

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Executive Director

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Member Agencies

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

REGULAR MEETING AGENDA

September 1, 2016

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ORAL COMMUNICATIONS FROM THE PUBLIC

WRITTEN COMMUNICATIONS

None

OLD BUSINESS

None

NEW BUSINESS

1. Receive and file a report on the Member Agencies' 2015 CalRecycle Annual Reports.
2. Receive an oral report from Waste Management Inc. on activities at Guadalupe Landfill.
3. Consider a report on WVC&R's prior fiscal year complaints and liquidated damages.
4. Receive a report on recent regulatory changes and program updates.
5. Schedule annual Authority Executive Director and Attorney performance review.

PUBLIC HEARINGS

None

CONSENT CALENDAR

6. Approve Minutes of May 5, 2016 Board Meeting
7. Year to Date Financial Report

EXECUTIVE DIRECTOR REPORT

FUTURE AGENDA ITEMS

BOARD MEMBER REPORTS

ADJOURNMENT

Next Regular Meeting: November 3, 2016, 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.

AGENDA ITEM NO. 1

MEETING DATE: SEPTEMBER 1, 2016

**WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY**

AGENDA REPORT

Date: September 1, 2016

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: **2015 CalRecycle Annual Reports**

RECOMMENDED ACTION

Receive and file a report on the Member Agencies' 2015 CalRecycle Annual Reports.

DISCUSSION

Background

Title 14, California Code of Regulations Section 18794 requires that each jurisdiction submit a report by August 1 of each year that discusses the jurisdiction's progress in implementing the programs described in its waste planning documents, which include the Source Reduction and Recycling Element (SRRE) and the Household Hazardous Waste Element (HHWE). The State passed and implemented AB 341 in 2012. AB 341 requires all commercial businesses that generate four or more cubic yards of trash or more and all multi-family dwellings with five or more units to subscribe to recycling service. It also requires all cities and counties to divert a minimum of 75% of the waste generated by 2020.

AB1826 requires various levels of organics generators to subscribe to organics collection. See the table below:

**Table 1:
 AB 1826 Timeline**

Deadline	Requirements for Businesses and Multi-Family Premises	Requirements for Jurisdictions
January 1, 2016		Implement organics recycling program for businesses and multi-family premises
April 1, 2016	Businesses with 8 CY / week or more of organic material must arrange recycling services for organics*	
January 1, 2017	Businesses with 4 CY / week or more of organic material must arrange recycling services for organics*	
August 1, 2017		Report progress to CalRecycle
January 1, 2019	Businesses with 4 CY / week or more of solid waste must arrange recycling services for organics*	
January 1, 2020	Businesses with 2 CY / week or more of solid waste** must arrange recycling services for organics*	

*Business includes multi-family premises with 5 or more units; however, multi-family premises are not required to recycle food waste.

** Applicable only if CalRecycle determines by January 1, 2020 that the statewide disposal of organics has not been reduced to 50% of the 2014 disposal level.

Discussion

Table 2 summarizes the reported diversion rates for each agency for the five-year period 2002-2006.

Table 2:
CIWMB 2002-2006 Annual Reports

Member Agency	Diversion %				
	2002	2003	2004	2005	2006
Campbell	41%	42%	49%*	46%*	51%*
Los Gatos	52%	53%	56%	58%	65%
Monte Sereno	75%	81%	78%	74%	76%
Saratoga	62%	62%	67%	66%	68%

*Campbell's rate is based on a new base year study prepared for 2004.

Effective with the 2007 Annual Report, CalRecycle changed the methodology used to calculate compliance with the 50% diversion requirement. Under the new methodology, a per capita waste disposal target amount is calculated and compared to the actual per capita waste disposed. As long as the actual per capita amount is less than the targeted per capita disposal amount, the agency is in compliance.

Table 3 shows the target and actual disposed amounts for each Member Agency under the new methodology for 2007-2015, demonstrating that each Agency met the diversion requirement for all years. All four Member Agency's actual per-capita disposal amounts continue to exceed the target diversion goals. In 2015, all Member Agencies, except Los Gatos' disposal per-capita increased slightly which is consistent with the other agencies in the Bay Area. The Town of Los Gatos' increase resulted primarily from an increase in self-haul tons to the Newby Island Landfill.

Table 3:
CIWMB 2007-2015 Disposal Per Capita (lbs./person/day)

Member Agency	Disposal Per-Capita Target	Actual								
		2007	2008	2009	2010	2011	2012	2013	2014	2015
Campbell	5.2	4.7	4.4	3.8	3.9	3.8	4.0	4.1	4.1	4.2
Los Gatos	6.0	4.1	3.9	3.3	3.6	3.7	3.7	4.0	3.9	4.5
Monte Sereno	3.9	1.4	1.4	1.2	1.1	1.5	1.5	2.1	1.7	2.0
Saratoga	4.2	2.7	2.9	2.5	2.8	2.8	2.9	2.9	2.9	3.1

This year a CalRecycle representative visited all four of the West Valley Member Agencies to assess their compliance with CalGreen C&D diversion requirements. This program applies to all construction projects that require a permit from the agency in

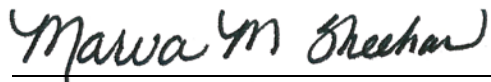
which construction is taking place. The California Green Building Code says that in order to be in compliance with the State's CalGreen program, the builder of construction projects within the covered occupancies will be required to divert 50 percent of the construction waste materials generated during the project. The CalRecycle representative was satisfied to see that all of the Member Agencies are in fact in compliance with the program.

DOCUMENTS ATTACHED

None

FISCAL IMPACT

None



Marva M. Sheehan
Executive Director

WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: September 1, 2016
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **FY 15/16 Liquidated Damages Assessed to WVC&R**

RECOMMENDED ACTION

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

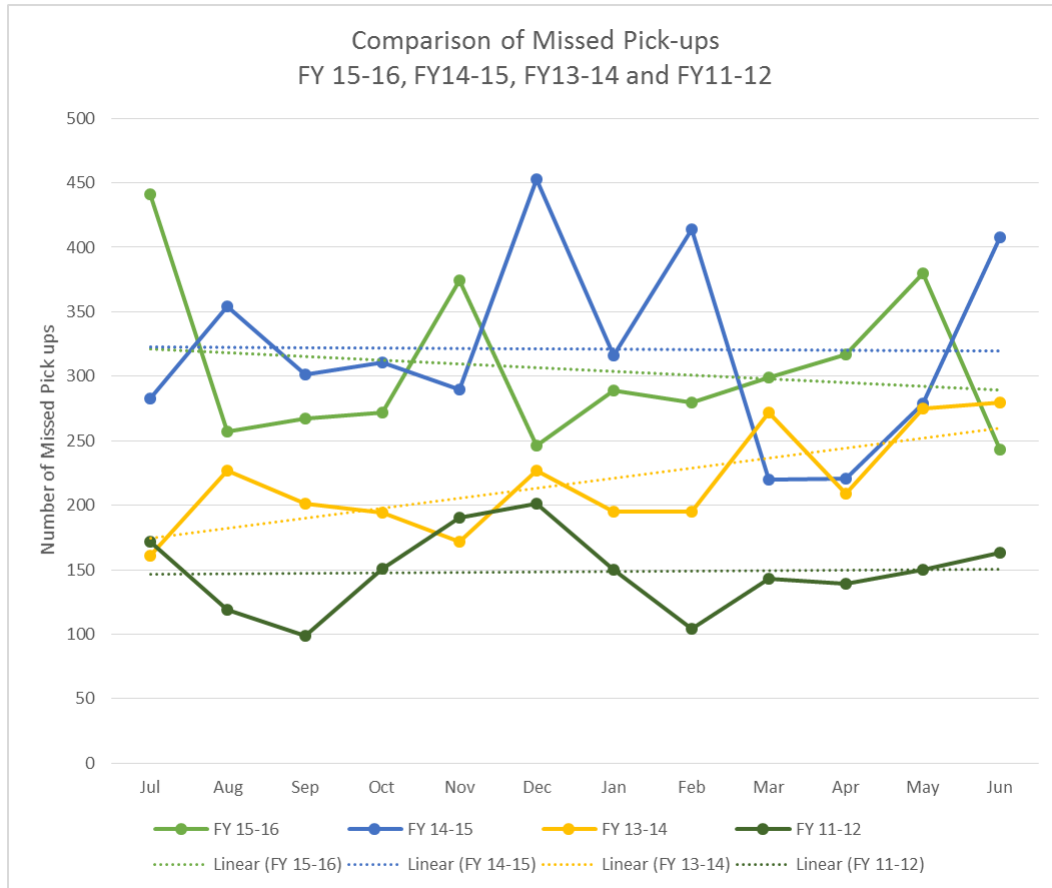
DISCUSSION

Summary

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

Missed Pickups

A missed pickup is defined as the failure of WVC&R to collect material that has been properly set out for collection within 24 hours. The performance standard allows 20 such failures per quarter. We began observing a steady increase in missed pickups in 2014. The number increased to about 320 per month compared to about 150 per month in FY 11-12. We understand there are over 2 million opportunities for a missed pickup on an annual basis, so from a percentage of total misses for FY 15-16 it is only approximately .02% "miss" rate. However, we are focusing more on the service standard established by WVC&R during the term of its past contract with the Authority. We did see a 5% improvement in FY 15-16. See the chart below:



WVC&R reported they did not respond to 8 instances within the 24 hour period beyond the allowed 20 failures per quarter.

Therefore, \$1,200 (8 multiplied \$150 per occurrence) in liquidated damages is recommended. I also recommend WVC&R continue to monitor its operations and report its progress towards minimizing the inconvenience to the customer from missed pick-ups.

Double Misses

A double miss is defined as the failure to collect material that has been properly set out from the same customer on two consecutive scheduled pickup days. WVC&R did not report any “double misses” for FY 15-16, nor were any reported to the Authority Executive Director.

Property Damage

The threshold for property damage claims in the collection agreement is 36 per year, or the equivalent of three per month. WVC&R reported 14 property damage claims for the year. WVC&R met the standard for property damage during the year.

Placement of Containers

When containers are emptied, they are to be properly returned to avoid pedestrian or vehicular traffic impediments and should be placed upright with lids closed and secured. The performance standard allows for 20 such failures annually. We do not have specific numbers on the exceptions to proper placement of the containers. In January, an Agency staff member, on their way to city hall, noticed 16 carts with lids open and a Board member noticed the carts in her neighborhood were not properly placed after collection.

The Authority Executive Director or Agency staff will continue to monitor the situation during the fiscal year and report the findings to the Company as they are noted.

Other Complaints

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

Recommendation

The purpose of assessing liquidated damages is to ensure consistent and reliable service and performance by WVC&R. Overall, WVC&R has provided good service to the Authority. However, there are several areas where we feel improvement is warranted.

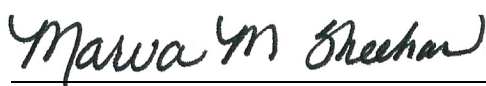
For FY 2015-2016, I recommend the Board consider assessing \$1,200 in liquidated damages to be used for future Authority expenses.

FISCAL IMPACT

The Authority is to receive \$1,200 in liquidated damages. This is an unbudgeted item.

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

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WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: September 1, 2016
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Recent Regulatory Changes and Program Updates**

RECOMMENDED ACTION

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

DISCUSSION

While no new legislation affecting the Authority has been implemented, there are some updates to AB 1826 that the Authority should be aware of.

Additionally, other Bay Area cities are implementing programs that the Authority may be interested in.

AB 1826

AB 1826 was signed by Governor Brown on September 28, 2014. It places requirements on businesses, multi-family premises, and jurisdictions to divert organic waste from landfills. The focus of AB 1826 is keeping food waste, green waste, and non-hazardous wood waste out of our landfills.

OTHER BAY AREA PROGRAMS

There are several new programs being implemented in the Bay Area.

- The City of Mountain View is still considering a curbside collection program to divert food scraps from the garbage cart. In order to pay for the program,

the City is considering every other week garbage collection. In August, the City sent out a survey to its residents to determine what is important to them. Moving to every other week garbage collection requires a significant mindset/culture change. The deadline to submit the survey is September 2nd.

- The Castro Valley Sanitary District in Alameda County is moving forward with a pilot program in the Castro Valley Sanitary District service area for less than weekly garbage collection. The pilot consists of over 400 participants on each of two designated collection routes and is currently taking place. Preliminary findings are that since the pilot is voluntary it is difficult to really determine "acceptance". There have be a small amount of participants fully engaged, most appear to randomly participate. The study is still in progress. StopWaste.org (Alameda County) is funding most of the cost of the pilot with the goal of having results that are transferrable to other interested jurisdictions in the County.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

None



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Executive Director

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Executive Director

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Member Agencies

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

MEETING MINUTES

May 5, 2016

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

CALL TO ORDER

At 5:05 pm, Chair Steve Leonardis called the meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Steve Leonardis, representing Los Gatos, Vice Chair Paul Resnikoff, representing Campbell, Member Lionel Allan, representing Monte Sereno, and Member Mary-Lynne Bernald, representing Saratoga, were present. Also present were Executive Director Marva Sheehan and Authority Counsel Kirsten Powell.

ORAL COMMUNICATIONS FROM THE PUBLIC

None

WRITTEN COMMUNICATIONS

None

OLD BUSINESS

None

NEW BUSINESS

1. Upon a motion by Member Bernald and a second by Member Allan, the Board unanimously approved the Board Meeting Schedule for FY 2016-17.
2. Upon a motion by Member Allan and a second by Member Bernald, the Board unanimously approved the Executive Director and Authority Council contracts for FY 2016-2017.
3. Upon a motion by Member Allan and second by Chair Leonardis, the Board unanimously approved Resolution 2016-01 adopting the FY 2016-17 Authority budget and work plan.
4. The Board received and filed a report on Authority compliance with AB 341 and AB 1826.
5. The Board received and filed a report on recent regulatory changes and program updates.

PUBLIC HEARINGS

6. Upon a motion by Member Allan and a second by Member Bernald, the Board unanimously approved Resolution 2016-02 ratifying the Guadalupe Landfill contractual disposal propriety rate increase of 2.90% effective July 1, 2016.
7. Upon a motion by Member Allan and a second by Member Bernald, the Board unanimously approved Resolution 2016-03 ratifying the West Valley Collection and Recycling contractual rate increase of 2.54% effective July 1, 2016.

CONSENT CALENDAR

8. Upon a motion by Member Allan and a second by Vice Chair Resnikoff, the Board voted 4-0 to approve the minutes of the February 4, 2016 Regular Board Meeting and the Executive Director financial report for the nine months ended March 31, 2016.

ADDRESSING THE BOARD

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FUTURE AGENDA ITEMS

None

BOARD MEMBER REPORTS

Chair Leonardis commented on the potential odor issues from additional tonnage from the City of Milpitas potentially being delivered to the Guadalupe landfill.

ADJOURNMENT

Chair Leonardis adjourned the meeting of the Board at 5:50 pm until the next regular meeting, which will be held September 1, 2016.

ADDRESSING THE BOARD

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WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: September 1, 2016
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **YTD Financial Report**

RECOMMENDED ACTION

Accept report on the Authority's FY 2015-16 financial status.

DISCUSSION

The report titled "Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual" shows the approved budget, the year to date actual amounts, and the preliminary fund balance through June for FY 2015-16. With 100% of the fiscal year passed, the report shows that the Authority expended \$546,759 or 96% of the approved FY 2015-16 budget. Included in the revenue and expenditures is the Annual Fee Payment of \$450,000 from WVC&R. The Annual Fee Payment was distributed to the member agencies. Note that these are preliminary numbers subject to audit.

The preliminary fund balance (\$228,556) exceeds the \$200,000 designated by Board Policy. As a result of lower expenditures for the fiscal year and WVC&R's payment of liquidated damages, the fund balance exceeded the desired \$200,000. Once the final accounting/audit has been completed, the Board may direct staff to pursue options for programs, etc. and either approving an "unbudgeted" expenditure or use the surplus as part of the FY 17-18 budget process. It has been the Board's policy, adopted February 2011, of maintaining an operating reserve of \$100,000 and a rate stabilization reserve of \$100,000.

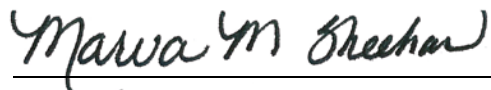
As part of my review of the audited financial statements, I will verify the fund balance and bring options to the Board at the November Board meeting.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual June 30, 2016.



Marva M. Sheehan
Executive Director

West Valley Solid Waste Management Authority
Statement of Revenues, Expenditures, and
Changes in Fund Balance - Budget and Actual
June 30, 2016

Acct #	Description	JPA Budget FY 2015-16	Year to Date Actual	Balance	YTD %
<u>Revenues</u>					
4410	Interest	\$ -	\$ -	\$ -	N/A
4970	City of Campbell	45,119	45,302	(183)	100%
4970	Town of Los Gatos	33,777	33,914	(137)	100%
4970	City of Monte Sereno	3,819	3,835	(16)	100%
4970	City of Saratoga	34,289	34,429	(140)	100%
4975	Franchise Agreement WVC&R	450,000	450,000	-	100%
4965	Other	-	7,200	(7,200)	N/A
	Total Revenues	<u>\$ 567,004</u>	<u>\$574,680</u>	<u>\$ (7,676)</u>	101%
<u>Expenditures:</u>					
Services and Supplies:					
7424	Office Expense	\$ 500	\$ -	\$ 500	0%
7427	Special Departmental Exp. (Legal Services)	8,691	2,080	6,611	24%
7430	Prof. & Special Services (Executive Director)	81,395	76,465	4,930	94%
7430	Prof. & Special Services (Other)	5,000	6,536	(1,536)	131%
7432	Other Contractual Services (Countywide Support)	1,000	-	1,000	0%
7432	Other Contractual Services (Website Administration)	1,000	-	1,000	0%
7432	Other Contractual Services (Audit Svcs.)	5,216	2,565	2,651	49%
7433	Insurance (Liability)	2,311	1,156	1,155	50%
7435	Travel/Conf. & Meetings	4,000	-	4,000	0%
7438	Other Charges (Accounting & Bookkeeping)	7,891	7,958	(67)	101%
7675	JPA Solid Waste Distribution	450,000	450,000	-	100%
	Total Expenditures	<u>\$ 567,004</u>	<u>\$546,760</u>	<u>\$ 20,244</u>	96%
	Excess (deficiency) of revenues over (under) expenditures	-	27,920	27,920	
	Beginning Fund Balance 7/1/2015	\$ 200,000	\$200,636		
	Ending Fund Balance	<u>\$ 200,000</u>	<u>\$228,556</u>		