of sizes as specified in the plan. MIG will work closely with media buyers and others to coordinate the launch of the campaign, track performance, and make data-informed adjustments as needed.

The deliverables listed represent our best assessment of the materials needed for a campaign; however, the specific collateral may be adjusted according to the needs of the campaign.

Deliverables:

- Print advertising (newspaper, direct mail)
- Digital ads (digital display, paid social media)
- Press release

5.4 Campaign Reporting

At the conclusion of the campaign, MIG will provide a summary report of the campaign performance (reach, engagement, etc.) to gauge its effectiveness. This information will provide valuable data for future campaigns in Phase Three.

Phase Three Tasks

The following tasks will be planned and developed in collaboration with the Authority to meet program and diversion goals. To provide an idea of some items we might consider, we propose the following tasks.

Task 6: Quarterly Newsletters

MIG will collaborate with the Authority to produce and distribute a quarterly newsletter to all rate payers. The newsletter will be available in both print and electronic formats, and it will serve as a social marketing tool to promote key issues such as organic waste, proper sorting of recyclables, HHW disposal, and other topics.

For each issue, MIG will develop a brainstorm list of themes and article ideas for review and approval by the Authority. We will then develop content for the issue (including infographics, photography, and other visual aids). MIG's team will lay out the issue and present it to the Authority for review.

Once approved, MIG will coordinate printing and mailing either through the Authority's existing channels (using a list of billing addresses, for instance) or separately, depending on available budget and resources.

Deliverables:

- Newsletter themes brainstorm (4/year)
- Newsletter draft content (4/year)
- Newsletter design mock-up (4/year)
- Final newsletter: print and digital (4/year)

Task 7: Social Media Management

MIG can also support the Authority in developing content for sustained social media outreach to its customers. The MIG Team will begin by identifying the most appropriate channels, then will create an ongoing series of posts to support the themes of the newsletter along with other initiatives.

MIG will utilize the HeyOrca platform allowing Authority staff review and comment on individual posts before they are scheduled to go live.

Deliverables:

- Initial social media strategy
- Individual social media posts (2-3/week, on average)

Task 8: Website Content Management

As needed, MIG will provide ongoing writing, editing, and graphic design support for the new website. For substantial requests (e.g., multiple pages and/or higher levels of design), MIG will provide an estimated number of hours and budget to complete the task.

MIG's software engineers will also be available to troubleshoot any technical issues or provide assistance/training on the website CMS for Authority staff and/or new hires.

Task 9: Social Marketing Campaign

MIG can allocate a portion of the Phase Three budget to a yearly targeted marketing campaign launched across paid media and public relations channels. Using data provided by the initial launch campaign in Phase Two, we will make strategic use of advertising and media resources to increase the reach of the campaign. Issues addressed in the campaign will be determined in collaboration with Authority staff. The campaign design and implementation will follow the process outlined in Task 5.

Budget

		Deanna Chow Trotter Principal		Rebecca Graham Project Manager		Tim Carroll Communications Strategist		Gary Pyskacek Interaction Designer		Madeleine Salem Graphic Designer		Steve Kokotas Director of Technology		Ray Bullard Front-End Developer		Software Engineer		Project Associate		Production Coordinator		Direct Costs	Task Totals
		Hours @ \$265		Hours @ \$170		Hours @ \$195		Hours @ \$195		Hours @ \$110		Hours @ \$195		Hours @ \$135		Hours @ \$175		Hours @ \$95		Hours @ \$100			
WVSWMA - MIG Tasks (Year One)																							
Task 1: Project Coordination																							
1.1	Project Initiation	1	\$265	4	\$680	2	\$390	2	\$390		\$0		\$0		\$0		\$0		\$0	2	\$200		\$1,925
1.2	Project Meetings	2	\$530	32	\$5,440	4	\$780		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$6,750
1.3	Ongoing Project Management	8	\$2,120	24	\$4,080		\$0		\$0		\$0		\$0		\$0		\$0	18	\$1,710	8	\$800		\$8,710
Task 2: Project Branding																							
2.1	Research and Discovery	1	\$265	8	\$1,360	8	\$1,560	8	\$1,560	4	\$440		\$0		\$0		\$0	4	\$380	1	\$100		\$5,665
2.2	Visual Identity Development	1	\$265	4	\$680		\$0	24	\$4,680	8	\$880		\$0		\$0		\$0		\$0	1	\$100		\$6,605
2.3	Style Guide	1	\$265	4	\$680	4	\$780	12	\$2,340	16	\$1,760		\$0		\$0		\$0		\$0	1	\$100		\$5,925
Task 3: Brand Assets																							
3.1	Signage	1	\$265	4	\$680		\$0	12	\$2,340	4	\$440		\$0		\$0		\$0	6	\$570	4	\$400	\$10,000	\$14,695
2.2	Design Templates – Print	1	\$265	4	\$680		\$0	4	\$780	16	\$1,760		\$0		\$0		\$0	8	\$760	2	\$200		\$4,445
2.3	Design Templates – Digital	1	\$265	4	\$680		\$0	2	\$390	16	\$1,760		\$0		\$0		\$0	8	\$760	2	\$200		\$4,055
Task 4: Web Portal																							
4.1	Discovery		\$0	4	\$680	8	\$1,560	8	\$1,560		\$0	2	\$390		\$0		\$0		\$0		\$0		\$4,190
4.2	Site Architecture		\$0	4	\$680	8	\$1,560	12	\$2,340		\$0		\$0	8	\$1,080	2	\$350		\$0		\$0		\$6,010
4.3	Content Development		\$0	4	\$680	24	\$4,680	4	\$780	4	\$440		\$0	8	\$1,080		\$0		\$0		\$0		\$7,660
4.4	Visual Design		\$0	4	\$680		\$0	32	\$6,240	12	\$1,320		\$0	24	\$3,240	2	\$350		\$0		\$0		\$11,830
4.4	Site Integration		\$0	4	\$680		\$0	8	\$1,560		\$0	2	\$390	24	\$3,240	32	\$5,600		\$0		\$0		\$11,470
Task 5: Rebrand Campaign																							
5.1	Campaign Strategy Brief	1	\$265	6	\$1,020	2	\$390		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$1,675
5.2	Campaign Concepts		\$0	8	\$1,360		\$0	24	\$4,680	4	\$440		\$0		\$0		\$0		\$0		\$0		\$6,480
5.3	Campaign Implementation		\$0	12	\$2,040		\$0	2	\$390	12	\$1,320		\$0		\$0		\$0	16	\$1,520		\$0	\$40,000	\$45,270
5.4	Campaign Reporting		\$0	4	\$680	2	\$390		\$0	2	\$220		\$0		\$0		\$0	8	\$760		\$0		\$2,050
		\$4,770	138	138	\$23,460	62	\$12,090	154	\$30,030	98	\$10,780	4	\$780	64	\$8,640	36	\$6,300	68	\$6,460	21	\$2,100	\$50,000	\$155,410
																			Estimated Project Cost (Year One):			\$155,410	

Phase Three Yearly Budget

The following budget reflects our best estimates for completing associated tasks. Final budgets will be determined in consultation with the Authority based on the needs of the project.

Task	Name	Description	Labor (per year)	Direct Costs
Task 6	Quarterly Newsletters	Develop content, design, and distribute four (4) print and digital newsletters per year.	\$48,000	\$75,000
Task 7	Social Media Management	Establish a social media presence for West Valley Recycles. Create content for WVR social media (average 2-3 posts per week).	\$30,000	
Task 8	Website Content Management	Help develop new content for the WVR web portal. Provide as-needed writing and editing services and create online infographics.	\$34,000	
Task 9	Social Marketing Campaigns	Assist with the development of a targeted public awareness and/or behavior change campaign.	\$32,000	\$10,000
			\$144,000	\$85,000

Project Timeline: Year One

	PHASE ONE								PHASE TWO			
	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
Project Coordination												
Project Branding												
Discovery												
Visual Identity Development												
Style Guide												
Brand Assets												
Signage												
Print Templates												
Digital Templates												
Web Portal												
Discovery												
Site Architecture												
Content Development												
Site Design												
Site Integration												
Campaign Planning and Implementation												
Campaign Strategy												
Content Development												
Campaign Concepts												
Soft Launch												

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No.4
Meeting Date: May 4, 2023

Date: May 4, 2023
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: Fiscal Year 23-24 Budget

Recommended Action

Approve Resolution 2023-04 adopting the fiscal year (FY) 23-24 budget.

Discussion

Background

Article 5 of the Joint Exercise of Powers Agreement (Agreement) defines how the West Valley Solid Waste Management Authority's (Authority) activities are to be funded. Paragraph B states that the Authority must adopt a budget for each FY beginning on July 1 and ending on June 30 of the following calendar year. Paragraph A specifies that the requisite funds are to be allocated among to the City of Campbell, City of Monte Sereno, City of Saratoga, and Town of Los Gatos (Member Agencies) in amounts equal to each Member Agency's percentage share of the total population of all Member Agencies. Through 2011, each Member Agency's assessment amount was included in its respective annual budget. However, in 2012 and each year thereafter, the Member Agencies have elected to recover their respective assessed costs in the collection rates.

The Board's Fund Balance policy is to maintain an operating reserve of \$100,000 and a rate stabilization reserve of \$100,000.

FY 23-24 Expenses and Revenues

The attached budget includes the following:

1. The actual results for the previous five years by major expenditure category.
2. The approved FY 22-23 budget.
3. The proposed FY 23-23 budget.
4. The four additional years of forecasted budgets. In total, the proposed FY 23-24 budgeted expenses are \$1,264,718 net of the West Valley Collection and Recycling (WVC&R) Annual Payment expenditure of \$300,000.

Figure 1 is a summary of the FY 23-24 proposed budget.

Figure 1. Proposed FY 23-24 Budget

Personnel (Contract Services)		
Executive Director		
General Services	\$ 318,774	
Grant Administration	2,500	
SB 1383 Regulatory Compliance	70,876	
Contract Implementation	51,876	
Franchise Fee Justification Study	100,000	
Non-Exclusive C&D Program Development	60,201	
Streep Sweeping Program Development	29,978	
		634,206
Legal Services		
General Services	36,622	
Contract Implementation	8,583	
Franchise Fee Justification Study	11,444	
Non-Exclusive C&D Program Development	5,722	
		62,372
Other Professional Services		
Accounting & Audit	13,639	
Other	5,000	
		18,639
Other Expenses		549,501
Total Authority Projected Expenditures before WVC&R Contract Payment		1,264,718
WVC&R Contract Payment		300,000
Total Authority Budgeted FY 22-23 Expenditures		\$ 1,564,718
Revenue from Member Agencies	\$ 886,449	
Payment of Annual Fee from WVC&R	300,000	
Payment of Public Education and Outreach from WVC&R	335,000	
Non-Exclusive C&D Program	60,201	
Contribution to Rate Stabilization Fund from WVC&R	2,172,636	
Excess Fund Balance from FY 21-22	(2,189,568)	
Total Authority FY 22-23 Budgeted Revenues		\$ 1,564,718

Executive Director. Executive Director expenses are for services provided by HF&H Consultants, LLC (HF&H) including: 1) management of the Authority's refuse, recycling, and organics disposal, processing, and collection contracts; 2) management of the Authority's effort to achieve AB 939 targets; 3) management of AB 1826 and SB 1383 compliance; 4) preparation for and facilitation of the Board meetings; and, 5) other administrative asks assigned by the Board. The attached HF&H Scope of Work describes each task in more detail. In addition, the attached HF&H Hourly Rates provides rates for FY 23-24, adjusted by the Consumer Price Index (CPI) from prior year rates as prescribed in the contract between the Authority and HF&H. The FY 23-24 budgeted amount of \$634,206 includes the following:

- General Services: This expenditure of \$318,774 includes all of the services provided by HF&H from the prior (FY 22-23) budget year, plus additional services that have been specifically requested by Member Agency staff. These additional services include, but are not limited to, increased support for and communication with Member Agency staff and Board Members, and attendance at additional County-wide Recycling and Waste Reduction Committee (RWRC) meetings.
- Grant Administration: This expenditure of \$2,500 is for the Authority to continue managing SB 1383 Local Assistance Grant funds, including completing Itemization Expenditure Reports.
- SB 1383 Regulatory Compliance: This expenditure of \$70,876 is for the continued outreach, monitoring, and reporting required for each Member Agency's SB 1383 compliance. In FY 23-24, the Authority, in coordination with each Member Agency, will design and implement an enforcement program effective January 1, 2024.
- Collection Contract Implementation: This expenditure of \$51,876 is for monitoring WVC&R's implementation of the new collection contract effective March 1, 2024 to ensure all new program are efficiently and accurately implemented. This amount was funded by WVC&R's procurement reimbursement payment received in FY 22-23.
- Franchise Fee Justification Study: This expenditure of \$100,000 is to perform a franchise fee justification study to determine the amount of franchise fees to be included in the collection contract with WVC&R effective March 1, 2024.
- Non-Exclusive Construction and Demolition Debris (C&D) Program Development: This expenditure of \$60,201 is to design and implement the new non-exclusive C&D program effective March 1, 2024. In FY 23-24, program costs will be reimbursed by payments received from participating hauling and processing businesses.
- Street Sweeping Program Development: This expenditure of \$29,978 is to determine, in coordination with each Member Agency, the sweeping services include in the collection agreement with WVC&R effective March 1, 2023 for each Member Agency.

Legal Services. This expenditure is for the services of Logan and Powell, LLP (L&P) to provide advice on Authority legal matters, including the conduct of meetings in accordance with the provisions of the Brown Act; to perform legal research as needed; to prepare legal notices as needed; and, to assist with other legal matters, as directed by the Board. The FY 23-24 budgeted amount of \$62,372 includes the following:

- General Services: This expenditure of \$36,662 is for the ongoing legal services provided by L&P. The expense includes a contractual 2.00% annual rate increase, approved by the Board in an amendment to the Authority's agreement with L&P at the May 6, 2021 Board Meeting. The Authority's attorney current hourly rate for FY 22-23 is \$280.50 and will increase in FY 23-24 to \$286.11.

- Collection Contract Implementation: This expenditure of \$8,583 is for legal advice provided during the collection agreement implementation process for the collection agreement with WVC&R effective March 1, 2024.
- Franchise Fee Justification Study: This expenditure of \$11,444 is for legal advice provided in relation to the franchise fee justification study.
- Non-Exclusive Construction and Demolition Debris (C&D) Program Development: This expenditure of \$5,722 is for legal advice provided during the implementation of the new non-exclusive C&D program effective March 1, 2023. In FY 23-24, program costs will be reimbursed by payments received from participating hauling and processing businesses.

SB 1383 Member Agency Organics Procurement. This expenditure is for organic waste product procurement expenses under the Board-approved contract with Agromin. The budgeted amount has been increased due to the increase in the amount of organic waste products each Member Agency needs to procure in FY 23-24.

Record Keeping and Reporting. This expenditure is for the Authority's use of a database (under contract with Recyclist) to store and track all Authority data related to SB 1383. The budgeted amount has been increased by 3.00% for FY 23-24 compared to FY 22-23.

WVC&R Annual Payment. As part of the franchise agreement with WVC&R that began March 1, 2014, the Authority receives a payment of \$450,000 annually except for the last year of the agreement when the payment is decreased to \$300,000 (\$4,500,000 over the term of the agreement). The payment of \$300,000 will be disbursed to each Member Agency proportionally based on population.

Accounting and Bookkeeping. This expenditure is for the services of the City of Campbell's Finance Department staff for accounting and bookkeeping support. The budgeted amount has been increased by 3.00% for FY 23-24 compared to FY 22-23.

Liability Insurance. This expenditure is for general liability and public officials' errors and omissions insurance. This amount reflects an increase by 3.00% in the premium for FY 23-24 compared to FY 22-23.

Mileage and Meeting Expenses. This expenditure is for Board Member attendance at relevant industry conferences during the year. The budgeted amount is to provide for increased attendance by Board Members to allow them to become more familiar with solid waste issues, as the end of the WVC&R contract term approaches. The budgeted amount is the same as prior years' budgets.

Website Administration. This expenditure is for maintaining the Authority's website (www.wvswma.org). The budget includes registration fees as well as other services required to maintain the website. The budgeted amount was increased by 3.00% for FY 23-24 compared to FY 22-23.

Professional Services. This expenditure is for other professional services or studies (e.g., engineering consulting services, litigation services) authorized by the Board and not included in the other professional services specifically identified herein. The budgeted amount is the same as prior years' budgets.

Audit Services. This expenditure is for audit services required by Article 5.B of the Joint Powers Agreement. The budgeted amount is the same as prior years' budgets.

Member Agency Assessments

Figure 2 shows the Member Agencies' assessments approved for FY 22-23, proposed FY 23-24, and projected for the following four fiscal years through FY 27-28. Due to one-time expense offsets, such as the SB 1383 Local Assistance Grant funds, procurement reimbursement, Member Agency Assessments, and the impact on ratepayers was reduced in FY 22-23. In FY 23-24, the C&D Program Costs will be offset through fees to program participants and the Education and Outreach Program costs will be funded by WVC&R.

Figure 2. Member Agency Assessments

Agency	Approved Fiscal Year 2022-23	Proposed Fiscal Year 2023-24	Proposed Fiscal Year 2024-25	Proposed Fiscal Year 2025-26	Proposed Fiscal Year 2026-27	Proposed Fiscal Year 2027-28
Campbell	\$ 73,170	\$ 345,018	\$ 380,973	\$ 392,279	\$ 426,607	\$ 415,920
Los Gatos	\$ 54,325	\$ 266,313	\$ 282,852	\$ 291,246	\$ 316,733	\$ 308,798
Monte Sereno	\$ 6,349	\$ 28,096	\$ 33,059	\$ 34,040	\$ 37,019	\$ 36,091
Saratoga	\$ 53,814	\$ 247,022	\$ 280,192	\$ 288,507	\$ 313,754	\$ 305,894

Documents Attached

HF&H Scope of Work

HF&H Hourly Rates

Resolution No. 2023-04 Resolution of the Board of Directors of the West Valley Solid Waste Management Authority Approving the Budget for Fiscal Year 2023-24

Fiscal Impact

The attached FY 23-24 proposed budget shows the expected assessment for each Member Agency resulting from the proposed budget.

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SCOPE OF SERVICES

The tasks that HF&H Consultants, LLC (HF&H) will perform include, but are not limited to, the following:

Task 1: Authority Administration

- 1a Manage the procurement of legal services, liability insurance and other services and supplies required for the conduct of the West Valley Solid Waste Management Authority's (Authority) business.
- 1b Prepare and provide orientation materials (including copies of the collection and disposal agreements, Rules of Conduct, and Joint Powers Authority agreement) to new Board members, as needed.
- 1c Work with the City of Campbell auditors to complete the annual financial audit of the Authority's financial statements. This includes preparing the financial statements, reviewing the footnotes, preparing the management letter, and responding to inquiries from the auditors.
- 1d Manage the submission of Fair Political Practices Commission forms (Form 700) by the Executive Director, Legal Counsel, and Board Members.

Task 2: Authority Budget

- 2a Prepare the annual Authority budget for approval by the Board.

Task 3: Facilitate Board Meetings

- 3a Prepare for and conduct quarterly Board Meetings. This task includes preparing the public notices, agendas, agenda reports, resolutions, Board Member agenda packets, public meeting binders, and meeting minutes. In addition, prepare for and conduct "agency review" meetings with the City of Campbell's, the City of Monte Sereno's, the City of Saratoga's, and the Town of Los Gatos' (Member Agencies) staff prior to regularly scheduled Board Meetings and two special Board Meetings, as needed.
- 3b Prepare a financial report of the Authority's activities for each quarter, showing actual expenditures against the approved budget. These reports are presented at the next regularly scheduled Board Meeting following the close of each quarter.
- 3c Present status reports on each of the Authority projects or activities at regularly scheduled Board Meetings, as needed.
- 3d Follow-up on action items from the Board Meeting, including maintaining a record of all Authority actions.

Task 4: Member Agency Support

- 4a Prepare for and attend monthly in-person meetings with Member Agencies' staff and report on issues and receive direction from staff between Board Meetings, including special Board Meetings. This task includes preparing the agenda and agenda materials.

- 4b Respond to inquiries from Member Agencies' staff on issues including, but not limited to, SB 1383 compliance and West Valley Collection and Recycling (WVC&R) service.

Task 5: Customer Service

- 5a Work with WVC&R and Waste Management (WM) (collectively referred to as Companies) to respond to all phone and website complaints and inquiries from Member Agencies' residents and businesses regarding services provided under the agreements.
- 5b Document all phone and website inquiries in a summary tracking file by Member Agency, topic, and date received.
- 5c Monitor and review inquiry trends for potential public education and outreach topics and efforts.

Task 6: Collection and Disposal Contract Management

- 6a Ensure that the Companies comply with requirements to furnish certificates of insurance and performance bonds in accordance with the agreements.
- 6b Review the Companies' operational performance and calculate the amount of liquidated damages, if any, under the agreements.
- 6c Manage the revision of these contracts for implementation of new programs, changes to recyclable materials, or other changes as directed by the Board.
- 6d Verify WVC&R rate adjustment calculations for collection service and WM rate adjustment calculations for disposal and processing.
- 6e Review and summarize WVC&R and WM monthly, quarterly, and annual reporting to monitoring solid waste programs.

Task 7: SB 1383 Implementation and Monitoring

- 7a Maintain an Implementation Record on behalf of each Member Agency and coordinate recordkeeping with Recyclist.
- 7b Respond to any questions from CalRecycle regarding SB 1383 compliance.
- 7c Facilitate conversations between Member Agencies and Agromin for compost and mulch usage.
- 7d Investigate generator waiver applications and verify expiring waivers, in coordination with WVC&R.
- 7e Develop and establish enforcement program to inspect non-subscribed generators starting 2024.
- 7f Conduct the annual compliance review of multi-family and commercial generators.
- 7g Investigate SB 1383 related complaints reported to the Authority or its Member Agencies.

Task 8: Other Regulatory Compliance Monitoring

- 8a Provide periodic reports on the status of federal and state legislation impacting the Member Agencies' refuse and recycling programs at regularly scheduled Board Meetings and report out on industry trends.
- 8b Represent the Authority at County Technical Advisory Committee (TAC) meetings, IC meetings, SB 1383 subcommittee meetings, operations subcommittee meetings, and public education and outreach subcommittee meetings, as well as other relevant regional and statewide meetings, as needed and as directed by the Member Agencies' staff and/or the Board and communicate relevant information to Member Agencies.
- 8c Prepare and submit miscellaneous reports requested by local agencies related to the Authority's solid waste and recycling collection and disposal programs. These include, for example, the County's recycling hotline and Household Hazardous Waste (HHW) program and collection rate surveys.
- 8d Prepare and submit the Member Agencies' Annual Reports to CalRecycle on behalf of each Member Agency. This includes accompanying the CalRecycle representative on site visits in the Authority jurisdictions. Additionally, HF&H will respond to CalRecycle questions related to the annual reports and site visits.

Task 9: Rate Setting

- 9a Conduct a rate survey for neighboring jurisdictions within Santa Clara County.
- 9b Design initial solid waste collection rates to be charged under the new collection agreement with WVC&R.
- 9c Meet with Member Agencies to review proposed solid waste collection rate structure with Member Agency staff.
- 9d Revise the solid waste collection rate structure based on the new franchise agreement and issues agreed-upon by WVC&R and Authority staff.

Task 10: Education and Outreach

- 10a Lead in the maintenance and updating of the Authority's website to ensure information is accurate and effective.
- 10b Review public education material provided by WVC&R prior to final publication and ensure WVC&R's website is updated with accurate information.
- 10c Update fact sheets for San Jose University.

Task 11: Contract Implementation

- 11a Monitor WVC&R's hiring and training practices. This includes review of training manuals and scripts, phone system requirements, and staffing requirements and procedures for each department, as well as employee on-boarding and safety trainings, hiring and training schedule, and compliance with contract requirements.

- 11b Monitor WVC&R's equipment acquisition and roll-out. This includes equipment order tracking, expected delivery dates, deployment logistics and permit scheduling for facilities.
- 11c Monitor WVC&R's residential and commercial collection routing changes.
- 11d Audit WVC&R's billing system and customer service performance.
- 11e Assist with development of new datasets and provide assistance for new program implementation (e.g., multi-family bulky item collection, used cooking oil).
- 11f Update Member Agencies' ordinances to comply with new programs, as needed.

Task 12: Franchise Fee Justification Study

- 12a Develop methodology to perform a franchise fee justification study for each Member Agency.
- 12b Prepare and distribute a Request for Information (RFI) to each Member Agency and WVC&R to gather data necessary to build an analytical model.
- 12c Perform data analysis, using the collected data, to determine a cost nexus for the franchise fee valuation.
- 12d Prepare a report for Member Agency Staff and Authority Board Members detailing the final valuation of franchise fees.

Task 13: SB 1383 Grant Administration

- 13a Monitor and manage CalRecycle SB 1383 Local Assistance Grant Program Funds.
- 13b Prepare and submit an Expenditure Itemization Summary.

Task 14: Non-Exclusive Construction and Demolition (C&D) Program Development

- 14a Review non-exclusive C&D program case studies and options.
- 14b Engage in stakeholder meetings.
- 14c Confirm program approach with Member Agencies and Authority Board Members.
- 14d Draft nonexclusive agreement(s) and/or facility certification process, as determined by Authority Board Members.
- 14e Finalize and present permitted and/or certification processes for collection contractors and/or facilities to board for approval.

Task 15: Develop Street Sweeping Program

- 15a Prepare draft street sweeping agreement and review with Member Agency and WVC&R staff.
- 15b Address and incorporate changes made by staff into a final draft.

HF&H CONSULTANTS, LLC

STANDARD HOURLY RATES AND BILLING ARRANGEMENTS

(Effective July 1, 2023)¹

Professional Fees

Hourly rates for professional and administrative personnel are as follows:

<u>Position</u>	<u>Rate</u>
President	\$333.46
Senior Vice President & Vice President	\$306.13 – 328.00
Senior Project Manager	\$284.26 – 311.60
Project Manager/Senior Associate	\$217.58 – 256.93
Associate Analyst	\$173.84 – 180.40
Assistant Analyst	\$131.20 – 174.93
Administrative Staff	\$109.33 – 131.20

Direct Expenses

Standard charges for common direct expenses are as follows:

Automobile Travel	Prevailing IRS mileage rate
Airfare and Public Transit	Actual Cost

Billing Policies

Our policy is to bill for our services based on the standard hourly rates of the staff member assigned, multiplied by the time required to perform the client-related tasks, plus the direct expenses as described above. In implementing this policy, we adhere to the following practices:

- It is our standard practice to e-mail invoices to our clients, although hard copies of invoices can be sent to clients on request.
- We round to the nearest one-quarter hour (e.g., if two hours and 55 minutes are spent on a task, it is recorded as three hours, if two hours and 5 minutes are spent on a task, it is recorded as two hours). A minimum charge of one-quarter hour is charged for any client work performed in a day.
- We do not markup out-of-pocket expenses, however, we may charge administrative or professional time related to the provision of the goods and services associated with these charges.
- If subcontractors are used, HF&H reserves the right to charge a 5% markup should the subcontractor's services require cumbersome administrative oversight (e.g., multiple subcontractors; engagement turns out to solely require services of subcontractor, but HF&H as the prime must prepare billings).
- Mileage fees are based on the round-trip distance from the point of origin.

¹ Litigation Support and Expert Witness Services are not covered by this schedule of fees and expenses.

HF&H CONSULTANTS, LLC

STANDARD HOURLY RATES AND BILLING ARRANGEMENTS

- If a client's change to a previously scheduled meeting results in penalties being assessed by a third party (e.g., airline cancellation fee), then the client will bear the cost of these penalties.

While no minimum fee for a consulting engagement has been established, it is unlikely (given the nature of our services) that we can gain an understanding of a client's particular requirement, identify alternatives, and recommend a solution in less than twenty-four consulting hours.

Insurance

We maintain the following policies of insurance with carriers doing business in California:

- Comprehensive General Liability Insurance (\$2,000,000 Occurrence/\$4,000,000 Aggregate)
- Workers' Compensation (\$1,000,000)
- Professional Liability Insurance (\$2,000,000 Occurrence/\$2,000,000 Aggregate)
- Hired and Non-Owned Auto Liability² (\$2,000,000)
- Umbrella Liability (\$3,000,000 Occurrence/\$3,000,000 Aggregate)

All costs incurred in complying with additional coverages or limits (excluding additional insured and waiver of subrogation endorsements) become the responsibility of the client and are not included in the fees for services or direct charges but are billed in addition to the contract at cost, plus any professional or administrative fees.

Invoices and Payment for Services

Our time reporting and billing system has certain standard formats that are designed to provide our clients with a detailed invoice of the time and charges associated with their engagement. (We typically discuss these with our clients at our kick-off meeting). We are also pleased to provide our clients with a custom invoice format, but we will have to bill the client for time spent conforming our invoices to their unique requirements.

Billings for professional services and charges are submitted every month, in order that our clients can more closely monitor our services.

² HF&H Consultants does not own any company automobiles.

RESOLUTION NO. 2023-04

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE
MANAGEMENT AUTHORITY APPROVING THE BUDGET FOR FISCAL YEAR 2023-24**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY that the document entitled "Fiscal Year 2023-24 Budget" a copy of which is attached hereto and incorporated herein by reference is hereby approved.

This resolution was passed and adopted by the Board of Directors of the West Valley Solid Waste Management Authority at a meeting on the 4th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Bryan Mekechuk, Chairperson

Attest:

Rob Hilton, Executive Director

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WVSWMA

FISCAL YEAR 2023-24 BUDGET

Expenditures	Budgeted Fiscal Year 2022-23	Proposed Fiscal Year 2023-24	Proposed Fiscal Year 2024-25	Proposed Fiscal Year 2025-26	Proposed Fiscal Year 2026-27	Proposed Fiscal Year 2027-28
Expenditures						
Executive Director - General Services	\$ 210,627	\$ 318,774	\$ 317,014	\$ 326,524	\$ 394,493	\$ 346,409
Executive Director - Grant Administration	2,250	2,500	-	-	-	-
Executive Director - SB 1383 Regulatory Compliance	62,717	70,876	73,002	75,192	77,448	79,772
Executive Director - Contract Negotiations (Disposal Agreement)	-	-	-	-	-	-
Executive Director - Contract Negotiations (Collections Agreement)	200,000	-	-	-	-	-
Executive Director - Contract Implementation (Collections Agreement)	-	51,876	-	-	-	-
Executive Director - Refuse Vehicle Impact Analysis	50,000	-	-	-	-	-
Executive Director - Franchise Fee Justification Study	50,000	100,000	-	-	-	-
Executive Director - Non-Exclusive C&D Program Development	-	60,201	-	-	-	-
Executive Director - Non-Exclusive C&D Program Implementation & Monitoring	-	-	-	-	-	-
Executive Director - Develop Street Sweeping Program	-	29,978	-	-	-	-
Legal Services - General Services	26,928	36,622	37,721	38,852	40,018	41,218
Legal Services - Collections Agreement	33,660	8,583	-	-	-	-
Legal Services - Franchise Fee Justification Study	-	11,444	-	-	-	-
Legal Services - Non-Exclusive C&D Program	-	5,722	-	-	-	-
Education and Outreach	-	335,000	242,050	249,312	256,791	264,495
SB 1383 Education and Outreach	37,869	-	-	-	-	-
SB 1383 Edible Food Recovery County-Wide Program	-	30,029	30,929	31,857	32,813	33,797
SB 1383 Member Agency Organics Procurement	40,000	127,397	200,000	206,000	212,180	218,545
Record Keeping and Reporting - Recyclist	49,364	50,845	52,370	53,941	55,559	57,226
Record Keeping and Reporting - GreenHalo	-	-	-	-	-	-
WVC&R Annual Payment to Authority	450,000	300,000	-	-	-	-
Accounting & Bookkeeping	9,844	10,139	10,443	10,756	11,079	11,412
Liability Insurance	2,871	2,957	3,045	3,137	3,231	3,328
Mileage & Meeting Expense	2,000	2,000	2,000	2,000	2,000	2,000
Website Administration	1,237	1,274	-	-	-	-
Professional Services	5,000	5,000	5,000	5,000	5,000	5,000
Audit Services	3,500	3,500	3,500	3,500	3,500	3,500
Total Expenditures	\$ 1,237,867	\$ 1,564,718	\$ 977,075	\$ 1,006,072	\$ 1,094,112	\$ 1,066,702
Revenues						
Campbell	\$ 73,170	\$ 345,018	\$ 380,973	\$ 392,279	\$ 426,607	\$ 415,920
Los Gatos	54,325	266,313	282,852	291,246	316,733	308,798
Monte Sereno	6,349	28,096	33,059	34,040	37,019	36,091
Saratoga	53,814	247,022	280,192	288,507	313,754	305,894
Reimbursement of Collections Agreement Negotiations	333,690	-	-	-	-	-
Reimbursement of Detailed Rate Review	-	-	-	-	-	-
Reimbursement of Education and Outreach	-	335,000	242,050	249,312	256,791	264,495
SB 1383 Local Assistance Grant	158,045	-	-	-	-	-
Other Revenue from WVC&R	-	-	-	-	-	-
Annual Payment to Authority	450,000	300,000	-	-	-	-
Contribution to Rate Stabilization Fund from WVC&R	-	2,172,636	-	-	-	-
Non-Exclusive C&D Program	-	60,201	-	-	-	-
Receivable from WVC&R	-	-	-	-	-	-
Investment Income	-	-	-	-	-	-
Total Revenues	\$ 1,129,394	\$ 3,754,285	\$ 1,219,125	\$ 1,255,384	\$ 1,350,903	\$ 1,331,197
Excess (deficiency) of revenues over (under) expenditures	\$ (108,473)	\$ 2,189,568	\$ 242,050	\$ 249,312	\$ 256,791	\$ 264,495
Beginning Fund Balance	\$ 291,541	\$ 183,068	\$ 2,372,636	\$ 2,614,686	\$ 2,863,997	\$ 3,120,788
Ending Fund Balance	\$ 183,068	\$ 2,372,636	\$ 2,614,686	\$ 2,863,997	\$ 3,120,788	\$ 3,385,282

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 5
Meeting Date: May 4, 2023

Date: May 4, 2023

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: Waste Management Disposal and Processing Rate Adjustment

Recommended Action

Approve Resolution 2023-05 ratifying the Waste Management of South Bay (WM) contractual disposal proprietary rate adjustment effective July 1, 2023.

Discussion

Background

On January 1, 2022, the “Disposal of Solid Waste, and Transport and Processing of Mixed Organic Waste, Source-Separated Yard Trimmings, and Construction and Demolition Debris (C&D) Agreement” between USA Waste of California, Inc. dba Waste Management of South Bay (Waste Management) and the West Valley Solid Waste Management Authority (Authority) established rates for the disposal of solid waste and processing of organic materials and C&D. These rates were effective from January 1, 2022 through June 30, 2023. The agreement calls for CPI-based adjustments to be made effective July 1 of each year, starting July 1, 2023.

Proposed Adjustment

On March 1, 2023 Waste Management presented its calculation of the allowed adjustment based on the 2021 to 2022 change in the Consumer Price Index of 5.6%. The overall disposal or processing rates are composed of two elements: the contractor component; and, per-ton governmental fees. The agreement allows an annual adjustment to the contractor component equal to the change in CPI, not to exceed 5.00%. The contractor component of the disposal and processing rates increase by 5.00% as per the Agreement.

Figure 1 compares the contractor components effective January 1, 2022 to the July 1, 2023 contractor components.

Figure 1. Waste Management Contractor Components

Material Type	January 1, 2022	July 1, 2023	% Change
Solid Waste	\$34.70	\$36.44	5.00%
Yard Waste	\$79.18	\$83.14	5.00%
Mixed Organic Waste	\$79.32	\$83.29	5.00%
C&D	\$59.86	\$62.85	5.00%
Alternative Daily Cover (ADC)	\$33.48	\$35.15	5.00%

The current and anticipated governmental fees are shown below in Figure 2. For Disposal, all fees in Figure 2 are added to the contractor component. For yard waste, mixed organics, C&D, and ADC, only the City of San Jose Fee is added to the contractor component.

Figure 2. Waste Management Governmental Fees

Governmental Fee	January 1, 2022	July 1, 2023	% Change
State AB 939 (AB 1220) Fee	\$1.40	\$1.40	0.00%
City of San Jose Business Tax	\$13.00	\$13.00	0.00%
City of San Jose LEA Fee	\$0.52	\$0.33	-36.54%
Santa Clara County Solid Waste Planning Fee	\$0.78	\$0.78	0.00%
Santa Clara County AB 939 Fee	\$2.60	\$2.60	0.00%
Household Hazardous Waste Fee	\$1.50	\$1.50	0.00%

Figure 3 summarizes the proposed rates effective July 1, 2023.

Figure 3. Proposed Rates

Material Type	Contractor Component	Governmental Fees	July 1, 2023 Total Rate	% Change
Solid Waste	\$36.44	\$19.61	\$56.05	2.84%
Yard Waste	\$83.14	\$0.33	\$83.47	4.73%
Mixed Organic Waste	\$83.29	\$0.33	\$83.62	4.73%
C&D	\$62.85	\$0.33	\$63.18	4.64%
Alternative Daily Cover (ADC)	\$35.15	\$0.33	\$35.48	4.35%

Recommendation

The Authority has reviewed Waste Management's calculation of the contractual rate adjustment and find that it was calculated in accordance with the terms of the agreement. The Authority recommends that the Board approve Resolution 2023-05 ratifying the Guadalupe Landfill contractual disposal rate increase effective July 1, 2023.

Documents Attached

Resolution 2023-05 Resolution of the Board of Directors of the West Valley Solid Waste Management Authority Ratifying Fiscal Year 2023-24 Rates for the Disposal of Solid Waste, and Transport and Processing of Mixed Organic Waste, Source-Separated Yard Trimmings, and Construction and Demolition Debris

Fiscal Impact

The disposal rate increases are reflected in the proposed rates calculated by West Valley Collection and Recycling (WVC&R) as shown in Agenda Item 6.

RESOLUTION NO. 2023-05

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY
RATIFYING FISCAL YEAR 2023-24 RATES FOR THE DISPOSAL OF SOLID WASTE, AND
TRANSPORT AND PROCESSING OF MIXED ORGANIC WASTE, SOURCE-SEPARATED
YARD TRIMMINGS, AND CONSTRUCTION AND DEMOLITION DEBRIS**

WHEREAS, the West Valley Solid Waste Management Authority ("Authority") is an agency created pursuant to Government Code section 6500 et seq. to manage and oversee the collection, disposal and recycling of solid waste originating in the Cities of Campbell, Monte Sereno, Saratoga and the Town of Los Gatos ("Member Agencies"); and

WHEREAS, the Authority entered into the Waste Disposal, Organic Waste and Construction and Demolition Debris Processing Agreement with USA Waste of California, Inc. dba Waste Management of South Bay ("Company") and the West Valley Solid Waste Management Authority, which establishes rates from January 1, 2022, through June 30, 2023; and

WHEREAS, the Agreement provides for the rates to be increased by the Consumers Price Index on July 1 of each year; and

WHEREAS, the Company submitted the rate adjustment calculations in accordance with the agreements for Fiscal Year 23-24; and

WHEREAS, the Authority has reviewed the calculations and determined they are consistent with the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY that:

1. The Authority finds that the rates contained in the attached rate schedules have been calculated in accordance with the Agreement.
2. The attached rates are hereby ratified and effective July 1, 2023.

This resolution was passed and adopted by the Board of Directors of the West Valley Solid Waste Management Authority at a regular scheduled meeting on the 4th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Bryan Mekechuk, Chairperson

Attest:

Rob Hilton, Executive Director

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**FISCAL YEAR (FY) 23-24 RATES FOR THE DISPOSAL OF SOLID WASTE
AND TRANSPORT AND PROCESSING OF MIXED ORGANIC WASTE, YARD
TRIMMINGS, AND CONSTRUCTION AND DEMOLITION DEBRIS**

Contractor Component per Ton

Contractor Component Rate	FY 23-24
Solid Waste	\$36.44
Yard Waste	\$83.14
Mixed Organic Waste	\$83.29
C&D	\$62.85
Alternative Daily Cover (ADC)	\$35.15

Governmental Fees per Ton

Governmental Fee	FY 23-24
State AB 939 (AB 1220) Fee	\$1.40
City of San Jose Business Tax	\$13.00
City of San Jose LEA Fee	\$0.33
Santa Clara County Solid Waste Planning Fee	\$0.78
Santa Clara County AB 939 Fee	\$2.60
Household Hazardous Waste Fee	\$1.50

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 6
Meeting Date: May 4, 2023

Date: May 4, 2023

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: West Valley Collection & Recycling Rate Adjustment

Recommended Action

Approve Resolution 2023-06 ratifying the West Valley Collection & Recycling (WVC&R) contractual collection rate adjustment effective July 1, 2023.

Discussion

Current Rates

At a meeting on May 5, 2022, the West Valley Solid Waste Management Authority (Authority) Board ratified rates for solid waste collection services under its contract with WVC&R effective July 1, 2022.

The ratified quarterly residential rates are shown in Figure 1.

Figure 1. Quarterly Residential Collection Rates Effective July 1, 2023

	Campbell	Los Gatos	Monte Sereno	Saratoga
20-Gallon	\$98.76	\$105.51	\$110.13	\$106.41
35-Gallon	\$122.13	\$131.28	\$136.74	\$131.91
65-Gallon	\$221.01	\$239.13	\$249.27	\$239.88
95-Gallon	\$319.89	\$346.98	\$361.83	\$347.82

Contractual Rate Adjustments

In accordance with Section 8.4 of the franchise agreement between the Authority and WVC&R, WVC&R's compensation is determined annually using one of two methodologies: 1) an index-based adjustment, or 2) a cost-based adjustment. Figure 2 summarizes the methodologies to be used during each rate year.

Figure 2. Rate Setting Methodology Schedule

Rate Year	Commencement Date	Adjustment Method
1	March 1, 2007	Not Applicable
2	July 1, 2008	Index-Based
3	July 1, 2009	Index-Based
4	July 1, 2010	Index-Based
5	July 1, 2011	Index-Based

Rate Year	Commencement Date	Adjustment Method
6	July 1, 2012	Cost-Based
7	July 1, 2013	Index-Based
8	July 1, 2014	Index-Based
9	July 1, 2015	Index-Based
10	July 1, 2016	Index-Based
11	July 1, 2017	Index-Based
12	July 1, 2018	Index-Based
13	July 1, 2019	Index-Based
14	July 1, 2020	Index-Based
15	July 1, 2021	Index-Based
16	July 1, 2022	Cost-Based
17	July 1, 2023	Index-Based

The rates for FY 23-24 are to be set based on an index-based review of WVC&R's rate adjustment application.

The contract with WVC&R calls for Consumer Price Index (CPI) based adjustments to be made effective July 1 of each year. On February 28, 2023, WVC&R presented its calculation of the allowed adjustment based on the December 2021 to December 2022 change in the CPI of 4.88%. The agreement allows an adjustment to the collection rates equal to 80% of the change in the CPI, or 3.91%.

Waste Management Disposal and Processing Rate Adjustment

As discussed in Agenda Item 5, the contractor components of the disposal and processing rates are increasing by 5.00% per ton effective July 1, 2023. The total disposal and processing rates effective July 1, 2023 are shown in Figure 3 below. Disposal and processing fees are considered a pass-through expense under the collection contract. Thus, the collection rates must be adjusted for the approved disposal rate.

Figure 3. Waste Management Disposal and Processing Rates Effective July 1, 2023

Material Type	Contractor Component	Governmental Fees	July 1, 2023 Total Rate
Solid Waste	\$36.44	\$19.61	\$56.05
Yard Waste	\$83.14	\$0.33	\$83.47
Mixed Organic Waste	\$83.29	\$0.33	\$83.62
C&D	\$62.85	\$0.33	\$63.18
Alternative Daily Cover (ADC)	\$35.15	\$0.33	\$35.48

Cost Reimbursements

The proposed rates include the impact of the requested changes in the Member Agency Recovered costs, as summarized in Figure 4. Member Agency Recovered costs include street sweeping and sanitation costs, household hazardous waste (HHW) costs, refuse vehicle road impact costs, and Authority administrative costs. Additionally, WVC&R pays each Member Agency a franchise fee on gross revenue collected within each Member Agency, as stipulated under the franchise agreement with WVC&R.

Figure 4. Proposed Member Agency Recovered Costs

	Campbell	Los Gatos	Monte Sereno	Saratoga
Street Maintenance	\$290,000	\$495,395	\$20,000	\$100,000
HHW	\$54,424	\$65,874	\$14,319	\$55,251
Authority Administrative	\$424,305	\$408,172	\$28,096	\$247,022
Refuse Vehicle Road Impact	\$477,600	\$878,381	\$50,000	\$473,678

Proposed Rates

Figure 5 summarizes the calculated rates for residential customers including all of the relevant adjustments discussed above.

Figure 5. Proposed Quarterly Residential Collection Rates Effective July 1, 2023

	Campbell	Los Gatos	Monte Sereno	Saratoga
20-Gallon	\$103.53	\$110.18	\$127.44	\$112.13
35-Gallon	\$128.21	\$137.23	\$158.49	\$139.21
65-Gallon	\$232.67	\$250.54	\$289.92	\$253.96
95-Gallon	\$337.14	\$363.84	\$421.39	\$368.68

Documents Attached

Resolution 2023-06 Resolution of the Board of Directors of the West Valley Solid Waste Management Authority Ratifying Fiscal Year 2023-24 Rates for the Collection of Solid Waste, Recyclable Materials, Green Waste, Food Waste, and Construction and Demolition Debris

Santa Clara County Monthly Solid Waste Rates

Fiscal Impact

None

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RESOLUTION NO. 2023-06

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY RATIFYING FISCAL YEAR 2023-24 RATES FOR THE COLLECTION OF SOLID WASTE, RECYCLABLE MATERIALS, GREEN WASTE, FOOD WASTE, AND CONSTRUCTION AND DEMOLITION DEBRIS

WHEREAS, the West Valley Solid Waste Management Authority ("Authority") is an agency created pursuant to Government Code section 6500 et seq. to manage and oversee the collection, disposal and recycling of solid waste originating in the cities of Campbell, Monte Sereno, Saratoga, and the Town of Los Gatos ("Member Agencies"); and

WHEREAS, the Authority entered into the Agreement between West Valley Solid Waste Management Authority and West Valley Collection & Recycling (the "Company") for the Collection of Solid Waste, Recyclable Materials, Green Waste, Food Scraps, and Construction and Demolition Debris, the Transportation of Such Materials to Appropriate Places of Processing, Recycling, Composting, and/or Disposal and the Processing of Recyclable Materials (the "Agreement"), which established rates for the collection and disposal of solid waste, green waste, recyclable materials and construction and demolition debris; and

WHEREAS, the Agreement provides for the rates to be increased by the Consumer Price Index on July 1 of each year; and

WHEREAS, the Company submitted the rate adjustment calculations in accordance with the agreements for Fiscal Year 2023-24; and

WHEREAS, the Executive Director has reviewed the calculations and determined that they are consistent with the terms of the Agreement; and

WHEREAS, pursuant to the Agreement, the Company is entitled to include in the rate calculations various costs associated or created by the collection of solid waste, recyclable materials, green waste, and construction and demolition debris; and

WHEREAS, California law requires jurisdictions to provide household hazardous waste collection and disposal services to their residents and the County of Santa Clara fulfills this requirement for the Member Agencies by operating a household hazardous waste program and facility to provide waste generators the opportunity to divert household hazardous waste materials from the solid waste stream in accordance with State law. This program has been funded by a landfill tipping fee but, due to the decline in tonnage delivered to the landfills, revenues have declined and, with increasing volumes of household hazardous waste delivered to the County facilities, expenses have increased; and

WHEREAS, a Municipal Regional Stormwater NPDES Permit ("MRP") was adopted by the San Francisco Bay Regional Water Quality Board ("Water Board") on October 14, 2009, and covers stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. Under the MRP, the Member Agencies must eliminate all solid waste from their stormwater system by 2022 with an interim milestone target of reducing the current level to 70% or more before 2017. In order to meet this standard, the amount of litter on the streets must be reduced before it enters

the storm drain system and is discharged into the Bay. A significant amount of litter in the streets is a direct result of solid waste generator behavior (i.e., improper and/or illegal discard of waste materials, leaving solid waste and recycling container lids open, failing to utilize public litter containers, spilling materials during collection from containers without immediately cleaning the area, and failing to properly place materials and/or containers for collection). The cumulative impact of these behaviors results in "trash load" (i.e., litter and debris) in the city's stormwater system which must be reduced, and ultimately eliminated, in order to fulfill the MRP requirements. This can be reduced by street sweeping programs that collect material from streets and gutters, thereby preventing such debris and litter from entering the stormwater collection system; and

WHEREAS, the Public Resources Code requires cities to make adequate provisions for Solid Waste, Recyclable Materials, Green Waste, and Construction and Demolition Debris handling. The Member Agencies through their Joint Exercise of Powers Agreement delegated to the JPA this obligation. The JPA has the authority and obligation to adopt annually, by July 1 of each fiscal year, a budget setting forth all administrative, operational and capital expense for the Authority, together with the apportionment of such expenses by levy against each Member Agency to the extent necessary. The expenses of the JPA for regulatory monitoring and compliance and contract management are directly related to the collection of solid waste, recyclable materials, green waste and construction and demolition debris.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY THAT:

1. The Authority finds that the rates contained in the attached rate schedules have been calculated in accordance with the Agreement.
2. The attached rates (Exhibit 1) are hereby ratified and effective July 1, 2023.

This resolution was passed and adopted by the Board of Directors of the West Valley Solid Waste Management Authority at a meeting on the 4th day of May 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved: _____
Bryan Mekechuk, Chairperson

Attest: _____
Rob Hilton, Executive Director

Exhibit 1

West Valley Collection & Recycling

West Valley Cities Rates

Rates Effective July 1, 2023

	Campbell		Los Gatos		Monte Sereno		Saratoga	
Residential								
Regular:								
20-gallon	\$	34.51	\$	36.73	\$	42.48	\$	37.38
35-gallon	\$	42.74	\$	45.74	\$	52.83	\$	46.40
65-gallon	\$	77.56	\$	83.51	\$	96.64	\$	84.65
95-gallon	\$	112.38	\$	121.28	\$	140.46	\$	122.89
Sr. Citizen:								
20-gallon	\$	32.67	\$	-	\$	-	\$	-
35-gallon	\$	40.31	\$	-	\$	-	\$	-
Low Income:								
20-gallon	\$	-	\$	36.44	\$	-	\$	-
35-gallon	\$	-	\$	43.85	\$	-	\$	-
Commercial								
Commercial-1.5 Yards								
1 p/u per week	\$	197.62	\$	244.45	\$	289.51	\$	283.27
2 p/u per week	\$	398.06	\$	492.50	\$	583.21	\$	570.82
3 p/u per week	\$	598.52	\$	740.55	\$	876.91	\$	858.40
4 p/u per week	\$	798.98	\$	988.60	\$	1,170.66	\$	1,145.95
5 p/u per week	\$	999.43	\$	1,236.64	\$	1,464.37	\$	1,433.54
6 p/u per week	\$	1,199.87	\$	1,484.68	\$	1,758.08	\$	1,721.12
Extra Dump	\$	45.61	\$	57.22	\$	66.81	\$	65.37
Saturday Dump	\$	46.25	\$	58.06	\$	67.78	\$	66.37
Commercial-2 Yards								
1 p/u per week	\$	263.49	\$	325.94	\$	386.00	\$	377.69
2 p/u per week	\$	530.74	\$	656.67	\$	777.61	\$	761.09
3 p/u per week	\$	798.04	\$	987.40	\$	1,169.22	\$	1,144.52
4 p/u per week	\$	1,065.30	\$	1,318.13	\$	1,560.87	\$	1,527.93
5 p/u per week	\$	1,332.57	\$	1,648.85	\$	1,952.48	\$	1,911.39
6 p/u per week	\$	1,599.83	\$	1,979.57	\$	2,344.11	\$	2,294.81
Extra Dump	\$	60.80	\$	76.29	\$	89.08	\$	87.16
Saturday Dump	\$	61.68	\$	77.40	\$	90.37	\$	88.48
Commercial-3 Yards								
1 p/u per week	\$	395.23	\$	488.91	\$	579.01	\$	566.53
2 p/u per week	\$	796.12	\$	985.00	\$	1,166.41	\$	1,141.64
3 p/u per week	\$	1,197.06	\$	1,481.11	\$	1,753.83	\$	1,716.79
4 p/u per week	\$	1,597.95	\$	1,977.19	\$	2,341.31	\$	2,291.90
5 p/u per week	\$	1,998.86	\$	2,473.28	\$	2,928.74	\$	2,867.10
6 p/u per week	\$	2,399.75	\$	2,969.37	\$	3,516.16	\$	3,442.22
Extra Dump	\$	91.21	\$	114.44	\$	133.62	\$	130.74
Saturday Dump	\$	92.52	\$	116.10	\$	135.56	\$	132.72
Commercial-4 Yards								
1 p/u per week	\$	526.98	\$	651.87	\$	772.01	\$	755.38
2 p/u per week	\$	1,061.49	\$	1,313.41	\$	1,555.27	\$	1,522.35
3 p/u per week	\$	1,596.08	\$	1,974.95	\$	2,338.51	\$	2,289.31
4 p/u per week	\$	2,130.61	\$	2,636.42	\$	3,121.86	\$	3,056.20
5 p/u per week	\$	2,665.16	\$	3,297.92	\$	3,905.12	\$	3,823.22
6 p/u per week	\$	3,199.68	\$	3,959.39	\$	4,688.37	\$	4,590.17
Extra Dump	\$	121.61	\$	152.59	\$	178.18	\$	174.33
Saturday Dump	\$	123.37	\$	154.81	\$	180.77	\$	176.98

West Valley Collection & Recycling

West Valley Cities Rates

Rates Effective July 1, 2023

		Campbell	Los Gatos	Monte Sereno	Saratoga
Commercial-6 Yards					
1 p/u per week	\$	790.47	\$ 977.81	\$ 1,158.01	\$ 1,133.07
2 p/u per week	\$	1,592.23	\$ 1,970.01	\$ 2,332.84	\$ 2,283.29
3 p/u per week	\$	2,394.12	\$ 2,962.22	\$ 3,507.66	\$ 3,433.58
4 p/u per week	\$	3,195.90	\$ 3,954.39	\$ 4,682.61	\$ 4,583.81
5 p/u per week	\$	3,997.70	\$ 4,946.56	\$ 5,857.46	\$ 5,734.19
6 p/u per week	\$	4,799.50	\$ 5,938.72	\$ 7,032.33	\$ 6,884.45
Extra Dump	\$	182.42	\$ 228.87	\$ 267.25	\$ 261.48
Saturday Dump	\$	185.03	\$ 232.21	\$ 271.12	\$ 265.45
Commercial-Cans					
1	\$	19.76	\$ 24.44	\$ 28.96	\$ 28.33
2	\$	39.52	\$ 48.88	\$ 57.90	\$ 56.65
3	\$	59.29	\$ 73.32	\$ 86.85	\$ 84.98
4	\$	79.05	\$ 97.76	\$ 115.81	\$ 113.31
5	\$	98.81	\$ 122.20	\$ 144.75	\$ 141.63
6	\$	118.56	\$ 146.64	\$ 173.71	\$ 169.97
7	\$	138.33	\$ 171.08	\$ 202.65	\$ 198.30
8	\$	158.09	\$ 195.52	\$ 231.61	\$ 226.62
9	\$	177.85	\$ 219.96	\$ 260.56	\$ 254.95
12	\$	237.14	\$ 293.28	\$ 347.42	\$ 339.93
13	\$	256.90	\$ 317.72	\$ 376.36	\$ 368.26
15	\$	296.43	\$ 366.60	\$ 434.26	\$ 424.91
18	\$	355.70	\$ 439.92	\$ 521.11	\$ 509.90
22	\$	434.75	\$ 537.68	\$ 636.92	\$ 623.20
27	\$	533.56	\$ 659.88	\$ 781.67	\$ 764.85
30	\$	592.84	\$ 733.20	\$ 868.53	\$ 849.83
34	\$	671.89	\$ 830.96	\$ 984.32	\$ 963.13
43	\$	849.74	\$ 1,050.92	\$ 1,244.89	\$ 1,218.08
50	\$	988.08	\$ 1,222.00	\$ 1,447.54	\$ 1,416.38
54	\$	1,067.13	\$ 1,319.76	\$ 1,563.35	\$ 1,529.68
95 gal - 1 p/u week	\$	-	\$ 73.32	\$ -	\$ -
95 gal - 2 p/u week	\$	-	\$ 146.64	\$ -	\$ -
Debris Box (cu. yds.)					
8*	\$	637.79	\$ 693.64	\$ 688.38	\$ 659.55
20	\$	852.92	\$ 951.56	\$ 927.77	\$ 889.21
30	\$	1,029.57	\$ 1,150.40	\$ 1,132.29	\$ 1,072.09
40	\$	1,206.20	\$ 1,349.22	\$ 1,336.89	\$ 1,254.94
)- Special - Woodwas	\$	730.33	\$ 787.25	\$ 802.17	\$ 750.66
*plus actual disposal charge					
Debris Box to LEED Facility (Rate + Disposal Charge at Facility)					
8	\$	739.19	\$ 793.49	\$ 781.57	\$ 762.89
20	\$	787.17	\$ 880.84	\$ 815.44	\$ 827.95
30	\$	815.32	\$ 928.75	\$ 837.45	\$ 864.60
40	\$	843.45	\$ 976.69	\$ 859.49	\$ 901.25
Compactor (cu. yds.)					
10	\$	848.12	\$ 942.96	\$ 879.54	\$ 889.24
12	\$	917.85	\$ 1,020.77	\$ 951.72	\$ 962.39
15	\$	1,022.41	\$ 1,137.50	\$ 1,060.00	\$ 1,072.10
16	\$	1,057.27	\$ 1,176.42	\$ 1,096.12	\$ 1,108.67
18	\$	-	\$ 1,245.81		
20	\$	1,196.60	\$ 1,332.01	\$ 1,240.49	\$ 1,254.94
25	\$	1,370.88	\$ 1,526.54	\$ 1,421.03	\$ 1,437.78
26	\$	1,405.72	\$ 1,565.51	\$ 1,457.09	\$ 1,474.37
28	\$	1,475.42	\$ 1,643.27	\$ 1,529.29	\$ 1,547.53
30	\$	1,545.12	\$ 1,721.14	\$ 1,601.47	\$ 1,620.72
36	\$	1,754.20	\$ 1,954.61	\$ 1,818.07	\$ 1,840.10
40	\$	1,893.60	\$ 2,110.22	\$ 1,962.47	\$ 1,986.42

West Valley Collection & Recycling

West Valley Cities Rates

Rates Effective July 1, 2023

		Campbell	Los Gatos	Monte Sereno	Saratoga
FEL 2CY Compactor					
1 p/u per week	\$	353.52	\$ 421.43	\$ -	\$ -
2 p/u per week	\$	709.94	\$ 847.59	\$ -	\$ -
3 p/u per week	\$	1,066.95	\$ 1,273.78	\$ -	\$ -
4 p/u per week	\$	-	\$ 1,696.44	\$ -	\$ -
5 p/u per week	\$	1,780.95	\$ 2,119.11	\$ -	\$ -
6 p/u per week	\$	2,135.53	\$ 2,541.24	\$ -	\$ -
FEL 3CY Compactor					
1 p/u per week	\$	523.72	\$ 632.20	\$ -	\$ 721.39
2 p/u per week	\$	1,053.40	\$ 1,271.38	\$ -	\$ 1,450.96
3 p/u per week	\$	1,583.03	\$ 1,905.29	\$ -	\$ 2,180.53
4 p/u per week	\$	-	\$ 2,542.17	\$ -	\$ -
5 p/u per week	\$	2,357.59	\$ -	\$ -	\$ -
6 p/u per week	\$	2,892.33	\$ -	\$ -	\$ -
FEL 4CY Compactor					
1 p/u per week	\$	691.01	\$ 842.83	\$ -	\$ 961.88
2 p/u per week	\$	1,376.09	\$ 1,695.25	\$ -	\$ 1,934.63
3 p/u per week	\$	2,063.27	\$ 2,545.26	\$ -	\$ 2,907.51
4 p/u per week			\$ 3,395.44		
Yard Waste Box					
20	\$	677.49	\$ 728.00	\$ -	\$ 744.31
30	\$	-	\$ -	\$ -	\$ 854.77
40	\$	887.37	\$ -	\$ -	\$ -

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Santa Clara County Monthly Solid Waste Rates
Fiscal Year (FY) 23-24

Monthly Solid Waste Rates in Santa Clara County							
Jurisdiction	Res. Single-Family				Commercial		Effective Date
	20-25 Gallons	30-35 Gallons ⁵	60-65 Gallons	90-96 Gallons	3YD Bin 1x/week	3YD Bin 3x/week	
City of Sunnyvale ²	N/A	\$ 36.28	\$ 42.11	\$ 49.49	\$ 470.29	\$ 1,379.14	7/1/2022
County of Santa Clara South	\$ 33.31	\$ 38.54	\$ 86.16	N/A	\$ 525.49	\$ 1,493.63	7/1/2022
City of Mountain View	\$ 27.00	\$ 39.35	\$ 78.70	\$ 118.05	\$ 300.35	\$ 844.20	7/1/2022
City of Milpitas ¹	\$ 36.46	\$ 39.63	\$ 46.61	\$ 53.55	\$ 298.68	\$ 845.52	1/1/2023
City of Cupertino	\$ 37.78	\$ 40.18	\$ 77.33	\$ 114.48	\$ 317.04	\$ 951.10	2/1/2023
City of Campbell - Proposed	\$ 34.51	\$ 42.74	\$ 77.56	\$ 112.38	\$ 395.23	\$ 1,197.06	7/1/2023
County of Santa Clara East	\$ 41.64	\$ 43.07	\$ 79.67	N/A	\$ 531.46	\$ 1,509.70	7/1/2022
City of Los Altos	\$ 42.45	\$ 45.73	\$ 91.43	\$ 137.17	\$ 538.14	\$ 1,614.47	7/1/2022
Town of Los Gatos - Proposed	\$ 36.73	\$ 45.74	\$ 83.51	\$ 121.28	\$ 488.91	\$ 1,481.11	7/1/2023
City of Santa Clara ³	\$ 38.88	\$ 46.18	\$ 68.61	\$ 90.90	\$ 398.92	\$ 1,165.04	7/1/2022
City of Saratoga - Proposed	\$ 37.38	\$ 46.40	\$ 84.65	\$ 122.89	\$ 566.53	\$ 1,716.79	7/1/2023
County of Santa Clara West	\$ 28.63	\$ 47.93	\$ 99.58	N/A	\$ 457.17	\$ 1,371.50	7/1/2022
City of San Jose ⁴	N/A	\$ 49.43	\$ 98.86	\$ 148.29	\$ 313.36	\$ 896.28	7/1/2022
City of Palo Alto	\$ 27.81	\$ 50.07	\$ 100.15	\$ 150.22	\$ 504.40	\$ 1,455.48	7/1/2019
City of Monte Sereno - Proposed	\$ 42.48	\$ 52.83	\$ 96.64	\$ 140.46	\$ 579.01	\$ 1,753.83	7/1/2023
Town of Los Altos Hills	\$ 39.01	\$ 54.37	\$ 108.79	\$ 163.13	\$ 214.25	\$ 501.01	7/1/2022
50th Percentile	\$ 37.05	\$ 45.74	\$ 84.08	\$ 121.28	\$ 463.73	\$ 1,375.32	
75th Percentile	\$ 38.98	\$ 48.31	\$ 97.20	\$ 140.46	\$ 526.98	\$ 1,497.65	
All City Average	\$ 36.00	\$ 44.90	\$ 82.52	\$ 117.10	\$ 431.20	\$ 1,260.99	
WVSWMA Average	\$ 36.20	\$ 46.08	\$ 86.15	\$ 126.21	\$ 441.01	\$ 1,322.81	
WVSWMA Average over/under All City Average	\$ 0.20	\$ 1.17	\$ 3.62	\$ 9.11	\$ 9.81	\$ 61.82	

¹Split 19/19-gal, 26/19-gal, 45/19-gal, & 67/29-gal solid waste/food scraps cart

²Split solid waste/food scraps cart. Rate are based on garbage capacity only. 27-,43-, and 64-gallon carts.

³Rate for 2 and 3 30-32 gallon carts in lieu of 64 and 96 gallon carts

⁴San Jose residential rate includes loose in the street yard trimmings; commercial rate is for wet service

⁵Rates sorted by lowest to highest for 30-35 Gallon cart service

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 7
Meeting Date: May 4, 2023

Date: May 4, 2023

To: West Valley Solid Waste Management Authority Board

From: Authority Counsel

Subject: Amendment to Authority's Conflict of Interest Code

Recommended Action

Approve Resolution 2023-07 adopting the amended Conflict of Interest Code.

Discussion

The Political Reform Act requires every local governmental agency, including the West Valley Solid Waste Management Authority (Authority), to review its Conflict of Interest code every even-numbered year and when any changes in staffing occur. The Conflict of Interest code outlines the interests Board Members, other local government officials, and consultants must disclose when filing their annual Form 700. Pursuant to Government Code Section 87303, "No conflict of interest code shall be effective until it has been approved by the code-reviewing body." The County of Santa Clara Board of Supervisors is the code-reviewing body for local County agencies.

Santa Clara County (County) has requested that the Board amend its current code to add "Alternate Board Member" to the list of positions required to file a Form 700.

Fiscal Impact

None

Documents Attached

Resolution 2023-07 Resolution of the West Valley Solid Waste Management Authority Adopting an Amended Conflict of Interest Code for the West Valley Solid Waste Management Authority and Submitting Said Code to the Santa Clara County Board of Supervisors for Approval

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RESOLUTION NO. 2023-07

**RESOLUTION OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE WEST VALLEY
SOLID WASTE MANAGEMENT AUTHORITY AND SUBMITTING SAID CODE TO THE
SANTA CLARA COUNTY BOARD OF SUPERVISORS FOR APPROVAL**

WHEREAS, the Political Reform Act, Government Code section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted California Regulation, 2 Cal. Code of Regulations section 18730 ("Regulation"), which contains the terms of a standard conflict of interest code; and

WHEREAS, under State law, a local government agency may adopt the Regulation as its own conflict of interest code, along with the designation of individuals and the formulation of disclosure categories in an appendix to the Regulation; and

WHEREAS, the Santa Clara County Board of Supervisors is the code reviewing body for Santa Clara County agencies and for any other local agencies whose jurisdiction is solely within the County; and

WHEREAS, the West Valley Solid Waste Management Authority ("Authority") adopted the Regulation as its own conflict of interest code, along with a designation of individuals and the disclosure categories ("Conflict Code"); and

WHEREAS, the County has requested that the Authority amend the Conflict Code to include the Alternate Board Members.

NOW, THEREFORE, the Authority hereby amends the Conflict Code to include Alternate Board Members and authorizes the Executive Director to submit the Amended Conflict Code to the Santa Clara County Board of Supervisors for approval. Please see the attached Conflict Code.

This resolution was passed and adopted by the Board of Directors of the West Valley Solid Waste Management Authority at a regularly scheduled meeting on the 4th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Bryan Mekechuk, Chairperson

Attest:

Rob Hilton, Executive Director

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations section 18730), which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearings, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulation section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the text here designating officials and establishing disclosure categories, shall constitute the conflict of interest code of the West Valley Solid Waste Management Authority.

The full text of Section 18730, together with any amendments thereto, may be found at: <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>

Designated positions shall file statements of economic interest with the Authority. If a statement is received in signed paper format, the Authority's filing official shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If a statement is electronically filed using the County of Santa Clara's 700 e-filing system, both the Authority's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously. The Authority shall make the statements available for public inspection and reproduction pursuant to Government Code section 81008.

DESIGNATED POSITIONS: The designated positions listed below are required to file Form 700 Statements of Economic Interest disclosing certain personal financial interests. These positions are required to file the applicable individual schedules reporting investments, business positions, and sources of income located in or doing business in the Authority's jurisdiction and interest in real property located in the Authority's jurisdiction.

Designated Positions	Disclosure Category
Board Member	1
Alternate Board Member	1
Executive Director	1
Consultant	2
Newly Created Position	*

***Newly Created Positions**

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest category in the code, subject to the following limitation: The Authority may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements

specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Authority's determination is a public record and shall be retained for public inspection in the same manner and location as the conflict-of-interest code. (Gov. Code Section 81008.)

As soon as the Authority has a newly created position that must file statements of economic interests, the Authority's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the Authority's filing official shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of creation of a newly created position that must file statements of economic interests, the Authority shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306)

DISCLOSURE CATEGORIES:

1. **Jurisdiction.** The jurisdiction of the West Valley Solid Waste Management Authority is the City of Campbell, the City of Monte Sereno, the City of Saratoga, and the Town of Los Gatos. Individuals holding a designated position shall disclose reportable interests pursuant to the definition of jurisdiction for each type of interest in the statement of economic interests.
2. **Disclosure Categories.**

Category 1. Persons designated in this category must disclose (1) all investments, business positions and income, including gifts, loans and travel payments, from sources that (a) have filed claims, or have claims pending, against the Authority during the reporting period, (b) provide goods, equipment, machinery or services, related to solid waste collection or disposal, or (c) receive, are planning to receive, or have received in the last two years, grants or other monies from or through the Authority; and all interest in real property and or leased space located entirely or partly within the jurisdiction of the Authority, or within two miles of the Authority's boundaries, or of any land owned or used by the Authority.

Category 2. Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the conflict of interest code subject to the following limitations: The Authority may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

For purposes of Category 2, a “consultant” is an individual who, pursuant to a contract with a state or local government agency, makes a governmental decision whether to:

1. Approve a rate, rule, or regulation.
2. Adopt or enforce a law.
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement.
4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval.
5. Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract.
6. Grant agency approval to a plan, design, report, study, or similar item.
7. Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof.

A consultant is also an individual who, pursuant to a contract with the Authority, serves in a staff capacity with the Authority and in that capacity participates in making a governmental decision as defined in regulation 18704 or performs the same or substantially all the same duties for the Authority that would otherwise be performed by an individual holding a position specified in the Authority’s Conflict of Interest Code under Government Code section 87302.

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

Agenda Item No. 8
Meeting Date: May 4, 2023

Date: May 4, 2023
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: Santa Clara County Edible Food Recovery Program

Recommended Action

Approve Resolution 2023-08 authorizing the Authority Executive Director to sign a Memorandum of Understanding (MOU) for fiscal year (FY) 23-24 Edible Food Recovery Program Services.

Discussion

SB 1383 was signed by Governor Brown on September 19, 2016. The primary goals of SB 1383 are to reduce organic waste disposed of in landfills by 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.

To comply with edible food recovery requirements, the Santa Clara County (County) Recycling and Waste Reduction Commission (RWRC) entered an agreement with Joint Ventures Silicon Valley (JVSV) to implement a county-wide edible food recovery program. JVSV identified tier one and tier two commercial edible food generators, developed a list of food recovery organizations and food recovery services, and conducted a capacity planning study to document any infrastructure needed to support the program. As part of the program, JVSV will continue to provide the following services:

- Conduct inspections and monitoring of tier one and tier two commercial edible food generators and food recovery organizations and food recovery services.
- Conduct reviews of new tier one and tier two commercial edible food generators to ensure that the list remains up to date as businesses open within the County.
- Fulfill annual SB 1383 edible food recovery education requirements.
- Supply content for the County's edible food recovery program website.
- Provide each agency with information and data necessary for the agency to complete their required reports to CalRecycle.

JVSV's efforts and the program have been funded by the RWRC through June of 2023. Effective July 1, 2023, the RWRC has requested each participating agency fund their portion of the program. Each of the Authority's Member Agency's contributions for FY 23-24 are shown in Figure 1. The total program costs are allocated to each Member Agency based on amount of Tier 1 and Tier 2 Commercial Edible Food Generators in each Member Agency. These costs include costs for JVSV as well as infrastructure program

enhancements. These enhancements include grants issued to food recovery organizations to increase food recovery capacity and a webinar and in-person series for edible food recovery generators that will promote food waste prevention measures specific to each regulated sector, provide food recovery tips and best practices, and teach businesses and organizations how to comply with SB 1383 and local ordinances.

Figure 1. FY 23-24 County-Wide Edible Food Program Costs

Member Agency	Program Cost
Campbell	\$10,544
Los Gatos	\$7,878
Monte Sereno	\$3,800
Saratoga	\$7,806
Total	\$30,029

Recommended Action

Authority staff has reviewed the MOU and recommends authorizing the Authority's Executive Director to enter the MOU, which determines the parties' share of the costs of the program and provides for the payment thereof. In order for the RWRC to receive the requested funding for the program, the RWRC drafted the MOU, which is included in the attachment.

Documents Attached

Resolution 2023-08 Resolution of the Board of Directors of the West Valley Solid Waste Management Authority to Authorize the Executive Director to Sign a Memorandum of Understanding for Fiscal Year 2023-24 Edible Food Recovery Program Services

Fiscal Impact

The cost of the program is \$30,029 for FY 23-24 and will be funded through the SB 1383 Edible Food Recovery County-Wide Program line item in the FY 23-24 budget.

RESOLUTION NO. 2023-08

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN A MEMORANDUM OF UNDERSTANDING FOR FISCAL YEAR 2023-24 EDIBLE FOOD RECOVERY PROGRAM SERVICES

WHEREAS, Senate Bill (SB) 1383 was signed by Governor Brown in 2016 with the primary goals to reduce organic waste disposed of in landfills and recover edible food intended for human consumption, that would otherwise be landfilled; and

WHEREAS, the County of Santa Clara's (County) Recycling and Waste Reduction Commission (RWRC), a council advisory board, entered into an agreement with Joint Ventures Silicon Valley (JVSV), a non-profit organization, to implement a county-wide edible food recovery program to provide coordinated compliance with SB 1383 provisions related to edible food recovery on behalf of all agencies within the County; and

WHEREAS, RWRC has provided funding for this edible food recovery program on behalf of each jurisdiction within the County in fiscal year 2021-22 and fiscal year 2022-23 and is now requesting each participating agency fund their portion of the program through acceptance of a Memorandum of Understanding (MOU) for fiscal year 2023-24; and

WHEREAS, the West Valley Solid Waste Management Authority (Authority) and the City of Campbell, City of Monte Sereno, City of Saratoga, and Town of Los Gatos (Member Agencies) of the Authority have participated in this edible food recovery program in fiscal year 2021-22 and fiscal year 2022-23 and are now required to provide payment to the County for program operation and enhancement in order to continue participation in the county-wide program in fiscal year 2023-24; and

WHEREAS, the Board of Directors of the Authority desires to enter the MOU in order to continue each Member Agency's participation in the county-wide program.

WHEREAS, pursuant to the terms of the Joint Powers Agreement for the Authority, it is appropriate for the Authority to pay for the program operation and enhancement on behalf of the Member Agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY that the document entitled "Memorandum of Understanding Among Local Public Agencies in Santa Clara County for Food Recovery Program Costs," a copy of which is attached hereto and incorporated herein by reference, is hereby approved and the Executive Director of the Authority is hereby authorized to execute such agreement on behalf of the Member Agencies.

This resolution was passed and adopted by the Board of Directors of the West Valley Solid Waste Management Authority at a regularly scheduled meeting on the 4th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Bryan Mekechuk, Chairperson

Attest:

Rob Hilton, Executive Director

**MEMORANDUM OF
UNDERSTANDING AMONG LOCAL
PUBLIC AGENCIES IN
SANTA CLARA COUNTY
FOR FOOD RECOVERY PROGRAM COSTS**

SECTION 1. OVERVIEW

This Memorandum of Understanding (“MOU”) is between the cities of Cupertino, Gilroy, Los Altos, Milpitas, Morgan Hill, Mountain View, Palo Alto, San José, Santa Clara, and Sunnyvale; the town of Los Altos Hills; the County of Santa Clara; and the West Valley Solid Waste Management Authority on behalf of its member agencies, the cities of Campbell, Monte Sereno and Saratoga; and town of Los Gatos; collectively “Parties” or individually as a "Party."

SECTION 2. RECITALS

WHEREAS, the signatory Parties are also “PARTIES” to the Memorandum of Agreement for the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee, which is a Committee of the County of Santa Clara Recycling and Waste Reduction Commission that advances the interests of Party jurisdictions by performing technical and policy review to inform parties and advise the Commission on solid waste management issues, and bring together varied expertise and viewpoints for planning and implementing the Commission approved annual workplan and budget;

WHEREAS, the Parties have previously agreed to jointly fund the cost of a countywide edible food recovery program to satisfy their respective obligations under SB 1383 (2016) and the corresponding regulations;

WHEREAS, the County of Santa Clara is the Fiscal Agent for the Technical Advisory Committee (TAC) to the Santa Clara County Recycling and Waste Reduction Commission and the City of Morgan Hill is the Administrator and Contracting Agent for the TAC;

WHEREAS, the City of Morgan Hill, as Program Administrator and Contracting Agent, has contracted with Joint Venture Silicon Valley to implement and manage the countywide Food Recovery Program (“Program”) for Fiscal Year 2023/24;

WHEREAS, the Parties desire to execute this MOU to provide for their respective share of costs for the Program;

NOW, THEREFORE, for good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, the Parties agree as follows:

SECTION 3. PURPOSE OF THE MOU

The purpose of this MOU is to establish a means of requiring:

Payment by the Parties for their share of the costs for implementation of the Program.

SECTION 4. EFFECTIVE DATE

This MOU shall be effective upon execution of this MOU by all Parties (“Effective Date”).

SECTION 5. PAYMENTS UNDER THIS MOU

For purposes of the Program, the County of Santa Clara is the Fiscal Agent and the City of Morgan Hill is the TAC Administrator and Contracting Agent, as specified in the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee MOA.

The Parties agree to share costs for the services as described in Exhibit A of this MOU.

The County of Santa Clara will, within thirty (30) days of the Effective Date of this MOU, submit to the other Parties an invoice for the amounts due under the MOU. Each party will make their payment to the County of Santa Clara based on the invoice amount.

SECTION 6. RECORDS AND ACCOUNTS

The County of Santa Clara will keep complete and accurate financial records related to accomplishing the purposes of this MOU. Upon reasonable notice to the County of Santa Clara, any Party to this MOU may inspect the financial records related to this MOU.

SECTION 7. FURTHER ASSURANCES

Each Party will adopt, execute, and make any and all further assurances, instruments and resolutions as may be reasonably necessary or proper to carry out the intention or to facilitate the Parties’ performance of their obligations under this MOU.

SECTION 8. REPRESENTATIONS AND WARRANTIES

Each Party represents and warrants to all other Parties as follows:

Authority: Each Party has the full legal right, power and authority under the laws of the State of California to enter into this MOU and to carry out all of its obligations herein.

Due Execution: Each Party’s representatives who sign this MOU are duly authorized to sign and bind their respective agency.

SECTION 9. REMEDIES NOT EXCLUSIVE

No remedy herein conferred upon or reserved in this MOU is exclusive of any other remedy, and each such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing in law or in equity or by statute or otherwise, and all such remedies may be exercised without exhausting and without regard to any other remedy.

SECTION 10. INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation, which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a Party shall not be shared pro rata but, instead, the Parties agree that, pursuant to Government Code Section 895.4, each of the Parties hereto shall fully indemnify and hold each of the other Parties, their officers, board members, employees, and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined in Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying Party, its officers, employees, or agents, under or in connection with or arising out of any work, authority, or jurisdiction delegated to such Party under this MOU. No Party, nor any officer, board member, or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of any other Party hereto, its officers, board members, employees, or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other Party under this MOU. The obligations set forth in this paragraph will survive termination and expiration of this MOU.

SECTION 11. SEVERABILITY

The provisions of this MOU shall be severable, and if any clause, sentence, paragraph, provision or other part shall be adjudged by any court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU will be valid and binding on the Parties.

SECTION 12. AMENDMENTS

This MOU may only be amended by a written instrument signed by the Parties.

SECTION 13. COUNTERPARTS

This MOU may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

SECTION 14. USE OF ELECTRONIC SIGNATURES

Unless otherwise prohibited by law, the Parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term "electronic copy of a signed contract" refers to a transmission by

facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the City of Morgan Hill. For the purposes of this agreement, the approved methods of signing shall be via DocuSign or original ink signature signed in counterpart and scanned over to the CITY via electronic mail.

SECTION 15. INTERPRETATION, PRIOR AGREEMENTS AND AMENDMENTS.

This MOU, including all Exhibits attached hereto, represents the entire understanding of the Parties as to those matters contained herein. In the event that the terms specified in any of the Exhibits attached hereto conflict with any of the terms specified in the body of this MOU, the terms specified in the body of this MOU shall control. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This MOU may be modified only by a written amendment duly executed by the Parties to this MOU.

SECTION 16. NO LEGAL RELATIONSHIP

By entering into this MOU, the Parties are neither forming, nor do they intend to form a partnership, agency, or any other legal entity relationship. No Party is authorized to bind or to act as the agent or legal representative of the other Party for any purpose, and neither Party is granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of or in the name of any other Party.

SECTION 17. GOVERNING LAW, VENUE

This MOU has been executed and delivered in, and shall be construed and enforced in accordance with, the laws of the State of California. Proper venue for legal action regarding this MOU shall be in the County of Santa Clara.

IN WITNESS OF, the Parties have executed the MOU as of the last date set forth below:

City of Cupertino
Date: _____

Approval as to form, Cupertino
Date: _____

City of Gilroy
Date: _____

Approval as to form, Gilroy
Date: _____

City of Los Altos

Date: _____

Approval as to form, Los Altos

Date: _____

Town of Los Altos Hills

Date: _____

Approval as to form, Los Altos Hills

Date: _____

City of Milpitas

Date: _____

Approval as to form, Milpitas

Date: _____

City of Morgan Hill

Date: _____

Approval as to form, Morgan Hill

Date: _____

City of Mountain View

Date: _____

Approval as to form, Mountain View

Date: _____

City of Palo Alto

Date: _____

Approval as to form, Palo Alto

Date: _____

City of San Jose

Date: _____

Approval as to form, San Jose

Date: _____

City of Santa Clara

Date: _____

Approval as to form, Santa Clara (City)

Date: _____

City of Sunnyvale

Date: _____

Approval as to form, Sunnyvale

Date: _____

County of Santa Clara

Date: _____

Approval as to form, Santa Clara County

Date: _____

West Valley Solid Waste Management
Authority

Date: _____

Approval as to form, West Valley Solid
Waste Management Authority

Date: _____

EXHIBIT A

COSTS AND SCOPE OF SERVICES

Proposed Jurisdiction Contributions for Base Program and Infrastructure - FY 23-24 Program Costs									
Jurisdictions	Initial Local Asst. Grant (LAG) Allocation	Initial program "pledge" 19% of LAG	Tier 1 Generators	Tier 2 Generators	Total Generators	Base Program Contract Cost (\$133 per generator)	Base Program Contribution (\$133 per generator)	Potential Infrastructure Enhancements	Enhancement Contribution
Campbell	\$ 55,495	\$ 10,544	11	49	60	\$ 7,980	\$ 7,980	\$ 2,564	\$ 2,564
Cupertino	\$ 77,953	\$ 14,811	10	80	90	\$ 11,970	\$ 11,970	\$ 2,841	\$ 2,841
Gilroy	\$ 75,255	\$ 14,298	11	48	59	\$ 7,847	\$ 7,847	\$ 6,451	\$ 6,451
Los Altos	\$ 41,038	\$ 7,797	7	34	41	\$ 5,453	\$ 5,453	\$ 2,344	\$ 2,344
Los Altos Hills	\$ 20,000	\$ 3,800	0	2	2	\$ 266	\$ 266	\$ 3,534	\$ 3,534
Los Gatos	\$ 41,465	\$ 7,878	10	45	55	\$ 7,315	\$ 7,315	\$ 563	\$ 563
Milpitas	\$ 100,259	\$ 19,049	21	92	113	\$ 15,029	\$ 15,029	\$ 4,020	\$ 4,020
Monte Sereno	\$ 20,000	\$ 3,800	0	1	1	\$ 133	\$ 133	\$ 3,667	\$ 3,667
Morgan Hill	\$ 63,156	\$ 12,000	15	43	58	\$ 7,714	\$ 7,714	\$ 4,286	\$ 4,286
Mountain View	\$ 109,638	\$ 20,831	17	114	131	\$ 17,423	\$ 17,423	\$ 3,408	\$ 3,408
Palo Alto	\$ 89,759	\$ 17,054	7	106	113	\$ 15,029	\$ 15,029	\$ 2,025	\$ 2,025
San Jose	\$ 1,351,654	\$ 256,814	212	787	999	\$ 132,702	\$ 132,702	\$ 124,112	\$ 124,112
Santa Clara	\$ 172,504	\$ 32,776	40	162	202	\$ 26,866	\$ 26,866	\$ 5,910	\$ 5,910
Saratoga	\$ 41,085	\$ 7,806	2	26	28	\$ 3,724	\$ 3,724	\$ 4,082	\$ 4,082
Sunnyvale	\$ 202,777	\$ 39,368	26	144	170	\$ 22,610	\$ 22,610	\$ 16,758	\$ 16,758
Unincorporated SCC	\$ 113,337	\$ 23,000	13	35	48	\$ 6,384	\$ 6,384	\$ 16,616	\$ 16,616
Totals	\$ 2,575,374	\$ 491,627	402	1768	2170	\$ 288,445	\$ 288,445	\$ 203,182	\$ 203,182
West Valley Cities: FY 23-24 contributions funded by West Valley Solid Waste Management Authority							\$ 19,152	\$ 10,876	
Note: Initial program pledge was based on program cost estimate before program establishment and experience with program scope of work.									
Enhancement Contributions may be reduced, but not the Base Program Contribution.									

EXHIBIT A: SCOPE OF SERVICES

Base Program – Countywide Food Recovery Program Management

From July 1, 2023 to June 30, 2024, Joint Venture Silicon Valley will run the Santa Clara County Food Recovery Program, serving as the food recovery program (Program) on behalf of all jurisdictions (Jurisdictions) of the Parties, and coordinating with any Party performing their own enforcement.

The Base Program

1. Will develop and coordinate a standardized and uniform method to comply with California Code of Regulations, Title 14, Division 7, Chapter 12, “Short-Lived Climate Pollutants.” The Program will operate within the Party’s boundaries and replace the need for the Party to create such a program on its own.
2. Each year by March, the Program will conduct a review of new Tier 1 and Tier 2 Entities, to ensure that as businesses open in Santa Clara County, the appropriate regulated entities are added to the Tier 1 and Tier 2 lists. Closing businesses will be identified during the reporting process, and be eliminated from the lists.
3. Provide Parties with requirements for inclusion in the ‘large event’ list requested from each Party, as well as provide electronic materials for distribution for large event planners.
4. Shall provide Parties with the information and data necessary for the Parties to make their required reports to CalRecycle.
5. Shall retain records of inspections for each Party for a minimum of five (5) years.
6. Shall notify the Party promptly about any related issues that require the Party’s assistance or to request the Party lead in resolving the issue(s) that arise related to non-compliance.
7. Shall fulfill the annual education requirement for the Parties and provide the data needed for the Parties to complete required CalRecycle reports.
8. Shall conduct generator and Food Recovery Organization/Services requests for reports, compile the results, and communicate those results to the jurisdictions for inclusion in the Implementation Record Data Summary, and to Santa Clara County for use in future Capacity Planning efforts.
9. Shall conduct inspections and monitoring in compliance with CalRecycle expectations for Tier One businesses, Tier Two entities and Organizations, and Food Recovery Organizations and Services.
10. The Program shall supply appropriate content for the web site, SCCFoodRecovery.org, as well as a list of Food Recovery Organizations and Services. The list will be annually updated and made accessible to Tier 1 and 2 Entities.

11. The Program leadership shall represent the interests of the Program with other entities, Counties, and CalRecycle.
12. The Program leadership shall create reports about Program activities at the end of each fiscal year. These reports shall include monitoring statistics, details on overall compliance, compliance in certain sectors, total number of pounds of food recovered, and a summary of all enforcement actions taken.
13. Statistics about food recovery in Santa Clara County will be shared on the Office of Sustainability website as part of the Sustainability Master Plan Data Dashboard and the Annual Sustainability Report.

All Parties to this MOU will receive the Base Program services.

Infrastructure Enhancements Program

As shown in Exhibit A of this MOU, jurisdictions have chosen to contribute to the edible food recovery Infrastructure Enhancements Program which will direct additional food recovery resources to participating jurisdictions between July 1, 2023 and June 30, 2024. The Infrastructure Enhancements Program will include two subprograms, described as follows:

- 1) Small Capacity Grants. Grants will be issued to increase the food recovery capacity of food recovery organizations that serve contributing jurisdictions. Applications will be solicited, awards will be issued, and funds will be distributed. Joint Venture Silicon Valley will provide information for Annual Reporting that shows how contributions to this subprogram were spent on behalf of each participating Agency.
- 2) Food Waste Prevention Classes. A webinar/in-person series will be advertised for different sectors regulated under SB 1383 (e.g., restaurants, hospitals, schools, large events). The series will promote food waste prevention measures specific to each regulated sector, provide food recovery tips and best practices, and teach businesses and organizations how to comply with SB 1383 and local ordinances. The series will start with Tier 2, and then move into Tier 1 groups that answered 'zero pounds' in their reports, if funding allows. Joint Venture Silicon Valley will provide information for Annual Reporting that shows how contributions to this subprogram were spent on behalf of each participating Party.

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

Agenda Item No. 9
Meeting Date: May 4, 2023

Date: May 4, 2023
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: Board Meeting Schedule

Recommended Action

Approve Board Meeting schedule for fiscal year (FY) 23-24.

Discussion

The attached schedule reflects the regularly scheduled meetings for FY 23-24.

Certain items must be addressed at specific meetings during the year due to procedural or contractual commitments. For example, the West Valley Solid Waste Management Authority (Authority) must ratify the collection rates no later than the May meeting in order for the rates to be effective July 1 in accordance with the agreement with West Valley Collection & Recycling (WVC&R). Also, new Board Members must be elected at the first meeting of the calendar year. These items are shown in bold type in the attached schedule. The schedule for other items is more flexible; these are shown in normal type.

The attached schedule is meant to be a guide, not a rigid schedule. Regular meetings may be cancelled and special meetings may be scheduled, as needed. Board Members, the Authority Attorney, or the Executive Director may add agenda items, accelerate or delay items, or delete items from the schedule. Agendas will continue to be published a week prior to each meeting with the items to be discussed at that meeting.

Recommended Action

The Board should review the attached schedule and provide feedback to staff regarding changes to the proposed schedule.

Documents Attached

Proposed Schedule of Meetings

Fiscal Impact

None

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY FISCAL YEAR (FY) 23-24 PROPOSED SCHEDULE OF MEETINGS

Meeting Date	Discussion Items
September 7, 2023	<ul style="list-style-type: none"> • Receive and file annual CalRecycle Annual Reports
November 2, 2023	<ul style="list-style-type: none"> • Closed Session – annual evaluations of the West Valley Solid Waste Authority’s (Authority) Attorney and Executive Director • Consider a report on West Valley Collection & Recycling’s (WVC&R) prior fiscal year (FY) complaints/liquidated damages
February 1, 2024	<ul style="list-style-type: none"> • Elect new officers • Receive a report summarizing the Authority’s functions, roles, and responsibilities • Review and discuss Authority budget priorities
May 2, 2024	<ul style="list-style-type: none"> • Approve Board Meeting schedule • Ratify Waste Management (WM) disposal contractual rate adjustment • Ratify WVC&R contractual collection rate adjustment • Approve Authority budget • Accept audited financial statements
Recurring Meeting Agenda Items	<ul style="list-style-type: none"> • Approve prior meeting minutes • Receive and file the Executive Director financial report • Receive a report on regulatory and program updates • Receive a presentation on the Authority’s solid waste programs

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 10
Meeting Date: May 4, 2023

Date: May 4, 2023

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: Recent Regulatory Changes and Program Updates

Recommended Action

Receive a report on recent regulatory changes and program updates.

Discussion

Existing Legislation

SB 1383 – SB 1383 was signed by Governor Brown on September 19, 2016. The primary goals of SB 1383 are to reduce organic waste disposed in landfills by 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 began on January 1, 2022 for jurisdictions and will begin on January 1, 2024 for generators, haulers, and processors.

SB 54 – SB 54 was signed into law on June 30, 2022. The statute establishes the “Plastic Pollution Prevention and Packaging Producer Responsibility Act,” one of the most comprehensive EPR programs in the nation for single-use packaging and single-use plastic food service ware. The bill requires producers to ensure that single-use plastic packaging and food service ware are recyclable or compostable by 2032 and achieve 25% source reduction and a 65% recycling rate of covered materials, on specified timeframes.

Covered producers are required to form a Producer Responsibility Organization (PRO) and the PRO must submit an implementation plan to CalRecycle. The PRO’s plan must include how the PRO will fully fund the program, including any costs incurred by local jurisdictions and solid waste service providers as a result of the bill, and meet approval of an appointed Advisory Board. The bill would require a PRO, commencing 2024, to remit \$500 million each year to be deposited into the California Plastic Pollution Mitigation Fund, which was created by the bill. Monies from the fund shall be used to benefit low-income or disadvantaged communities and may also be used for grants to local jurisdictions or organizations.

By January 1, 2024, CalRecycle will publish a list of materials determined to be recyclable and compostable in the State. Jurisdictions shall be required to accept materials on that list in their curbside program, with certain exemptions available. CalRecycle is required to adopt regulations by January 1, 2025 to implement the requirements of SB 54. Such regulations may provide further direction on how this legislation will impact jurisdictions.

CalRecycle is in the informal rulemaking process for the SB 54 regulations, including hosting workshops and soliciting public comment from stakeholders. CalRecycle is planning to enter into the formal rulemaking process in late 2023. The Authority's Executive Director is participating in this rulemaking process and will continue to update the Board on any developments in the regulations that may impact local agencies.

AB 661 – AB 661 was signed into law on September 25, 2022 and became effective January 1, 2023. The bill repealed Section 12209 of the Public Resources Code (PRC), which is referenced in SB 1383 regulations, and added requirements for paper products to meet specific percentages of post-consumer recycled-content.

Advanced Clean Fleet Regulations – The California Air Resources Board (CARB) is developing new regulatory language to transition all medium and heavy-duty diesel trucks to zero emissions fleet vehicles by 2045. Starting January 1, 2024, 50% of new class 2B-class 8 vehicles purchased (e.g., solid waste collection trucks) will be required to be zero emissions vehicles, with 100% of vehicles required to be zero emissions by 2027.

California Legislative Updates

More than 40 bills related to solid waste and recycling were introduced in the California State Legislature this year. The bills highlighted below are of particular interest to the West Valley Solid Waste Management Authority (Authority).

SB 54 – Related Bills

AB 1489 – This bill would define “compostable polymers as products eligible to be labeled as compostable and would exempt this material from the 25% source reduction requirements.

SB 303 – This bill would revise the dispute resolution process between the Producer Responsibility Organization (PRO) and the haulers, facilities, or local programs, within the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act) and would revise and clarify several of Act's definitions.

SB 665 – This bill would require CalEPA, by January 1, 2025, to establish a working group to establish a framework for evaluating “novel material types” (i.e., single-use plastic alternatives) as they are developed to inform state policy decisions.

Single-Use Plastics and Materials Bills

AB 1290 – This bill would prohibit the sale of certain types of opaque or pigmented plastic containers beginning January 1, 2026, and prohibit certain chemical additives to plastic, such as PFAS, carbon black, and oxo-degradable additives with certain exemptions.

AB 1347 – This bill, often referred to as “Skip the Slip,” would require a business to provide a receipt to a consumer only at the consumer's option, and would prohibit ads, coupons, and other non-essential items from being included on receipts (paper or electronic). It would also prohibit the use of BPA/BPS in receipt paper, which are known to cause human health effects.

SB 378 – This bill would ban expanded polystyrene at state parks and beaches, making improper disposal subject to a fine.

SB 777 – This bill would expand the allowed uses for the \$0.10 bag charge collected by stores under the state's single-use plastic bag ban to include costs for bag take-back programs and other costs to ensure plastic bags are recycled.

Solid Waste Disposal Bills

AB 592 – This bill would authorize a county to adopt an ordinance to regulate the transport of solid waste by nonfranchise solid waste haulers on public roads in unincorporated areas of the county.

AB 1534 – This bill would require the State Air Resources Board, no later than June 30, 2026, to evaluate and revise existing regulations to incorporate the use of methane remote sensing data to achieve a reduction in statewide methane emissions.

AB 1705 – This bill would prohibit the establishment or expansion of a transformation or EMSW conversion facility in the state until the state has achieved its recycling and organic waste reduction targets for three consecutive years.

Organic Waste Bills

AB 573 – This bill would require CalRecycle to allow local jurisdictions until December 1, 2039, to use California-derived recovered organic waste that the local jurisdiction sends for processing at a facility outside of the state (that meets certain conditions) to help meet its organic waste procurement target.

AB 660 – Requires the FDA and State Department of Public Health, before January 1, 2025, to publish information about using specified terms on food product labels to communicate quality and safety dates. Manufacturers would be prohibited to sell food items in the state that do not use these terms after this date.

Beverage Container Bills

There were several beverage container bills that were introduced that focus on the material composition and reporting requirements of plastic materials used to make beverage containers (AB 348, AB 891, SB 353).

Product Stewardship and Extended Producer Responsibility (EPR) Bills

There were several bills introduced that would regulate end of life management and recycling of hard to recycle materials, such as solar panels (AB 2 and AB 1238), batteries (AB 495, SB 38, and SB 615), gas cylinders (SB 560), carpet (AB 863 and SB 854), e-waste (SB 568), and microparticles (AB 234). Other bills related to product repair (SB 244 and SB 271) and textile recycling (SB 707) were also introduced.

Hazardous Waste and Illegal Dumping Bills

There were several bills that were introduced that would regulate hazardous waste and illegal dumping enforcement and cleanup (AB 347, AB 407, AB 909, AB 1716, SB 367, and SB 642).

PFAS Bills

There were several bills related to perfluoroalkyl and polyfluoroalkyl substances (PFAS) regulation (AB 246, AB 1423, and AB 1660) that were introduced.

Local

The Technical Advisory Committee (TAC) of the Santa Clara County Recycling and Waste Reduction Commission (RWRC) meets monthly. In addition, there are multiple subcommittees, including but not limited to those related to SB 1383 and public education and outreach. Representatives from the City of Campbell, City of Monte Sereno, City of Saratoga, and Town of Los Gatos (Member Agencies) and the Authority are attending the meetings. The TAC also funded a county-wide Santa Clara County Food Recovery Program for FY 22-23 to reach SB 1383 compliance related to edible food recovery. In FY 23-24, each agency will need to fund their portion of the county-wide Santa Clara County Food Recovery Program to continue participating in the program.

Documents Attached

None

Fiscal Impact

None

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Executive Director

Rob Hilton
1821 S. Bascom Ave. #405
Campbell, CA 95008
Telephone: (408) 471-6255
E-mail: wvswma@hfh-consultants.com

Member Agencies

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

MEETING MINUTES

February 2, 2023

Meeting held via teleconference, in accordance with California Governor Executive Order N-29-20, and in-person at the City of Monte Sereno's City Hall located at 18041 Saratoga-Los Gatos Road, Monte Sereno, CA 95030.

Call to Order

At 5:15 pm, Chair Mekechuk called the meeting to order.

Pledge of Allegiance

Roll Call

Chair Bryan Mekechuk, representing Monte Sereno, Vice Chair Mary Badame, representing Los Gatos, Member Dan Furtado, representing Campbell, and Member Chuck Page, representing Saratoga, were present. Also present was Executive Director Rob Hilton, Deputy Director Hailey Gordon, and Authority Counsel Kirsten Powell.

Oral Communications from the Public

None

Written Communications

None

Old Business

None

Presentations and Informational Items

1. The Board received a presentation summarizing the Authority's functions, roles, and responsibilities.
2. The Board received a presentation and had a discussion about the Authority's workplan and budget priorities for fiscal year (FY) 23-24. Chair Mekechuk requested that rates be shown as total quarterly rates.

New Business

3. Upon a motion by Member Page and a second by Vice Chair Badame, the Board voted unanimously to approve Resolution 2023-01 adopting a revised FY 22-23 budget to authorize Authority staff to perform a franchise fee valuation study.

4. Upon a motion by Chair Mekechuk and a second by Member Page, the Board voted unanimously to approve Resolution 2023-02 authorizing the Chairperson to execute a contract with California Wood Recycling, Inc. dba Agromin (Agromin), a California corporation, for recycled organic waste product procurement services.
5. Upon a motion by Vice Chair Badame and a second by Chair Mekechuk, the Board voted unanimously to elect Chair Mekechuk as Chairperson and Member Page as Vice Chairperson for 2023.

Public Hearings

None

Consent Calendar

Upon a motion by Member Furtado and a second by Member Page, the Board voted unanimously to approve consent items six through nine.

Executive Director Report

Authority Executive Director offered to attend and present at each of the Member Agency's City/Town Council Meetings with program development and progress updates.

Future Agenda Items

None

Board Member Reports

None

Adjournment

Chair Mekechuk adjourned the meeting at 6:20 pm until the next regular meeting, which will be held on May 4, 2023.

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 12
Meeting Date: May 4, 2023

Date: May 4, 2023

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: Year-To-Date Financial Report

Recommended Action

Receive and file the Executive Director Year-to-Date Financial Report for the nine months ending March 31, 2023.

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 March 31, 2023 for fiscal year (FY) 22-23. With 75% of the fiscal year passed, the report shows that the Authority received \$1,072,312 or 95% of revenues and expended \$720,788 or 60% of expenses for the approved FY 22-23 budget. The CalRecycle SB 1383 Local Assistance Grant was awarded to the Authority in April 2022. The total awarded amount of \$168,481 was increased from the initial amount of \$158,045 requested, as a result of unused funds that were distributed to eligible entities based on per capita calculations of 2021 population data. The Authority’s liability insurance through SDRMA is greater than budgeted mostly due to market conditions over the past five years, specifically market disruptions caused by natural disasters across the world, which caused the SDRMA to increase rates.

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 of \$647,433 is more than the \$200,000 and an increase of \$351,524 from the July 1, 2022 starting balance of \$295,909.

Documents Attached

Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual

Fiscal Impact

None

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West Valley Solid Waste Management Authority
Statement of Revenues, Expenditures, and
Changes in Fund Balance - Budget and Actual
March 31, 2023

Acct #	Description	JPA Budget FY 2022-23	Year to Date Actual	Balance	YTD %
<u>Revenues</u>					
4410	Interest	\$ -	\$ 2,207	\$ (2,207)	N/A
4431	Unrealized Gains/Losses	-	4,865	(4,865)	N/A
4523	SB 1383 Local Assistance Grant	158,045	168,481	(10,436)	107%
4965	Other Revenue	-	81,548	(81,548)	N/A
4968	Expense Abatement	-	-	-	N/A
4970	City of Campbell	74,780	56,085	18,695	75%
4970	Town of Los Gatos	55,520	41,640	13,880	75%
4970	City of Monte Sereno	6,489	4,867	1,622	75%
4970	City of Saratoga	54,998	41,428	13,570	75%
4975	Franchise Agreement WVC&R	450,000	337,500	112,500	75%
4975	Reimbursement of Collection Agreement Negotiations	333,690	333,690	-	100%
	Total Revenues	<u>\$ 1,133,522</u>	<u>\$ 1,072,312</u>	<u>\$ 61,210</u>	<u>95%</u>
<u>Expenditures:</u>					
Services and Supplies:					
7424	Office Expense	\$ -	\$ -	\$ -	N/A
7424	SB 1383 Member Agency Organics Procurement	40,000	-	40,000	0%
7427	Special Departmental Exp. (Legal Services)	26,928	11,344	15,584	42%
7427	Special Departmental Exp. (Legal Services - Collection Agreement)	33,660	18,172	15,488	54%
7430	Prof. & Special Services (Executive Director)	465,036	263,382	201,654	57%
7430	Prof. & Special Services (Other)	5,000	-	5,000	0%
7430	Grant Administration	2,250	1,176	1,074	52%
7430	Refuse Vehicle Impact Analysis	50,000	49,198	802	98%
7432	Other Contractual Services (Countywide Support)	-	-	-	N/A
7432	Other Contractual Services (Website Administration)	1,237	-	1,237	0%
7432	Other Contractual Services (Audit Services)	3,500	-	3,500	0%
7433	Insurance (Liability)	2,871	5,152	(2,281)	179%
7435	Travel/Conf. & Meetings	2,000	-	2,000	0%
7438	Other Charges (Accounting & Bookkeeping)	9,844	-	9,844	0%
7438	Record Keeping and Reporting	61,800	30,510	31,290	49%
7443	SB 1383 Outreach	37,869	4,355	33,514	12%
7675	Authority Solid Waste Distribution	450,000	337,500	112,500	75%
	Total Expenditures	<u>\$ 1,191,995</u>	<u>\$ 720,788</u>	<u>\$ 471,207</u>	<u>60%</u>
	Excess (deficiency) of revenues over (under) expenditures	\$ (58,473)	\$ 351,524	\$ (409,997)	
	Beginning Fund Balance 7/1/22 (Preliminary)	258,473	295,909		
	Ending Fund Balance	<u>\$ 200,000</u>	<u>\$ 647,433</u>		

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 13
Meeting Date: May 4, 2023

Date: May 4, 2023

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: Fiscal Year 21-22 Audited Financial Statements

Recommended Action

Receive and file a report on the West Valley Solid Waste Management Authority's (Authority) fiscal year (FY) 21-22 Audited Financial Statements.

Discussion

The City of Campbell (Campbell) provides financial services (general ledger, bookkeeping, etc.) to the Authority. Campbell, on behalf of the Authority, hired Eide Bailly, LLP to perform the annual audit of the Authority's financial statements.

The Authority's FY 21-22 Financial Audit is presented to the Board of Directors to receive and file. In the Auditor's opinion, the financial statements present fairly, in all material respects, the financial position of the Authority as of June 30, 2022, and the changes in financial position and cash flows for the year ended in accordance with accounting principles generally accepted in the United States of America.

Documents Attached

West Valley Solid Waste Management Authority FY 21-22 Audited Financial Statements

Fiscal Impact

None

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Annual Financial Report
June 30, 2022

West Valley Solid Waste Management Authority

West Valley Solid Waste Management Authority

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June 30, 2022

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Board Members

Bryan Mekechuk, City of Monte Sereno, Chair

Mary Badame, Town of Los Gatos, Vice Chair

Paul Resnikoff, City of Campbell, Member

Rishi Kumar, City of Saratoga, Member

Staff

Rob Hilton, Executive Director



Independent Auditor's Report

Board of Directors
West Valley Solid Waste Management Authority
Campbell, California

Report on the Audit of the Financial Statements

Opinion

We have audited the financial statements of the West Valley Solid Waste Management Authority (the "Authority") as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the Authority, as of June 30, 2022, and the changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Authority and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Report on Summarized Comparative Information

We have previously audited the Authority's 2021 financial statements, and we expressed an unmodified audit opinion on those audited financial statements in our report dated March 14, 2022. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2021, is consistent, in all material respects, with the audited financial statements from which it has been derived.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Authority's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Authority's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated April 7, 2023 on our consideration of the Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Authority's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Authority's internal control over financial reporting and compliance.

A handwritten signature in cursive script that reads "Eide Bailly LLP".

Menlo Park, California
April 7, 2023

This section of the Authority's financial statements, referred to as management's discussion and analysis, provides a narrative introduction, overview, and analysis of the Authority's financial statements that follow.

Fiscal Year 2021-22 Financial Highlights

The primary revenue source for the Authority comes from each member agency based upon the estimated expenses for the upcoming year and a franchise agreement with West Valley Collection and Recycling that provides revenues of \$450,000 annually for the Authority. Operating revenues increased in the current year by \$140,579 from 2021. Total revenues for the fiscal year ended June 30, 2022, were \$909,223 compared to expenses of \$888,450, resulting in an increase in net position of \$20,773 for the fiscal year. Ending net position was \$291,540, consisting of cash and investments in the amount of \$453,340, accounts payable and other liabilities of \$31,768 and unearned revenues of \$205,981.

Overview of the Financial Statements

This discussion and analysis serve as an introduction to the Authority's basic financial statements.

These basic financial statements are designed to provide readers with a broad overview of the Authority's finances in a manner similar to a private sector business. They consist of the statement of net position, the statement of revenues, expenses, and changes in net position, the statement of cash flows, and the related notes.

The statement of net position includes all of the Authority's investments in resources (assets and deferred outflows of resources) and the obligations to creditors (liabilities and deferred inflows of resources). It also provides the basis for computing rate of return, evaluating the capital structure of the Authority, and assessing the liquidity and financial flexibility of the Authority. All of the current year's revenues and expenses are accounted for in the statement of revenues, expenses, and changes in net position. This statement measures the success of the Authority's operations over the past year and can be used to determine whether the Authority has successfully recovered all of its costs through its assessments, fees and other charges, profitability, and creditworthiness. The final required financial statement is the statement of cash flows. The primary purpose of this statement is to provide information about the Authority's cash receipts and cash payments during the reporting period. The statement reports cash receipts, cash payments, and net changes in cash resulting from operating, investing, and financing activities and provides answers to such questions as where did cash come from, what was cash used for, and what was the change in cash balance during the reporting period. The notes to the basic financial statements provide additional information that is essential to a full understanding of the data provided in the basic financial statements. They can be found immediately following the financial statements.

Financial Analysis of the Authority

This analysis focuses on the net position and changes in net position at the Authority-wide level as presented in the statement of net position and the statement of revenues, expenses, and changes in net position.

Net position for the Authority is summarized below and analysis follows:

Statement of Net Position

	Fiscal Year 2022	Fiscal Year 2021
Cash and Investments	\$ 453,340	\$ 289,722
Accounts Receivable	75,949	139
Accounts Payable and other Liabilities	<u>237,749</u>	<u>15,186</u>
Net position, unrestricted	<u>\$ 291,540</u>	<u>\$ 274,675</u>

Total assets and liabilities increased by \$239,428 (82.6%) and \$222,563 (1465.58%), respectively, as a result are recording of unearned revenues in the current year coupled with an increase in cash and investments and accounts receivable. Below is a summary of components that resulted in the changes in net position.

Statement of Revenues, Expenses, and Changes in Net Position

	Fiscal Year 2022	Fiscal Year 2021
Operating Revenues		
Member assessments	\$ 362,599	\$ 297,268
Annual fee payment	450,000	450,000
Other	<u>96,624</u>	<u>21,376</u>
Total operating revenues	<u>909,223</u>	<u>768,644</u>
Operating Expenses		
Solid waste	438,450	317,731
Distributions to member agencies	<u>450,000</u>	<u>450,000</u>
Total Operating Expenses	<u>888,450</u>	<u>767,731</u>
Operating income (loss)	20,773	913
Nonoperating Revenue		
Investment income	<u>(3,908)</u>	<u>(842)</u>
Change in net position	<u>\$ 16,865</u>	<u>\$ 71</u>

Revenues and expenses increased from prior year as a result of additional funds needed to finalize one of the Authority's major contract and preparation of the implementation of California Senate Bill 1383.

Budgetary Highlights

There were no material variances between the total current-year budget and actual results. The Authority incurred approximately \$18,000 less in budgeted Senate Bill 1383 Education and Outreach expenses and \$12,000 less in budgeted Record Keeping and Reporting expenses.

Economic Factors and Next Year's Budget

Next year's budget is based on current-year actual results with a modest inflation factor of 3%. It also includes additional funds and revenues related to the contract negotiations of the collections agreement. Additionally, costs for a refuse vehicle impact analysis and on-going costs of Senate Bill 1383 are also included in next year's budget.

Requests for Information

This financial report is designed to provide a general overview of the West Valley Solid Waste Management Authority's finances for residents, taxpayers, creditors and any other interested parties. Questions about this report can be directed to the City of Campbell's Finance Department at 70 North First Street, Campbell, CA 95008.

West Valley Solid Waste Management Authority

Statement of Net Position

June 30, 2022

(with Comparative totals at June 30, 2021)

	2022	2021
Current Assets		
Cash and investments	\$ 453,340	\$ 289,722
Accounts receivable	75,949	139
Total assets	529,289	289,861
Current Liabilities		
Accounts payable and other liabilities	237,749	15,186
Total liabilities	237,749	15,186
Net Position		
Unrestricted	291,540	274,675
Total net position	\$ 291,540	\$ 274,675

West Valley Solid Waste Management Authority
Statement of Revenues, Expenditures, and Changes in Net Position
Year Ended June 30, 2022 (with Comparative totals for the Year Ended June 30, 2021)

	2022	2021
Operating Revenues		
Member assessments		
City of Campbell	\$ 141,519	\$ 117,487
Town of Los Gatos	105,211	84,178
City of Monte Sereno	12,027	10,287
City of Saratoga	103,842	85,316
	<hr/>	<hr/>
Total member assessments	362,599	297,268
Reimbursement from collection service provider	96,624	21,376
Annual fee payment	450,000	450,000
	<hr/>	<hr/>
Total operating revenues	909,223	768,644
	<hr/>	<hr/>
Operating Expenses		
Distribution to member agencies	450,000	450,000
Professional and special services	313,606	254,664
Legal	28,611	28,920
Insurance	4,129	3,882
Audit	3,060	3,000
Other expenses	89,044	27,265
	<hr/>	<hr/>
Total operating expenses	888,450	767,731
	<hr/>	<hr/>
Operating Income (loss)	20,773	913
Nonoperating Income (Expenses)		
Investment income	(3,908)	(842)
	<hr/>	<hr/>
Change In Net Position	16,865	71
Net Position at Beginning of Year	274,675	274,604
	<hr/>	<hr/>
Net Position at End of Year	\$ 291,540	\$ 274,675
	<hr/> <hr/>	<hr/> <hr/>

West Valley Solid Waste Management Authority

Statement of Cash Flows

Year Ended June 30, 2022

(with Comparative totals for the Year Ended June 30, 2021)

	2022	2021
Cash Flows from Operating Activities		
Cash received from member agencies	\$ 286,789	\$ 298,098
Cash received from service providers	546,624	471,376
Cash payments to member agencies	(450,000)	(450,000)
Cash payments to suppliers for goods and services	(215,887)	(331,092)
Net Cash Provided by (Used) in Operating Activities	167,526	(11,618)
Cash Flows From Investing Activities		
Investment loss	(3,908)	(842)
Net Increase (Decrease) In Cash And Cash Equivalents	163,618	(12,460)
Cash and Cash Equivalents at Beginning of Year	289,722	302,182
Cash and Cash Equivalents at End of Year	\$ 453,340	\$ 289,722
Reconciliation of Operating Income to		
Net Cash Used for Operating Activities		
Operating Income	\$ 20,773	\$ 913
Adjustments to reconcile operating income to net		
cash used for operating activities		
Decrease (Increase) in accounts receivable	(75,810)	830
Increase (Decrease) in accounts payable and other liabilities	222,563	(13,361)
Net Cash Provided by (Used) for Operating Activities	\$ 167,526	\$ (11,618)

Note 1 - Summary of Significant Accounting Policies**Reporting Entity**

The West Valley Solid Waste Management Authority (the Authority) was formed on October 1, 1997, to implement and administer the West Valley Solid Waste Management Plan, manage rate studies, and negotiate the related contracts for member entities. The Authority is the only entity included in these financial statements.

The Authority includes the Cities of Campbell, Monte Sereno, and Saratoga and the Town of Los Gatos. The City of Campbell (the City) maintains the financial records and provides accounting services for the Authority.

Measurement Focus and Basis of Accounting

The Authority is accounted for as an enterprise fund (proprietary fund type). A fund is an accounting entity with a self-balancing set of accounts established to record the financial position and results of operations of a specific governmental activity. The activities of enterprise funds closely resemble those of ongoing businesses in which the purpose is to conserve and add to basic resources while meeting operating expenses from current revenues. Enterprise funds account for operations that provide services on a continuous basis and are substantially financed by revenues derived from user charges.

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured, such as *current financial resources* or *economic resources*. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The Authority's financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Cash and Cash Equivalents

For the purposes of the statement of cash flows, cash equivalents are defined as short-term, highly liquid investments that are both readily convertible to known amounts of cash or so near their maturity that they present insignificant risk of changes in value because of changes in interest rates and have an original maturity date of three months or less. The City's cash and investments are in the California Local Agency Investment Fund ("LAIF"). The balance is available for withdrawal on demand and is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis. The City valued its investments in LAIF at June 30, 2022, by multiplying its balance by a fair value factor determined by LAIF (.987125414). This fair value factor was calculated by dividing the total fair value for all participants by the total amortized cost.

Fair Value Measurements

The Authority categorizes its fair value measurement within the fair value hierarchy established by accounting principles generally accepted in the United States of America. The hierarchy is based on the relative inputs used to measure the fair value of the investments. Level 1 inputs are quoted prices in active markets for identical assets, Level 2 inputs are quoted prices for similar assets in active markets, and Level 3 inputs are significant unobservable inputs.

The Authority's investment in the City of Campbell investment pool is not subject to the fair value hierarchy.

Classification of Revenues

Operating revenues consist of charges to member agencies, franchise fees, and reimbursements charged to West Valley Collection and Recycling. *Nonoperating revenues* consist of investment income.

Net Position Flow Assumption

When both restricted and unrestricted resources are available for use, it is the Authority's policy to use restricted and unrestricted resources first and then use restricted resources as they are needed.

Prior-Year Data

Selected information regarding the prior year has been included in the accompanying financial statements. This information has been included for comparison purposes only and does not represent a complete presentation in accordance with accounting principles generally accepted in the United States of America. Accordingly, such information should be read in conjunction with the Authority's prior-year financial statements from which this selected financial data was derived.

Use of Estimates

The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that effect certain reported amounts and disclosures. Accordingly, actual results could differ from the estimates.

Cash and Investments

The Authority does not have a separate bank account, however, pools its cash with the City's portfolio of investments. Investments are stated at fair value. The Authority is a voluntary participant in that pool. This pool is governed by and under the regulatory oversight of the Investment Policy adopted by the City Council of the City. The fair value of the Authority's investment in this pool is reported in the accompanying financial statements at amounts based upon the Authority's pro rata share of the fair value calculated by the City for the entire City portfolio. The balance available for withdrawal is based on the accounting records maintained by the City, which are recorded on an original cost basis. At June 30, 2022, the Authority had a cash balance of \$453,340.

Pooled cash consists of investments authorized by the California Government Code and the City of Campbell's investment policy. Allowable investment instruments are defined in the California Government Code Section 53600, et. seq., as amended. If the Code is further revised to allow additional investments or is changed regarding the limits on certain categories of investments, the City is authorized to conform to these changes, excluding those changes that may be prohibited by this policy. Where the Government Code specifies a percentage limitation for a particular category of investments, that percentage is applicable only at the date of purchase. The City's pool is not rated and is not registered with the SEC. The average maturity of its investments is less than one year. Additional disclosures about the City's pooled cash and investments may be found in the City's annual comprehensive financial report.

Franchise Agreement

On March 1, 2014, the Authority entered into a franchise agreement with West Valley Collection and Recycling. Under this agreement, the Authority will receive a payment of \$450,000 annually for the right to continue to hold the franchise for the collection of solid waste, recyclable materials, green waste, food scraps, and construction and demolition debris within the Authority; the transportation of such material to appropriate places of processing, recycling, composting, and/or disposal; and the processing of recyclable materials and food scraps for a period of 10 years ending February 28, 2024. The Authority has recorded the fee revenues of \$450,000 from this agreement in the accompanying statement of revenues, expenses, and changes in net position.

West Valley Solid Waste Management Authority

Notes to Financial Statements

June 30, 2022

On May 1, 2014, the Authority agreed that the proceeds from the franchise agreements would be distributed to each member agency based on the population. Accordingly, the Authority has recorded distributions to member agencies of \$450,000 in operating expenses in the accompanying statement of revenues, expenses, and changes in net position. The distributions were as follows:

	<u>Amount</u>
City of Campbell	\$ 175,629
Town of Los Gatos	130,571
City of Monte Sereno	14,927
City of Saratoga	<u>128,873</u>
Total distributions	<u><u>\$ 450,000</u></u>

At June 30, 2022, there was no balance due to these member agencies.

Related Party Transactions

At June 30, 2022 the Authority paid the City of Campbell \$9,557 for bookkeeping services.



Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

To the Board of Directors
of the West Valley Solid Waste Management Authority
Campbell, California

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the West Valley Solid Waste Management Authority (the "Authority"), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements and have issued our report thereon dated April 7, 2023.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Authority's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Authority's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink that reads "Eide Bailly LLP". The signature is written in a cursive, flowing style.

Menlo Park, California

April 7, 2023

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Calendar of Future Agenda Items

September 7, 2023 Meeting

- Receive and file CalRecycle Annual Reports.
- Receive a report on the Construction and Demolition Debris (C&D) regulatory package.
- Approve final street sweeping scope and budget.
- Receive a presentation from Joint Venture Silicon Valley (JVSV) about the Santa Clara County Edible Food Recovery Program.

November 2, 2023 Meeting

- Receive a report on the rebranding and new service launch plan.
- Receive a report on franchise cost nexus results.
- Conduct annual evaluations of the Authority Attorney and Executive Director (closed session).
- Consider a report on West Valley Collection & Recycling's (WVC&R) prior fiscal year (FY) complaints/liquidated damages.

February 1, 2024 Meeting

- Elect new officers.
- Receive a report summarizing the Authority's functions, roles, and responsibilities.
- Review and discuss Authority budget priorities.

May 2, 2024 Meeting

- Ratify WVC&R contractual collection rate adjustment.
- Ratify Waste Management (WM) disposal contractual rate adjustment.
- Approve Authority budget.
- Accept audited financial statements.
- Approve Board meeting schedule.

Recurring Meeting Agenda Items

- Approve prior meeting minutes.
- Receive and file the Executive Director financial report.
- Receive a report on regulatory and program updates.