

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, 2022

5:00 p.m.

Teleconference/Public Participation Information

This meeting will be held exclusively via teleconference participation by the Board Members in locations not open to the public in order to be in compliance with the Governor's Executive order N-25-20 (March 12, 2020), superseded by Order N-29-20 (March 17, 2020), allowing physical location and teleconference meetings required by the Ralph M. Brown Act. The purpose of the order is to ensure the safest environment for both staff and the public, consistent with Santa Clara County Public Health Department's current recommendations.

On June 11, 2021, the Governor issued Executive Order N-08-21, which stated the Brown Act teleconferencing suspension was to expire on September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 (AB 361), which amended the Brown Act to allow legislative bodies to meet via teleconferencing, provided that particular conditions are met. AB 361 allows legislative bodies to use teleconferencing to conduct public meetings during a proclaimed State Emergency. At the August 22, 2022 Joint Special Board Meeting with the West Valley Clean Water Authority, the Board approved a resolution authorizing continued teleconferencing under AB 361.

For this meeting, there will be no physical location from which members of the public may observe the meeting. Instead, members of the public can attend and/or participate using the following:

- 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 make them 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/82669533924>

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

Meeting ID: 826 6953 3924

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

Note: To improve everyone's opportunity to participate, please mute your microphone until you are called on to speak.

Call to Order

Pledge of Allegiance

Roll Call

Oral Communications from the Public

Written Communications

None

Old Business

None

New Business

1. Receive a report on and discuss the West Valley Solid Waste Management Authority's Fund Balance Policy.
2. Consider Resolution No. 2022-08 amending the West Valley Solid Waste Management Authority's Procurement Policy.
3. Receive a status report on SB 1383 implementation.
4. Consider a report on West Valley Collection & Recycling's and Waste Management's prior fiscal year complaints and liquidated damages.

Consent Calendar

5. Receive a report on recent regulatory changes and program updates.
6. Approve Minutes of May 3, 2022 Board Meeting.
7. Approve Minutes of August 22, 2022 Special Board Meeting.
8. Receive and file the Executive Director Year-to-Date Financial Report for the year ended June 30, 2022.

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.

Executive Director Report

Future Agenda Items

Board Member Reports

Adjournment

Next Regular Meeting: November 3, 2022, 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. 1
Meeting Date: September 1, 2022

Date: September 1, 2022
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: Fund Balance Policy

Recommended Action

Receive a report on and discuss West Valley Solid Waste Management Authority's (Authority) Fund Balance Policy.

Discussion

Background

Article 5 of the Authority's Joint Exercise of Powers Agreement (JPA) outlines the financing of the Authority's activities. It requires that the required funds be apportioned among the City of Campbell, City of Monte Sereno, City of Saratoga, and Town of Los Gatos (Member Agencies) in proportion to each Member Agency's share of the Member Agencies' total population. It also requires the Authority to adopt an annual budget that is audited periodically. The City of Campbell currently acts as the Authority's Fiscal Agent.

At its January 29, 2011 meeting, the Board voted to establish two reserves that make up the Authority's fund balance. It established an operating reserve of \$100,000. This reserve is to be used for special projects (e.g., detailed rate reviews, competitive procurements) that are required on an irregular basis. Following years when the reserve is used, the balance can be restored over the next several years when it is not used. It also established a rate stabilization reserve of \$100,000. This reserve is available to mitigate future extraordinary rate adjustments.

The Authority should consider updating the current Fund Balance Policy to reflect the current and future needs of the Authority. Staff will present information about the Authority's revenue and cost structure and potential modifications to the current reserve policy based on current and future needs of the Authority. Based on input received from the Board at this meeting, staff will draft any desired modifications to the reserve policy and bring a revised policy back to the Board for consideration at its November meeting.

Documents Attached

None

Fiscal Impact

None

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

Agenda Item No. 2
Meeting Date: September 1, 2022

Date: September 1, 2022
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: Procurement Policy

Recommended Action

Approve Resolution No. 2022-08 amending the West Valley Solid Waste Management Authority's (Authority) Procurement Policy.

Discussion

At the February 25, 2013 Board meeting, the Board approved Resolution No. 2013-01 establishing a Procurement Policy for Professional Services. The policy was created by reviewing the policies currently in place in the City of Campbell, City of Monte Sereno, City of Saratoga, and Town of Los Gatos (Member Agencies). Due to the limited scope of the duties of the Authority, the Procurement Policy for Professional Services was only needed for professional services, including services for audits, studies of potential future programs offered by or requested of the hauler, special legal services, etc.

Based on the evolving needs of the Authority, the attached proposed Procurement Policy was drafted with the Authority's Fiscal Agent, the City of Campbell. The proposed Procurement Policy expands procedures for procurement activities beyond those for professional services and aligns the policy with the Fiscal Agents' billing procedures.

Documents Attached

Resolution No. 2022-08

Fiscal Impact

None

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RESOLUTION NO. 2022-08

RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY APPROVING A PROCUREMENT POLICY

WHEREAS, the West Valley Solid Waste Management Authority (“Authority”) established a Procurement Policy for Professional Services in February 2013; and

WHEREAS, key changes to the Procurement Policy include updating purchasing requirements to align with the Authority’s Fiscal Agent.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY that the document entitled “PROCUREMENT POLICY,” 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 specially scheduled meeting on the 1st day of September 2022, 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

PROCUREMENT POLICY

POLICY PURPOSE

The purpose of the Purchasing Policy and Procedures is to establish procurement authorization levels and to provide uniform guidelines for procurement activities.

1. PURCHASING AUTHORITY

Pursuant to the Joint Powers Agreement creating the West Valley Solid Waste Management Authority (Authority), the Authority is authorized to employ and contract for services.

2. PURCHASING AGENT

This policy establishes the Executive Director and/or their designee as the Purchasing Agent for the Authority.

3. PURCHASING GUIDELINES

a) Standards of Purchasing Practice

The Authority adheres to the following standards of practice:

- 1) To regard public service as a trust, giving primary consideration to the interests of the public agency that employs us.
- 2) To avoid unfair practices, giving all qualified vendors equal opportunity.
- 3) To purchase without prejudice, seeking to obtain the maximum value for each dollar expended.
- 4) To fulfill obligations and require that obligations to the Authority be honored.
- 5) To be courteous to vendor representatives understanding that they are important sources of information and assistance in solving purchasing needs.
- 6) To refuse acceptance of commercial bribery, and prevent any appearance of so doing.
- 7) To practice fairness and dignity, and to demand equal integrity in the purchasing process.
- 8) To continue to review and stay current on purchasing methods and of the materials purchased.

b) Gifts and Unauthorized Purchases

- 1) Gifts: Authority employees, officers, and/or officials are not entitled to any special consideration from vendors and merchants concerning personal affairs nor are such employees, officers, and/or officials to attempt to procure materials for the personal use of any other person. Employees, officers and/or officials shall not solicit or accept gifts except for those items that can be shared by all staff such as food and flowers.
- 2) Unauthorized Purchases: Except for emergencies or other authorized exemption, no purchases shall be made without specific authorization as outlined in this policy.

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c) Green Procurement

Whenever possible, goods and services that are proven to be ecologically sound, healthy, energy-efficient, renewable, reusable, highly durable, or have recyclable content should be considered for purchase to support environmentally friendly or "green" initiatives.

d) Purchasing Authority

Executive Director or designee is authorized to enter into and sign on behalf of the Authority contracts for goods, services, including professional services less than \$25,000. All contracts over \$25,000 must be approved by the Board.

e) Purchase Orders

- 1) Purchase orders (PO) represent a commitment related to unperformed contracts for goods or services between the Authority and vendor. When a PO is executed, an "encumbrance" against the program account identified in the PO is created.
- 2) Purchase orders are required for purchases over \$5,000. Prior to purchase, a requisition should be generated, followed by a PO. When an invoice is received, it is processed against the PO and the payment will be deducted from the outstanding encumbrance associated with the PO.
- 3) Change Orders: Overpayment of purchase orders cannot exceed more than 10% of the original authorized amount. In instances where, due to unforeseen developments the cost of goods or services exceeds 10% of the original amount plus contingencies, a change order must be processed. Approval of change orders is subject to authorization limits provided in this policy.

f) Insurance and Indemnity

Insurance is required in connection with a purchase or contract that involves service performed for a professional services contract, or whenever there may be an inherent risk of personal injury in the activity involved. When insurance and indemnity are required, the contractor shall hold the Authority harmless, agree to defend, and maintain insurance for property damage, general liability and workers' compensation. The amounts below shall generally be required unless determined by the Authority's Legal Counsel.

- 1) General Liability and Bodily Injury Insurance
- 2) Commercial general liability insurance for at least \$1,000,000 combined limit for bodily injury and property damage that provides that the Authority, its officers, employees and agents are additional insured under the policy. The policy shall state in writing either on the Certificate of Insurance or attached rider thereof that the insurance will operate as primary insurance for work performed, and that no other insurance affected by Authority or other named insured will be called on to cover a loss covered thereunder.
- 3) Automobile Liability Insurance
Automobile liability insurance shall be provided in an amount not less than \$1,000,000 per person/per occurrence.
- 4) Workers' Compensation Insurance

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Workers' Compensation Insurance shall be provided for all employees in compliance with State laws.

5) Professional Liability Insurance

In addition, engineering related services, auditors, and other certain professional service contracts shall be considered for professional liability insurance in an amount not less than \$1,000,000.

6) Certificate of Insurance

A Certificate of Insurance must be filed with the Authority prior to engaging in any operation or activity set forth in the service contract.

7) Business License

A business license is required if a business is located in one or more of the following locations: the City of Campbell, City of Monte Sereno, City of Saratoga, or Town of Los Gatos (Member Agencies), for the applicable City/Town.

g) Multi-Year Contracts

A contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the Authority, provided that the term of the contract and renewal provisions are included in the original solicitation process. Contracts committing the Authority over five fiscal years are not recommended and shall be allowed only under special circumstance as approved by the Board.

4. PURCHASING AUTHORIZATION LIMITS

a) Goods and services up to \$5,000

- 1) Vendor selection is based on the best judgment of authorized Purchasing Agent
- 2) Purchase orders are required for purchases over \$5,000

b) Goods and services over \$5,000 up to \$10,000

- 1) Obtain a minimum of two quotes
- 2) Obtain selected vendor requirements as applicable
- 3) Prepare purchase order request
- 4) Submit to Fiscal Agent to obtain purchase order
- 5) Send Purchase Order to vendor, retain copy in file

c) Goods and services over \$10,000 up to \$25,000

- 1) Obtain a minimum of three quotes/proposals
- 2) Obtain selected vendor requirements if applicable
- 3) Prepare contract/agreement as applicable
- 4) Prepare purchase order request
- 5) Submit to Fiscal Agent to obtain purchase order
- 6) Send purchase order to vendor, retain copy in files

d) Services over \$25,000

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- 1) Utilize request for proposal process
- 2) Obtain selected vendor requirements if applicable
- 3) Prepare contract/agreement as applicable
- 4) Prepare and submit staff report explaining procurement circumstances and request Board approval
- 5) If approved, prepare purchase order request
- 6) Submit to Fiscal Agent to obtain purchase order
- 7) Send purchase order to vendor, retain copy in files

5. REQUEST FOR PROPOSAL PROCEDURES

- a) Request for Qualifications/Proposals and Notice: Adequate notice of the need for the desired professional services shall be given by the Authority through a request for proposals or qualifications. The request shall describe the services required, list the types of information and data required of each offeror, and state the relative importance of particular qualifications.
- b) Statement of Qualifications/Proposals: Persons engaged in providing the designated types of professional services may submit statements of qualifications and expressions of interest in providing such professional services and/or proposals for work to be completed.
- c) Interviews: The Authority may conduct interviews with any offeror who has submitted a statement of qualifications for the purpose of ranking the qualifications of the offerors, based on the evaluation factors set forth in the request for qualifications.
- d) Award: Award shall be made to the offeror determined to be the best qualified based on evaluation factors set forth in the request for qualifications. If terms cannot be agreed upon with the best-qualified offeror, then negotiations will be formally terminated with the selected offeror. If statements were submitted by one or more offerors determined to be qualified, negotiations may be conducted with such other offeror or offerors, in order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked best qualified if the amount of compensation is determined to be fair and reasonable.

6. OTHER POWERS OF AUTHORITY

- a) The Executive Director is authorized to prepare reports and other documents for the purpose of applying for and accepting grants, and other contributions.
- b) The Executive Director is authorized to receive contributions and donations of property, funds, services, and other forms of assistance from any source including Member Agencies.

7. EXCLUSIONS FROM PURCHASING POLICY

- a) Employment contracts with any employee of the Authority and contracts for services to temporarily fill a budgeted position or perform temporary work when the need for temporary services arises.

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- b) Utilities, including but not limited to, electricity, gas, water, cable, internet, or telephone service.
- c) Services or supplies to be furnished by another agency.
- d) The extension or renewal of existing contracts for technical or professional services.
- e) Insurance, including coverage provided by any self-insurance pools in which the Authority is a participant.
- f) Legal services, as approved by Board in the adopted budget, by contract, or by direction in Board meetings and closed sessions.
- g) Supplies or services made in compliance with the terms and conditions of a grant to the Authority.

8. SOLE SOURCE PURCHASING

- a) A contract may be awarded without competition when the Authority determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or item.
- b) The Executive Director or their designee shall conduct negotiations, as appropriate, as to price, delivery, and terms. A statement of the basis for the sole source determination shall be placed in the contract file.

9. CREDIT CARD PURCHASES

- a) Credit card purchases are limited to small purchases of up to \$5,000. Guidelines and conditions for small purchases as set forth in this policy will be followed.
- b) Credit cards are issued to individual employees and are to be used for official Authority business only. Credit cards belong to the Authority and can be cancelled or revoked at any time at the discretion of the Executive Director. Should any employee lose or have their credit card stolen, it is their responsibility to contact the credit card company immediately. Also, that employee must notify their supervisor in writing one (1) working day after discovery. The supervisor must notify the Purchasing Agent as soon as possible.
- c) It is the responsibility of the employee to furnish receipts for all credit card purchases. Payment for purchases without receipts may become the responsibility of the employee.

10. EMERGENCY PURCHASES

The Authority may make emergency purchases of supplies, services, or construction items when there is a threat to public health, welfare, or safety; provided that such emergency purchases shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The Executive Director or designee has the authority to deem a situation as an emergency.

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

Agenda Item No. 3
Meeting Date: September 1, 2022

Date: September 1, 2022
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: SB 1383 Implementation

Recommended Action

Receive a report on SB 1383 implementation.

Discussion

Legislation

The infographic is titled "SB 1383 Key Jurisdiction Dates" and is divided into two main sections: 2022 and 2024. The 2022 section, on a dark blue background, lists five key areas of action: "Provide Organics Collection Service to All Residents and Businesses" (with a truck icon), "Establish Edible Food Recovery Program" (with an apple icon), "Conduct Education and Outreach" (with a person and speech bubble icon), "Procurement" (with a recycling symbol icon), and "Capacity Planning" (with a clipboard icon). The 2024 section, on a green background, states: "Starting January 1, 2024 Jurisdictions must take action against non-compliant entities" (with a person and document icon). The CalRecycle logo is in the bottom right corner.

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.

Exemption waivers exist for both generators and jurisdictions if they have low-volume, low-population, or physical space constraints (§18984.11).

SB 1383 Regulations

The Office of Administrative Law (OAL) approved the final SB 1383 regulations on November 3, 2020. CalRecycle published a model ordinance and franchise agreement, as well as a procurement calculator tool, to assist agencies throughout the State with the implementation of SB 1383.

On October 5, 2021, Governor Newsom signed SB 619 into law. SB 619 allows jurisdictions to submit “notifications of intent to comply” on or before March 1, 2022 if a jurisdiction is facing or will face continuing SB 1383 violations in 2022.

Update on Implementation

Organics Collection – The amended West Valley Collection and Recycling, LLC (WVC&R) Collection Agreement went into effect on April 30, 2021. The Agreement provides organics collection to all generators. WVC&R continues to deliver organics containers to customers who do not yet have the service as containers become available. WVC&R’s implementation of organic collection is delayed due to container inventory delays. WVC&R distributed a letter to townhomes that did not yet have organics collection service informing them of the program and how to sign up. WVC&R will begin providing organics collection service to the townhomes who have not yet signed up for service. All customers will be provided organics collection service by the end of 2022. WVC&R delivered kitchen pails to most single family and multi-family residents by the end of 2021. WVC&R continues to deliver kitchen pails to the remaining customers on a case-by-case basis.

Waivers – WVC&R is responsible for processing SB 1383 waiver applications that are submitted by generators. Upon submission by a generator, WVC&R will conduct a review and provide the waiver to the West Valley Solid Waste Management Authority (Authority) for final approval. After the Authority reviews the waiver application and determines that a waiver is appropriate, WVC&R is authorized to modify service to the waiver applicant. Historically, commercial businesses that were eligible for a service waiver under AB 341 or AB 1826 self-certified waiver eligibility due to different requirements under this legislation. SB 1383 waivers require in-person documentation of waiver eligibility, which includes, but is not limited to, photographic evidence. The Authority and WVC&R have determined that a substantial number of prior self-certifications for waivers under AB 341 and AB 1826 are inappropriate. WVC&R plans to do site assessments for these businesses and will provide organics service to businesses where waivers are not appropriate. Additionally, some commercial businesses have lower occupancy levels than normal due to COVID-19. In these instances, the Authority and WVC&R are considering granting short-term waivers in de minimis situations where occupancy may return and surpass the de minimis threshold. WVC&R and the Authority are working collaboratively to streamline the SB 1383 waiver approval process as generators continue to submit SB 1383 waivers.

Inspections and Enforcement – WVC&R has begun conducting route reviews after approval of the route review plan by the Authority. During the residential and commercial route reviews, WVC&R examines the inside of generator containers to assess proper source separation. WVC&R will complete the required route reviews by the end of calendar year 2022.

The Recycling and Waste Reduction Commission of Santa Clara County (RWRC) approved funding for a third-party, Joint Ventures Silicon Valley (JVSV), to conduct the edible food recovery inspections for FY 22-23. The specific inspection and enforcement methodology is being discussed at Technical Advisory Committee (TAC) subcommittee meetings of the RWRC. Staff for the City of Campbell, the City of Monte

Sereno, the City of Saratoga, and the Town of Los Gatos (Member Agencies) and the Authority will meet with JVSV to ensure the implementation of inspections in each Member Agency are conducted in a way best suiting the needs of the individual Member Agency.

The Authority continues to respond to any SB 1383-related complaints that are received by the Authority or communicated to the Authority through the Member Agencies and WVC&R.

Before October 1, 2022, the Authority will conduct a review of all commercial businesses generating two or more cubic yards of solid waste per week, to determine if the location is receiving sufficient organics collection service under SB 1383. The Authority and WVC&R will use the results to perform targeted outreach at non-compliant locations.

Ordinances and Policies –The Member Agencies adopted ordinances in compliance with SB 1383 prior to the January 1, 2022 deadline.

Edible Food Recovery – Representatives from various agencies in Santa Clara County (County) are meeting monthly to discuss the edible food recovery components of SB 1383. The County approved funding for JVSV to participate in this effort through June 2023. JVSV has identified tier one and tier two commercial edible food generators and will develop and maintain a list of food recovery organizations and food recovery services. They will also provide tier one and tier two commercial edible food generators with educational information annually. In addition, JVSV recently completed a food recovery capacity planning assessment for 2022-2024 on behalf of the County.

Recovered Organic Waste Procurement – Under CalRecycle’s SB 1383 Local Assistance Grant, the Authority was eligible for and has been granted funds to help support SB 1383 implementation. A portion of the grant funds have been allocated to each Member Agency to put towards the purchase of compost and/or mulch for municipal applications.

Education and Outreach – The Authority reviews and provides commentary on WVC&R education and outreach materials before they are distributed, including WVC&R’s quarterly newsletters. The Authority continues to update its website with SB 1383 related Frequently Asked Questions (FAQs), and answers questions and comments that are submitted by customers through the website and by phone. The Authority finished distributing outreach under the FY 21-22 Public Education and Outreach Plan. Postcards including tips and tricks for food scraps recycling were sent to single family and multi-family residents. The Authority has drafted the FY 22-23 Public Education and Outreach Plan and will begin finalizing and implementing the plan.

Recordkeeping and Reporting – With approval from the Board, the Authority entered into a contract with Recyclist to use their SB 1383 Program Tracker software in order to comply with SB 1383 recordkeeping requirements. The Authority submitted an Initial Jurisdiction Compliance Report to CalRecycle for each Member Agency on March 30, 2022. The Annual Electronic Report (EAR) is due October 1, 2022. The EAR, typically due August 1 of a given year, is due October 1, 2022. The delayed due date was implemented by CalRecycle in order for agencies to include six months of SB 1383 reporting from January to June 2022 in addition to regular program reporting for calendar year 2021. The Authority will complete and submit the EAR on behalf of each Member Agency.

Action Plan

The Authority's next steps are to:

- Continue coordinating and monitoring waiver approval process with WVC&R.
- Continue monitoring Edible Food Recovery with the County.
- Finalize and implement fiscal year (FY) 22-23 Public Education and Outreach Plan.
- Maintain reporting software.
- Submit EAR due October 1, 2022.

Documents Attached

None

Fiscal Impact

None

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

Agenda Item No. 4
Meeting Date: September 1, 2022

Date: September 1, 2022
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: Fiscal Year (FY) 21-22 Liquidated Damages

Recommended Action

Consider the report on service complaints and performance reported under the Collection Agreement with West Valley Collection & Recycling (WVC&R) and Disposal Agreement with Waste Management of South Bay (WM).

Discussion

Summary

Section 13.6 of the Collection Agreement with WVC&R and Section 10.6 of the Disposal and Processing Agreement with WM outline the service performance standards and Liquidated Damages (LDs) associated with failing to meet those standards.

WVC&R Background

For several years, WVC&R has not met the performance standards outlined in the Collection Agreement related to double missed pick-ups. Figure 1 recaps the history and Board action:

Figure 1. History of Liquidated Damages Assessments

Fiscal Year (FY)	Calculated LDs	Amount Assessed by Board	Amount Paid by WVC&R	Comments
16-17	\$22,480	\$22,480 Waived at Nov 2018 Board Meeting	\$0	Deferred collection pending performance improvement in FY 17-18;
17-18	\$17,313	\$10,975 Approved at Nov 2019 Board Meeting	\$15,975 Included \$5,000 for Public Outreach	Deferred collection pending performance improvement in FY 18-19; Board waived \$1,338.

Fiscal Year (FY)	Calculated LDs	Amount Assessed by Board	Amount Paid by WVC&R	Comments
18-19	\$8,966	\$8,966 Approved at Feb 2021 Board Meeting	\$8,966	Deferred collection pending performance improvement in FY 19-20;
19-20	\$12,410	\$12,410 Approved at Feb 2021 Board Meeting	\$12,410	Deferred collection pending performance improvement in Jul – Dec 2020
20-21	\$21,139	\$21,139 Approved at Feb 2022 Board Meeting	\$21,139	

WVC&R Missed Pick-Ups

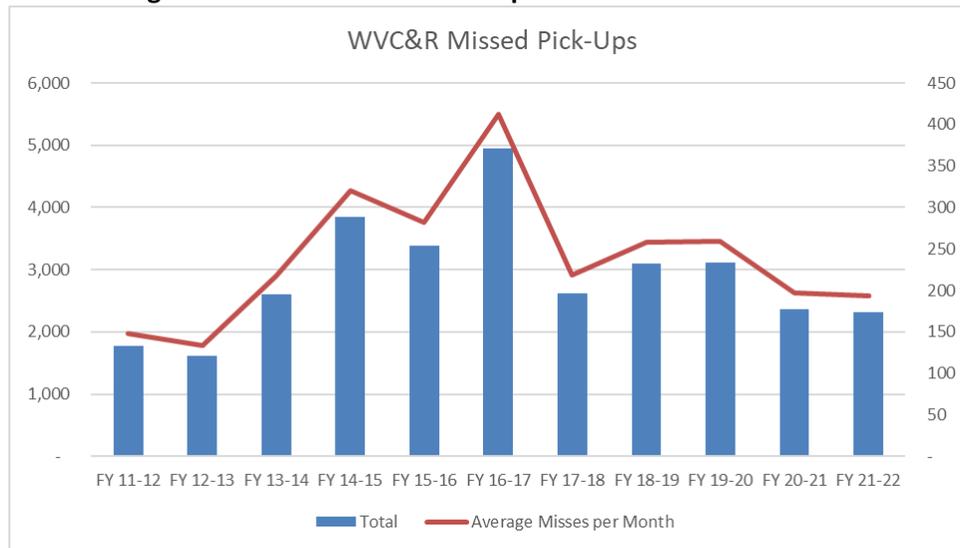
A missed pickup is defined as the failure of WVC&R to collect material that has been properly set out for collection by the customer on the correct service day. When informed by the customer of a missed pick-up, WVC&R has one business day to return and service the customer that was missed. The performance standard allows 20 such failures per quarter.

We began observing a steady increase in missed pick-ups in FY 13-14. The number had increased from an average of about 125 per month in FY 12-13 to an average of about 400 per month in FY 16-17.

In FY 17-18, the average number of missed pick-ups were reduced to approximately 200 per month. However, a 25% increase occurred in FY 18-19 and the average of missed pick-ups was approximately 250 per month. In FY 19-20, the number of missed pick-ups stayed consistent to the prior year of approximately 250 per month. In FY 20-21, the number of missed pick-ups decreased to approximately 200 per month. In FY 21-22, the number of missed pickups remained at approximately 200 per month.

The trend of missed pick-ups is shown in Figure 2 below.

Figure 2. WVC&R Missed Pick-Ups from FY 11-12 to FY 21-22



WVC&R reported they did not respond within one business day to 74 instances of missed pick-ups, which did exceed the allowance of 20 such failures per quarter. In Quarter 1 (Q1) of FY 21-22 (July to September 2021), WVC&R reported five missed pick-ups over the allowed 20 failures. In Q4 of FY 21-22 (March to June 2022), WVC&R reported eight missed pick-ups over the allowed 20 failures. There were no missed pick-ups over the allowed 20 failures in Q2 and Q3. Based on the results for FY 21-22, LDs are calculated at \$2,404.19 (13 multiplied by \$192.63 per occurrence), as shown in Figure 3 below.

Figure 3. Summary of Missed Pick-Ups

	Missed Pick-Up	Allowed	Missed Pick-Ups Subject to Liquidated Damages	Liquidated Damage per Account	Total Liquidated Damages
Quarter 1	25	20	5	\$ 192.63	\$ 963.15
Quarter 2	15	20	0	\$ 192.63	\$ -
Quarter 3	6	20	0	\$ 192.63	\$ -
Quarter 4	28	20	8	\$ 192.63	\$ 1,541.04
Total	74	20	13	\$ 192.63	\$ 2,504.19

WVC&R Double Missed Pick-Ups

A double missed pick-up is defined as the failure to collect material that was properly set out from the same customer on two consecutive scheduled pickup days. WVC&R incurred 30 instances of a double missed pick-ups in FY 21-22. The performance standard does not provide for a maximum allowance per quarter, making each one subject to LDs. Based on the results for FY 21-22, LDs are calculated at \$5,779.90 (30 multiplied by \$192.63 per occurrence), as shown in Figure 4 below.

Figure 4. Summary of Double Missed Pick-Ups

	Double Missed Pick-Up	Allowed	Double Missed Pick-Ups Subject to Liquidated Damages	Liquidated Damage per Account	Total Liquidated Damages
Quarter 1	7	0	7	\$ 192.63	\$ 1,348.41
Quarter 2	3	0	3	\$ 192.63	\$ 577.89
Quarter 3	7	0	7	\$ 192.63	\$ 1,348.41
Quarter 4	13	0	13	\$ 192.63	\$ 2,504.19
Total	30	0	30	\$ 192.63	\$ 5,778.90

WVC&R 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 eight property damage claims for the year. WVC&R met the standard for property damage during the year.

Figure 5. Summary of Property Damage

	Damage to Private Property	Allowed	Damage to Private Property Subject to Liquidated Damages	Liquidated Damage per Damage to Private Property	Total Liquidated Damages
Fiscal Year	8	36	0	\$ 321.06	\$ -
Total	8	36	0	\$ 321.06	\$ -
Criteria - For each occurrence of damage to private property which exceeds 36 such occurrences annually.					

WVC&R Materials Delivered to Incorrect Facilities

As described in the Collection Agreement with WVC&R, WVC&R is required to deliver all commercial organic material to the Zero Waste Energy Development Facility (ZWED) anaerobic digester, unless otherwise permitted by the West Valley Solid Waste Management Authority (Authority). The Authority identified through monthly reporting provided by WVC&R that commercial organic materials were incorrectly delivered to WM’s Guadalupe Landfill during the months of January, February, and March of 2022, without prior approval by the Authority. WVC&R is allowed five deliveries per FY of material to the incorrect facility for processing. In FY 21-22, the Authority calculated that WVC&R exceeded this standard by 59 deliveries. Based on the results, LDs are calculated at \$75,769.57 (59 multiplied by \$1,284.23 per instance), as shown in Figure 6 below.

Figure 6. Summary of Materials Delivered to Incorrect Facilities

	Deliveries to Incorrect Facility	Allowed	Deliveries to Incorrect Facility Subject to Liquidated Damages	Liquidated Damage per Delivery Account	Total Liquidated Damages
Fiscal Year	64	5	59	\$ 1,284.23	\$ 75,769.57
Total	64	5	59	\$ 1,284.23	\$ 75,769.57

WM Disposal of Organic Materials

The Authority calculated that WM disposed of 64 loads of organic materials without processing the materials or notifying the Authority of the contaminated loads before disposal, as required in Section 5.3.E.1 of the Disposal and Processing Agreement between WM and the Authority. Based on the results, LDs are calculated at \$64,000.00 (64 multiplied by \$1,000.00 per load), as shown in Figure 7.

Figure 7. Summary of Disposal of Organic Materials

	Delivery to Incorrect Facility	Allowed	Deliveries Subject to Liquidated Damages	Liquidated Damage per Delivery	Total Liquidated Damages
January-June	64	0	64	\$ 1,000.00	\$ 64,000.00
Total	64	0	64	\$ 1,000.00	\$ 64,000.00

WM Late Reports

WM is allowed to submit reports up to six days after the due date. WM submitted monthly reports for January 2022 – June 2022 on July 14, 2022. The January 2022 report was 134 days past due, the February 2022 report was 106 days past due; the March 2022 report was 75 days past due, the April 2022 report was 45 days past due, and the May 2022 report was 14 days past due, for a total of 374 days. The June report was submitted on time. The total number of days subject to LDs is 344 total days. Based on the results, LDs are calculated at \$86,000.00 (344 multiplied by \$250.00 per day), as shown in Figure 8 below.

Figure 8. Summary of Late Reports

	Days Late	Allowed	Days Late Subject to Liquidated Damages	Liquidated Damage per Day	Total Liquidated Damages
January	134	6	128	\$ 250.00	\$ 32,000.00
February	106	6	100	\$ 250.00	\$ 25,000.00
March	75	6	69	\$ 250.00	\$ 17,250.00
April	45	6	39	\$ 250.00	\$ 9,750.00
May	14	6	8	\$ 250.00	\$ 2,000.00
June	0	6	0	\$ 250.00	\$ -
Total	374	6	344	\$ 250.00	\$ 86,000.00

Summary

The following Figure 9 summarizes the LDs as described above.

Figure 9. Summary of FY 21-22 Liquidated Damages

	Total Liquidated Damages
WVC&R	
Missed Pick-Ups	\$ 2,504.19
Double Missed Pick-Ups	\$ 5,778.90
Property Damage	\$ -
Materials Delivered to Incorrect Facilities	\$ 75,769.57
WVC&R Total	\$ 84,052.66
WM	
Disposal of Organic Materials	\$ 64,000.00
Late Reports	\$ 86,000.00
WM Total	\$ 150,000.00
Total	\$ 234,052.66

After this agenda report has been posted to the Authority's website, the Authority will be hold additional discussions with WVC&R and WM related to the FY 21-22 LDs and will provide the Board with a recommendation at the upcoming Board Meeting.

Documents Attached

None

Fiscal Impact

The Authority is to receive any LDs assessed. Funds may be used at the Board's discretion.

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

AGENDA REPORT

Agenda Item No. 5
Meeting Date: September 1, 2022

Date: September 1, 2022
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

California Legislative Updates

More than 40 bills related to solid waste and recycling were introduced or re-introduced in the California State Legislature this year. The deadline for the legislature to pass bills is August 31, 2022, and Governor Newsom must sign or veto bills by September 30, 2022. The bills highlighted below may be of particular interest to the West Valley Solid Waste Management Authority (Authority).

Bills Signed into Law

SB 54 – SB 54 was signed into law on June 30, 2022. The bill establishes the “Plastic Pollution Prevention and Packaging Producer Responsibility Act,” one of the most comprehensive extended producer responsibility (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 is recyclable or compostable by 2032 and achieves 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 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. The bill would require a PRO, commencing 2024, to remit \$500,000,000 each year to be deposited into the California Plastic Pollution Mitigation Fund, which was created by the bill. Moneys 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 the Agency.

Bills In Process

Bills Related to SB 1383 and AB 939

AB 1857 – The bill would remove the diversion credit for municipal solid waste transformation under AB 939. Because the bill would require local agencies to revise their source reduction and recycling elements (SRRE) of their integrated waste management plans, this bill would impose a state-mandated local program. This bill would require CalRecycle to administer the Zero-Waste Equity Grant Program as a competitive grant program to support targeted strategies and investments in communities transitioning to a zero-waste circular economy. Further, this bill would require CalRecycle to submit policy recommendations to the Legislature on how to increase job opportunities and improve labor standards and worker pay related to the zero-waste job sector.

Status: Passed in Senate Committee on Appropriations. Ordered to third reading (08/11/22).

AB 1985 – This bill modifies aspects of the implementation of the SB 1383 requirements for jurisdictions to annually procure a specified amount of recovered organic waste products. The bill would require any penalties imposed by CalRecycle on a local jurisdiction that fails to meet its recovered organic waste procurement target to be imposed pursuant to a specified schedule based on the percentage of the local jurisdiction's recovered organic waste product procurement target achieved, as follows: 30% by 2023, 65% by 2024, and 100% by 2025. The bill would authorize CalRecycle to create an adjusted recovered organic waste product procurement target schedule. The bill would also temporarily expand, until January 1, 2025, the conditions under which renewable gas procured from a publicly owned treatment works can count toward a jurisdiction's recovered organic waste procurement target, based on biosolids use. The bill includes additional exemptions and provisions for rural jurisdictions.

Status: Read second time in Senate, ordered to third reading (08/11/22).

SB 45 – This bill would require CalRecycle, in consultation with the State Air Resources Board, to assist local jurisdictions in complying with SB 1383. The bill does not include details on what this assistance entails, but it specifies that the bill does not reduce any of the jurisdiction requirements under SB 1383.

Status: Passed in Assembly Committee on Appropriations. Read second time and amended (08/11/22).

Single-Use Plastic Reduction Bills

AB 2784 – This bill would require thermoform plastic containers (e.g., "clamshells") to contain no less than 20%-30% postconsumer recycled plastic per year on and after July 1, 2030.

Status: Read second time in Senate, ordered to third reading (08/11/22).

AB 2026 – This bill would require online retailers to reduce the amount of expanded polystyrene and single-use plastic shipping envelopes, cushioning, and fill used for shipping or transport by an unspecified percentage January 1, 2030.

Status: Senate Committee on Appropriations – held under submission (08/11/22).

SB 1046 – This bill would prohibit a store from providing pre-checkout bags (e.g., produce bags) to customers, unless such bags are compostable or recycled paper bags.

Status: Read second time in Assembly, ordered to third reading (06/22/22).

SB 1255 - This bill would establish the Dishwasher Grant Program for Waste Reduction in K-12 Schools and Community Colleges to provide grants to school districts for commercial dishwashers to support the transition to reusable food ware in schools.

Status: Ordered to third reading in Assembly (08/18/22).

Container Redemption Reform Bills

AB 1067, AB 2779, SB 38, SB 451, SB 895, and SB 1013

There are multiple bills being considered in the legislature intending to reform various components of the State's Bottle Bill. Depending on which bills pass, there may be different impacts on local governments and rate payers. Concepts targeted by the bills include:

- *Expand beverages eligible for redemption (e.g., AB 2779 would add wine and distilled spirits sold in aluminum beverage containers).*
- *Shift toward a manufacturer-run program with an EPR framework. Require manufacturer stewardship organizations with plans, reports, and budgets and have the organization establish processes for payments and fees (SB 38).*
- *Increase redemption value per container if targets are not met.*
- *Evaluate effectiveness of the option for dealers to pay \$100 per day to CalRecycle rather than redeem containers.*
- *Establish pilot programs.*
- *Revise criteria/definitions.*
- *Revise reporting processes.*

Hazardous Waste and Illegal Dumping

AB 2440 – This bill, the Responsible Battery Recycling Act of 2022, would establish an extended producer responsibility program for the collection and recycling of batteries.

Status: Ordered to third reading in Senate (08/15/22).

SB 1215 - This bill would expand the Electronic Waste Recycling Act of 2003 to include battery embedded products, and would establish a "covered battery-embedded waste recycling fee" for consumers on new or refurbished battery-embedded products purchased.

Status: Ordered to third reading in Senate (08/15/22).

AB 2374 - This bill would increase the current maximum fines for illegal dumping of commercial quantities of waste. In addition to a fine, a person convicted would be required to remove or pay for the removal of the illegally dumped waste.

Status: Passed in Senate. Ordered to Assembly for final concurrence (08/18/22).

AB 2208 – This bill would ban the sale of compact fluorescent lamps.

Status: Ordered to third reading in Senate (08/01/22).

SB 1256 – This bill would ban the sale of single-use propane cylinders, subject to specified civil penalties.

Status: Passed legislature – enrolled for Governor’s consideration (08/16/22).

Miscellaneous Bills

AB 2048 – This bill would require a jurisdiction or a public agency to post on its internet website all current franchise agreements between contract solid waste and recycling haulers and the jurisdiction or the public agency. CalRecycle would be required to create and maintain a publicly accessible database that provides direct electronic links to those posted in franchise agreements.

Status: Passed in Senate. Order to Assembly for final concurrence (08/18/22).

Ongoing

AB 827 – AB 827 became effective on July 1, 2020 and applies to AB 1826 and AB 341 covered businesses. It requires that these businesses provide organics and recycling containers at “front-of-house” to collect waste generated from products purchased and consumed on the premises. These containers must be placed adjacent to trash and be visible, accessible, and clearly marked.

AB 1276 – AB 1276 was signed into law by Governor Newsom on October 5, 2021. This bill prohibits a food facility or a third-party food delivery platform from providing any single-use food accessories (utensils, condiment cups/packets, straws, stirrers, splash sticks, etc.) to consumers unless requested by the consumer. Correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias are not subject to these requirements. This bill requires jurisdictions to authorize an enforcement agency to enforce these requirements on or before June 1, 2022, and issue specified penalties based on the number of violations incurred.

AB 341, AB 1826, and SB 1383

AB 341 became effective on July 1, 2012 and mandates all businesses generating four cubic yards or more of solid waste per week to have recycling service. Businesses include commercial customers producing four or more cubic yards of solid waste per week and all multi-family residential dwellings with five or more units, regardless of the amount of solid waste generated. Although the bill does not mandate diversion standards for each jurisdiction, it sets a statewide goal of 75% disposal reduction by 2020. WVC&R has indicated commercial customers located in the Authority area have met the requirements of AB 341.

AB 1826 had a phased in approach for implementation. Commercial generators of solid waste materials (four cubic yards or greater of weekly volumes) were required to subscribe to organic material collection effective January 1, 2019. In 2020, CalRecycle conducted a review to determine if the statewide disposal of organic waste in 2020 had been reduced by 50% of the level of disposal during 2014 and determined the State did not reach the required level. As a result, effective January 1, 2021, AB 1826 requirements are expanded to cover businesses that generate two cubic yards or more of commercial solid waste per week.

On September 19, 2016, Governor Brown signed into law Senate Bill No. 1383 (Chapter 395, Statutes of 2016), which established statewide methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants. SB 1383 sets two primary targets: to reduce organic waste disposal by 75% by 2025; and, to recover for human consumption at least 20% of currently disposed edible food by 2025. CalRecycle adopted regulations to implement SB 1383 in November of 2020, which became effective January 1, 2022. SB 1383 requires significant action by local jurisdictions, residential and commercial organics generators, haulers, and facilities to comply with the new requirements. A primary requirement of SB 1383 is for jurisdictions to provide mandatory collection of organic waste and recyclable materials to all generators. In addition to providing collection, jurisdictions are required to conduct education and outreach, monitor contamination, conduct inspections and enforcement, monitor contamination, maintain records, submit reports, estimate organic waste and edible food recovery capacity, and procure recovered organic waste products.

WVC&R has made it a priority to provide organic materials and recyclables collection service to all customers under SB 1383 and AB 1826. Any remaining customers who are not currently receiving either recyclables or organic materials collection will be provided service by the end of 2022.

SB 343 — SB 343 was signed into law by Governor Newsom on October 5, 2021. This bill prohibits a person from selling, distributing, or importing into the State any product or packaging for which a deceptive or misleading claim about the recyclability of the product is being made. A product or packaging that displays a chasing arrows symbol, among other symbols, is deemed to be a deceptive or misleading claim unless the product or packing is considered recyclable pursuant to statewide recyclability criteria.

This bill prevents the resin identification code, required under existing law for all rigid plastic bottles and rigid plastic containers sold in the State, from being placed inside a chasing arrows symbol unless CalRecycle has determined the rigid plastic bottle or rigid plastic container is recyclable in the State. The bill expands the scope of an existing crime, and violations of these provisions would be considered a misdemeanor.

The bill requires CalRecycle to update statewide regulations to include information on how to appropriately evaluate the recyclability of products and packaging on or before January 1, 2024.

Local

The Technical Advisory Committee (TAC) of the Santa Clara County Recycling and Waste Reduction Commission meets monthly, and SB 1383 is the primary topic. Representatives from the various agencies are meeting off-line to discuss various approaches to SB 1383 implementation. The SB 1383 topic has become a formal subcommittee within the TAC that discusses topics like SB 1383 waiver administration, organic waste product procurement requirements, and self-hauling, among others. 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 to establish outreach for food recovery organizations, food recovery services, and tier one and tier two commercial edible food generators.

Documents Attached

None

Fiscal Impact

None

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

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

MEETING MINUTES

May 5, 2022

Meeting held virtually in accordance with California Governor Executive Order N-29-20.

Call to Order

At 5:02 pm, Chair Resnikoff called the meeting to order.

Pledge of Allegiance

Roll Call

Chair Bryan Mekechuk, representing Monte Sereno, Vice Chair Mary Badame, representing Los Gatos, and Member Paul Resnikoff, representing Campbell were present. Also present was Executive Director Rob Hilton and Authority Counsel Kirsten Powell. Member Rishi Kumar, representing Saratoga, was not present.

Oral Communications from the Public

None

Written Communications

None

Old Business

None

Board Member Reports

New Business

1. Upon a motion by Vice Chair Badame and second by Member Resnikoff, the Board voted unanimously to approve the issuance of the Request for Proposal for Organic Materials, Recyclable Materials, Solid Waste Collection, and Recyclable Materials and Organic Materials Processing.
2. Upon a motion by Member Resnikoff and a second by Member Kumar, the Board voted unanimously to approve Resolution 2022-05 adopting the West Valley Solid Waste Management Authority's (Authority) Fiscal Year (FY) 2022-2023 Budget.

Public Hearings

3. Upon a motion by Vice Chair Badame and a second by Member Resnikoff, the Board voted unanimously to approve Resolution 2022-06 ratifying the West Valley Collection & Recycling contractual rate increase effective July 1, 2022.

Consent Calendar

4. Upon a motion by Member Resnikoff and a second by Chair Mekechuk, the Board voted unanimously to approve consent items 4, 5, 6, 7, 8, 9, and 10.

Executive Director Report

Future Agenda Items

Adjournment

Chair Mekechuk adjourned the meeting at 7:04 pm until the next regular meeting, which will be held on September 1, 2022.

WEST VALLEY CLEAN WATER AUTHORITY

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

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

JOINT SPECIAL MEETING MINUTES

August 22, 2022
12:00 p.m.

Call to Order

Meeting was called to order at 12:03 p.m.

Pledge of Allegiance

Roll Call for the West Valley Clean Water Authority and the West Valley Solid Waste Management Authority

Attendee Name	Title	Member Agency	Status
Bryan Mekechuk	Chair	City of Monte Sereno	Present
Mary Badame	Vice Chair	Town of Los Gatos	Present
Paul Resnikoff	Board Member	City of Campbell	Present
Rishi Kumar	Board Member	City of Saratoga	Absent

Oral Communications from the Public

None

Special Items

1. Upon a motion by Member Resnikoff and seconded by Vice Chair Badame, the Board unanimously approved Resolution No. 2022-022 of the West Valley Clean Water Authority authorizing virtual meetings pursuant to AB 361.
2. Upon a motion by Member Resnikoff and seconded by Vice Chair Badame, the Board unanimously approved Resolution No. 2022-07 of the West Valley Solid Waste Management Authority authorizing virtual meetings pursuant to AB 361.

Adjournment

The meeting was adjourned at 12:08 p.m.

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

Agenda Item No. 8
Meeting Date: September 1, 2022

Date: September 1, 2022
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: Year-To-Date Financial Report

Recommended Action

Accept report on the West Valley Solid Waste Management Authority's (Authority) fiscal year (FY) 21-22 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 30, 2022 for FY 21-22. With 100% of the FY passed, the report shows that the Authority received \$909,683 or 102% of revenues and expended \$888,449 or 96% of expenses for the approved FY 21-22 budget.

Note that these are preliminary numbers subject to audit.

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 \$295,909 exceeds the \$200,000 fund balance.

Documents Attached

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

Fiscal Impact

None

West Valley Solid Waste Management Authority
Statement of Revenues, Expenditures, and
Changes in Fund Balance - Budget and Actual
June 30, 2022

Acct #	Description	JPA Budget FY 2021-22	Year to Date Actual	Balance	YTD %
<u>Revenues</u>					
4410	Interest	\$ -	\$ 461	\$ (461)	N/A
4431	Unrealized Gains/Losses	-	-	-	N/A
4968	Expense Abatement	-	-	-	N/A
4970	City of Campbell	141,518	141,518	-	100%
4970	Town of Los Gatos	105,211	105,211	-	100%
4970	City of Monte Sereno	12,027	12,027	-	100%
4970	City of Saratoga	103,842	103,842	-	100%
4975	Franchise Agreement WVC&R	450,000	450,000	-	100%
4965	Other	75,485	96,624	(21,139)	128%
	Total Revenues	<u>\$ 888,083</u>	<u>\$ 909,683</u>	<u>\$ (21,600)</u>	<u>102%</u>
<u>Expenditures:</u>					
Services and Supplies:					
7424	Office Expense	\$ -	\$ -	\$ -	N/A
7427	Special Departmental Exp. (Legal Services)	27,775	28,611	(836)	103%
7430	Prof. & Special Services (Executive Director)	313,605	313,605	-	100%
7430	Prof. & Special Services (Other)	5,000	-	5,000	0%
7432	Other Contractual Services (Countywide Support)	-	-	-	N/A
7432	Other Contractual Services (Website Administration)	1,201	-	1,201	0%
7432	Other Contractual Services (Audit Services)	3,500	3,060	440	87%
7433	Insurance (Liability)	2,787	4,129	(1,342)	148%
7435	Travel/Conf. & Meetings	2,000	-	2,000	0%
7438	Other Charges (Accounting & Bookkeeping)	9,557	9,557	-	100%
7438	Record Keeping and Reporting	60,000	47,926	12,074	80%
7443	SB 1383 Outreach	50,000	31,561	18,439	63%
7675	Authority Solid Waste Distribution	450,000	450,000	-	100%
	Total Expenditures	<u>\$ 925,425</u>	<u>\$ 888,449</u>	<u>\$ 36,976</u>	<u>96%</u>
	Excess (deficiency) of revenues over (under) expenditures	(37,342)	21,234	(58,576)	
	Beginning Fund Balance 7/1/21 (Audited)	\$ 237,341	\$ 274,675		
	Ending Fund Balance	<u>\$ 199,999</u>	<u>\$ 295,909</u>		

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Calendar of Future Agenda Items

November 3, 2022 Meeting

- Receive and file annual CalRecycle Annual Reports
- Closed session – conduct annual evaluations of the West Valley Solid Waste Management Authority (Authority) Attorney and Executive Director
- Consider a report on West Valley Collection & Recycling, LLC's (WVC&R) prior fiscal year (FY) complaints/liquidated damages (LDs)
- Award collection contract

February 2, 2023 Meeting

- Elect new officers
- Review of collection and disposal contracts

May 4, 2023 Meeting

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

September 7, 2023 Meeting

- Regular meeting agenda items

Recurring Meeting Agenda Items

- Approval of prior meeting minutes
- Receive and file the Executive Director financial report
- Receive a report on SB 1383
- Receive a report on regulatory and program updates