

WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Executive Director

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Member Agencies

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

REGULAR MEETING AGENDA

February 6, 2014

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. Elect new officers
2. Receive and file a report summarizing the key points and dates from the new collection agreement with West Valley Collection & Recycling (WVC&R).
3. Receive and file a report summarizing the key points and dates from the disposal agreement with Guadalupe Landfill.
4. Consider the use and distribution of the Annual Fee to be received from WVC&R.

5. Consider the report on the status of the Authority's website.

PUBLIC HEARINGS

None

CONSENT CALENDAR

1. Approve minutes of November 7, 2013 Regular Board Meeting and December 3, 2013 Special Board Meeting
2. Executive Director report
 - a. YTD Financial Reports

FUTURE AGENDA ITEMS

BOARD MEMBER REPORTS

ADJOURNMENT

Next Regular Meeting: May 1, 2014, 5:00 p.m.

ADDRESSING THE BOARD

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

WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2014
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Key Points and Dates from WVC&R Agreement**

RECOMMENDED ACTION

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

DISCUSSION

COLLECTION AGREEMENT, as of March 1, 2014

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

- City-directed cleanups
 - Annual cleanups
 - Public education, including a company website
- Customer Rates
 - Set by the company
 - Adjusted annually by change in CPI (except for rate year 16 where rates will be based on actual costs) effective July 1st of each year
 - Include Agency fees (vary by Agency)
 - Franchise fees
 - HHW collection fees
 - Street sweeping fees
 - Vehicle impact fees
 - JPA administrative fees
- New Contract Terms
 - A ten year term ending February 28, 2024, avoiding the disruption to customers that would result from changing franchisees.
 - The expansion of the recyclable materials collected curbside (various metals, certain e-waste materials, fibers, plastic, and glass), which should increase diversion from landfill disposal of these materials.
 - The addition of a second recycling coordinator for two years, to increase outreach to schools and commercial customers.
 - Replacement of existing collection vehicles with new compressed natural gas vehicles, to reduce greenhouse gas and particulate emissions.
 - Addition of specific provisions related to driver training and reporting of litter, to comply with stormwater discharge permit (zero litter) requirements.
 - Addition of a process to ensure WVC&R addresses chronic customer complaints, to facilitate the resolution of such complaints.
 - A floor and cap to annual rate adjustments related to collection services (1.5% and 5% respectively), to provide rate stability.
 - The payment of \$450,000 annually (\$4,500,000 over the term of the agreement) to the Authority for uses such as but not limited to: 1) rate stabilization; 2) additional services desired by the Member agencies, their residents and businesses; and, 3) implementation of programs to comply with future regulatory changes.
- Contract Issues
 - Construction and Demolition Debris
 - Collection is part of WVC&R exclusive franchise agreement
 - Small, local haulers “poach” in the Authority area
 - Rates
 - Regulatory changes

- AB 341 - Mandatory commercial recycling
- CalRecycle - 75% Diversion goals

FISCAL IMPACT

\$450,000 annual payment to the Authority

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

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WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2014
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Key Points and Dates from Guadalupe Landfill Agreement**

RECOMMENDED ACTION

Accept report on the key points and dates from the disposal agreement with Guadalupe Landfill.

DISCUSSION

DISPOSAL AGREEMENT

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

- Processing of Yard Waste
 - Beneficial Use -
 - Definition - the processing of Yard Waste for top dressing, weed suppression, irrigation and erosion control, soil amendment, mulch, fuel, etc. (in a manner that is not classified as Disposal by CalRecycle ...but does not include composting or landfill disposal.
 - Potential of CalRecycle to disallow materials used for alternative daily cover at landfill to count as a "diverted material".

FISCAL IMPACT

None

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2014
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Use and Distribution of the Annual Fee from WVC&R and Establish an Ad-Hoc Committee**

RECOMMENDED ACTION

Consider the use and distribution of the Annual Fee to be received from West Valley Collection and Recycling (WVC&R) and establish an Ad-Hoc Committee to work with the TAC and bring suggestions back to the May 2014 Board Meeting.

DISCUSSION

As part of the new franchise agreement with WVC&R that begins March 1, 2014, the Authority will receive a payment of \$450,000 annually (\$4,500,000 over the term of the agreement).

The definition of the annual fee from the agreement is as follows:

1.3 Annual Fee

“Annual Fee” means the additional Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) annually paid by Company to Authority 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 granted by this Agreement for the ten year period ending midnight February 28, 2024. This shall be a non-allowable cost for purposes of calculating Company’s Compensation.

According to the Authority's Legal Counsel, there are no limitations on the use of the money by the Authority. It can be treated in a similar manner as Franchise Fees. At the last TAC meeting, the member agencies' staff discussed various uses and methods of distribution for the funds. Optional uses discussed included areas such as: 1) maintaining a balance with the Authority for application towards future Authority-wide program costs; 2) supplementing roll-off box rates; 3) rate stabilization fund for potential changes in law; 4) remitting the funds to the member agencies with requirements that the funds be used towards solid waste diversion efforts; and 5) remitting the funds to the member agencies with no restriction on the use of the funds. Optional methods of distribution discussed were population or revenue generated. Historically, the Authority's expenses have been allocated based on the member agencies' population as determined by the California Department of Finance census. The TAC determined that once the new franchise agreement begins, it may be appropriate for the Authority's expenses and the annual payments to be distributed based on revenue received less all City fees.

The Ad Hoc Committee, if established, would meet with staff and evaluate the optional uses of the funds and distribution methods. The Ad Hoc committee would then bring back a recommendation to the Board at its May 2014 meeting.

FISCAL IMPACT

\$450,000 annual payment to the Authority

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2014
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Authority Website**

RECOMMENDED ACTION

Consider the report on the status of the Authority's website.

DISCUSSION

At previous meetings, the Board determined a website would be beneficial to the ratepayers of the Authority. An option of using WVC&R's website was discussed but for various reasons, primarily potential legal implications of using a commercial website for the Authority, the option was dismissed.

Agency staff and the Executive Director met on January 8, 2014 to discuss the potential content of the website and the possibility of having staff from one of the agencies develop a "shell" for the Ad-Hoc Committee to review. It was decided Los Gatos would provide a staff person to develop the "shell."

Agency staff suggested various items, such as the following, be included on the website:

- Summary of the purpose of the Authority
- Listing of Member Agencies
- Board Members
- Authority Staff (Executive Director and Legal Counsel)
- Agendas and Minutes
- Contracts
- Rates

- Links to:
 - WVC&R
 - Member Agencies
 - Other County/State websites for similar purposes

There will be an annual cost to host the website and to purchase a domain name. The costs will be developed. Staff will continue to work with the Ad-Hoc committee to finalize a draft website for review by the Board at its May 2014 Board meeting.

FISCAL IMPACT

To be determined.

DOCUMENTS ATTACHED

Screen shots of draft WWSWMA website.

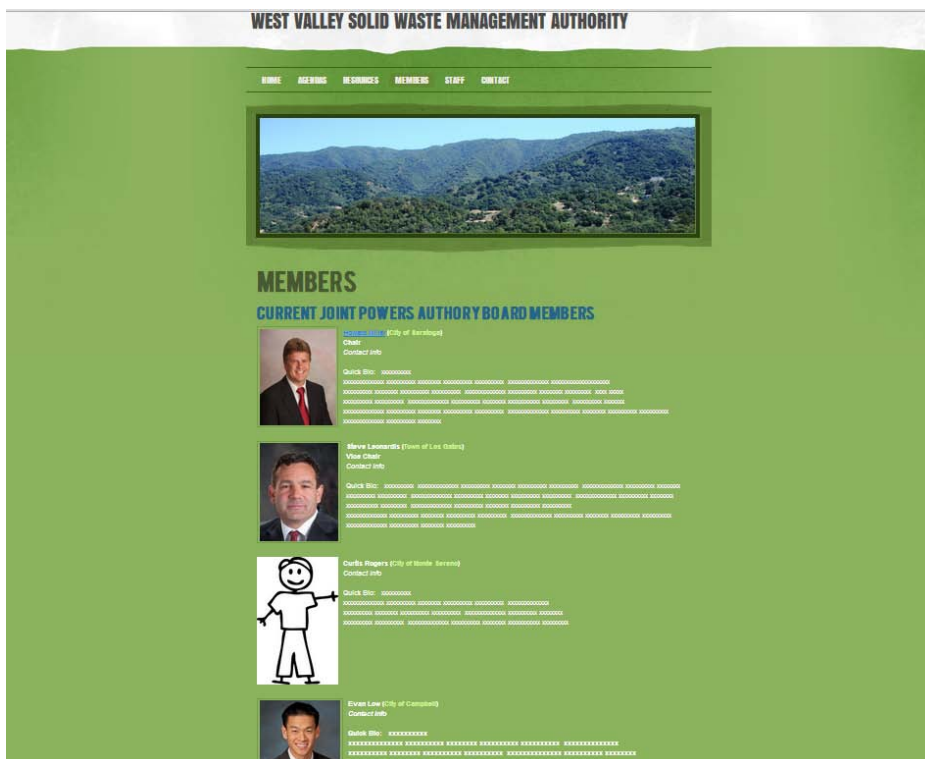


Marva M. Sheehan
Executive Director

Screen shot of the draft WWSWMA home page.



Screen shot of the Board Member's Biography Page



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Member Agencies

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

MEETING MINUTES

November 7, 2013
Monte Sereno City Hall
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030

CALL TO ORDER

At 5:00 pm Chair Howard Miller called the meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Howard Miller, representing Saratoga, Vice Chair Steve Leonardis, representing Los Gatos, and Board Member Curtis Rogers, representing Monte Sereno, were present. Also present were Executive Director Marva Sheehan and Authority Counsel Kirsten Powell.

ORAL COMMUNICATIONS FROM THE PUBLIC

None

WRITTEN COMMUNICATIONS

None

OLD BUSINESS

None

NEW BUSINESS

1. The Board accepted a report on WVC&R contractual liquidated damages for the last fiscal year.

PUBLIC HEARINGS

None

CONSENT CALENDAR

2. Upon a motion by Vice-Chair Leonardis and a second by Member Rogers, the Board voted 3-0 to approve the minutes of the September 5, 2013 Regular Board Meeting and the October 23, 2013 Special Board Meeting, and the Executive Director financial report for the twelve months ended June 30, 2013.

FUTURE AGENDA ITEMS

None

BOARD MEMBER REPORTS

None

CONVENE TO CLOSED SESSION

The Board convened to closed session at 5:13 pm for the purpose of evaluation of the Executive Director and Authority Counsel.

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

There were no reportable actions from the closed session.

ADJOURNMENT

Chair Miller adjourned the meeting of the Board at 6:00 pm until the next Special Board Meeting on December 3, 2013. The next regular meeting will be February 6, 2014.

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Member Agencies

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

SPECIAL MEETING MINUTES

December 3, 2013
Monte Sereno City Hall
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030

CALL TO ORDER

At 5:05 pm Chair Howard Miller called the meeting to order.

ROLL CALL

Chair Howard Miller, representing Saratoga, Vice Chair Steve Leonardis, representing Los Gatos, Board Member Evan Low, representing Campbell, and Board Member Curtis Rogers, representing Monte Sereno, were present. Also present were Alternate Executive Director Robert Hilton and Authority Counsel Kirsten Powell.

ORAL COMMUNICATIONS FROM THE PUBLIC

None

OLD BUSINESS

None

NEW BUSINESS

Upon a motion by Member Low and a second by Member Rogers, the Board voted 4-0 to accept "The Agreement Between West Valley Solid Waste Management Authority and West Valley Collection & Recycling, LLC For The Collection of Solid Waste, Recyclable Materials, Green Waste, 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 And Food Scraps” and approve Resolution 2013-06 directing the Chair to execute the Agreement.

ADJOURNMENT

Chair Miller adjourned the Special Meeting of the Board at 5:25 pm until the next regular Board Meeting which will occur on February 6, 2014 5:00 pm.

WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 6, 2014
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **YTD Financial Report**

RECOMMENDED ACTION

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

DISCUSSION

The report titled "Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual" shows the approved budget, the year to date actual amounts, and the preliminary fund balance through December for FY 2013-14. With 50% of the fiscal year passed, the report shows that the Authority expended \$76,823.38 or 46.74% of the approved FY 2013-14 budget.

In February 2011, the Board adopted a policy that requires it to maintain an operating reserve of \$100,000 and a rate stabilization reserve of \$100,000. The preliminary fund balance (\$254,212) is more than the \$200,000 as a result of the revenues that are received quarterly and expenditures that are received at other intervals. Once those payments are made for the expenditures, the fund balance will be slightly in excess of \$200,000 which is consistent with the Board's policy.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual December 31, 2013.



Marva M. Sheehan
Executive Director

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

Acct. #	Description	JPA Budget FY 13/14	Year to Date Actual	Balance	YTD %
Revenues:					
4410	Interest Earnings	\$ -		\$ -	N/A
4970	City of Campbell	42,989	42,989.00	-	100.00%
4970	City of Los Gatos	32,134	32,134.00	-	100.00%
4970	City of Monte Sereno	3,650	3,650.00	-	100.00%
4970	City of Saratoga	32,695	32,695.00	-	100.00%
4965	AB 2020 Program State Contribution	-		-	-
4965	Other	40,000	42,500.00	(2,500.00)	106.25%
	Total Revenues	\$ 151,468	\$ 153,968.00	\$ (2,500.00)	101.65%
Expenditures:					
Services and Supplies:					
7421	Communications-Phone	-	-	-	-
7424	Office Expense	500		500.00	-
7427	Special Departmental Exp. (Legal Svcs.)	13,150	8,760.00	4,390.00	66.62%
7430	Prof. & Special Services (Executive Director)	85,970	29,461.03	56,508.97	34.27%
7430	Prof. & Special Services (Special Projects)	40,000	36,102.35	3,897.65	90.26%
7430	Prof. & Special Services (Other)	5,000		5,000.00	-
7432	Other Contractual Services (Audit Svcs.)	4,990	2,500.00	2,490.00	50.10%
7432	Other Contractual Services (Countywide Support)	1,000		1,000.00	-
7433	Insurance (Liability)	2,211	-	2,211.00	-
7435	Travel/Conf. & Meetings	4,000		4,000.00	-
7438	Other Charges (Accounting & Bookkeeping)	7,549		7,549.00	-
7883	Improvements (AB2020 Infrastructure)			-	-
	Total Expenditures	\$ 164,370	\$ 76,823.38	\$ 87,546.62	46.74%
	Excess (deficiency) of revenues over (under) expenditures	(12,902)	77,144.62	64,242.62	
	Fund balance at beginning of year - 7/1/2013	206,992	177,067.79		
	Fund balance as of December 31, 2013	\$ 194,090	\$ 254,212.41		

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Calendar of Future Agenda Items

May 1, 2014 Meeting

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

September 4, 2014 Meeting

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

November 6, 2014 Meeting

- Receive and file a report on WVC&R contractual liquated damages for the last fiscal year
- Closed Session – annual evaluations of Authority Attorney and Executive Director

February 5, 2015 Meeting

- Elect new officers
- Review of Collection and Disposal contracts

Recurring Meeting Agenda Items

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