

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 5, 2015

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 Chairperson and Vice Chairperson for 2015.
2. Receive and file a report summarizing the key points and dates from the 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 a report on the use of the funds to be received from WVC&R from the 2013-2014 liquidated damages.

5. Receive and file a report on the State's Diversion requirements.
6. Consider a report on the change in billing cycles.
7. WVC&R to present an oral update on its customer service procedures, public outreach and phone system changes.

PUBLIC HEARINGS

None

CONSENT CALENDAR

8. Approve minutes of November 6, 2014 Regular Board Meeting
9. YTD Financial Reports

EXECUTIVE DIRECTOR REPORT

FUTURE AGENDA ITEMS

BOARD MEMBER REPORTS

ADJOURNMENT

Next Regular Meeting: May 7, 2015, 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 5, 2015
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Key Points and Dates from WVC&R Agreement**

RECOMMENDED ACTION

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

DISCUSSION

COLLECTION AGREEMENT, as of March 1, 2014

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

- Annual cleanups
 - Public education, including a company website
- Customer Rates
 - Set by the company
 - Adjusted annually by change in CPI (except for rate year 16 where rates will be based on actual costs) effective July 1st of each year
 - Include Agency fees (vary by Agency)
 - Franchise fees
 - HHW collection fees
 - Street sweeping fees
 - Vehicle impact fees
 - JPA administrative fees
- 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

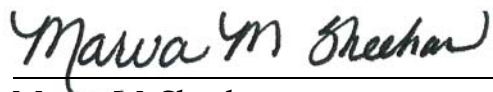
- Regulatory changes
 - AB 341 - Mandatory commercial recycling
 - AB 1826 - Commercial organics recycling
 - CalRecycle - 75% Diversion goals

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 5, 2015
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

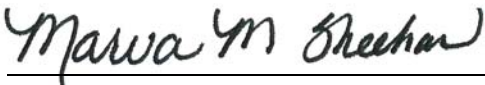
- Contract Issues/Concerns
 - Processing of Yard Waste
 - Beneficial Use -
 - Definition - the processing of Yard Waste for top dressing, weed suppression, irrigation and erosion control, soil amendment, mulch, fuel, etc. (in a manner that is not classified as Disposal by CalRecyclebut does not include 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 5, 2015
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **Update on Usage of Liquidated Damages from WVV&R**

RECOMMENDED ACTION

Consider the report on usage of the liquidated damages from West Valley Collection & Recycling (WVC&R) for FY 13-14.

DISCUSSION

Background

At its September meeting, the Board elected to assess \$7,200 of liquidated damages related to double misses during FY 13-14. At the same meeting, the Board directed staff to work with WVC&R on the possibility of purchasing traffic calming stickers for residential carts. (Copy attached)

Due to the limit on available funding and the fact that some residential premises are not in 25 mph speed zones, not all residential carts will receive the sticker.

Since the September Board meeting, several concerns with the stickers have been brought to our attention by agency staff.

- Due to financial limitations, not all residents will receive them, and that could cause frustration.
- There could be customers that do not want them on their carts and asking individuals would be time prohibitive.
- Once the stickers are there, the newness wears off and drivers ignore them just like they do the speed limit sign.
- There was concern about the picture of the child with a ball that it would encourage kids to play in the streets.

- The stickers would peel off if not properly placed on carts (cart area cleaned first).

In the past, liquidated damages were used for public outreach (radio ads, etc.)

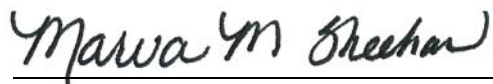
Staff would like Board direction on the next steps.

FISCAL IMPACT

The Authority is to receive \$7,200 from WVC&R. This is an unbudgeted item.

DOCUMENTS ATTACHED

Copy of Sticker



Marva M. Sheehan
Executive Director



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**WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY**

AGENDA REPORT

Date: February 5, 2015

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: **Legislative Update**

RECOMMENDED ACTION

Consider a report on the AB 1826 and AB 45 and their potential impact on the Member Agencies

DISCUSSION

AB 1826 Background

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.

Obligations for organics recycling begin in 2016 and ramp up over 4 years as summarized in the table below:

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.

Commencing January 1, 2016, jurisdictions will be required to perform ongoing activities including: education and outreach, compliance monitoring, and notification to non-compliant businesses. Annual reporting back to CalRecycle will commence August 1, 2017.

AB 45 Background

AB 45 Household Hazardous Waste was introduced in December 2014 and is sponsored by Assemblyman Kevin Mullin. While it is still in the introductory stages, it would require mandatory curbside collection of HHW.

Authority Impact

In general, the Member Agencies are in a good position to be in compliance with AB 1826. We initiated a commercial organics program several years ago and WVC&R is continuing to reach out to the commercial customer base. Where there will need to be additional focus is in the multi-family sector. For example, the organic materials are normally collected by the landscapers at multi-family complexes and the solid waste collection services are provided by WVC&R. Current recordkeeping does not connect these two services. WVC&R will be working with the multi-family sector with recycling programs and will be able to gain data on the collection and processing of organic materials.

We will be following AB45 as it moves through the legislature and will keep the Board apprised of any further developments.

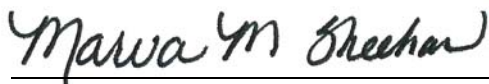
Additionally for both items, there may need to be municipal code revisions or resolutions by the Member Agencies.

FISCAL IMPACT

Minimal immediate fiscal impact

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

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AGENDA REPORT

**WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY**

Date: February 5, 2015

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: Change of Residential Billing Cycles

RECOMMENDED ACTION

Consider a report on the change in residential billing cycles.

DISCUSSION

Background

The current billing cycles for residential customers, as set forth in our current agreement with West Valley Recycling & Collection, LLC (WVC&R), are as follows:

Period Covered	Bills Mailed	Comment
Feb - Apr	March 1st	One month in arrears and two months in advance
May - Jul	June 1st	
Aug - Oct	September 1st	
Nov - Jan	December 1st	

Additionally, our agreement states rates are to be adjusted on July 1st of each calendar year. This date was selected to correspond with each of the member agencies' fiscal year.

At the November Board meeting, the Board directed staff to work with WVC&R on changing the billing cycles to correspond with the date the rates are changed. There is not a clear cut-off with this change; therefore, WVC&R suggested the billing of residential customers for four months of service in the month of April (March, April,

May and June). The next billing cycle would be in August for the months of July, August and September. WVC&R has stated it will not begin any of its normal collection process for delinquent accounts until well into the next billing cycle allowing customers adequate time to pay the larger bill.

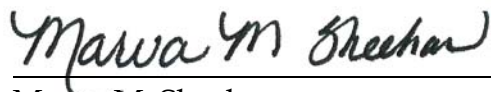
WVC&R will put message on the bills describing the change, messages on its website, and the Authority will also have a message on its website. Additionally, WVC&R customer service will have special training on the billing change and the reason behind the change.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

None



Marva M. Sheehan
Executive Director

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Executive Director

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Member Agencies

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

MEETING MINUTES

November 6, 2014

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

CALL TO ORDER

At 5:01 pm Chair Steve Leonardis called the meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Steve Leonardis, representing Los Gatos, Vice Chair Curtis Rogers, representing Monte Sereno, Member Howard Miller, representing Saratoga, and Alternate Member Mike Katowski, representing Campbell, 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 discussed the possibility of changing the residential billing cycles and/or the effective date of the annual rate adjustments.

Upon a motion by Member Miller and a second by Member Rogers, the Board unanimously voted 4-0 to change the billing cycles and directed staff to work with WVC&R on the best method for the change. Ultimately billings in FY 15-16 will be as follows:

Month Billed	Service Period
August	July, August, September
November	October, November, December
February	January, February, March
May	April, May, June

2. The Board considered an amendment to the Authority’s Conflict of Interest Code.

Upon a motion by Alternate Member Katowski and a second by Member Miller, the Board unanimously approved Resolution 2014-04 amending the Conflict of Interest Code for the West Valley Solid Waste Management Authority and Submitting said Code to the Santa Clara County Board of Supervisors for Approval.

3. The Board considered a report on AB1826 and its potential impact to the Member agencies. No action was taken.

PUBLIC HEARINGS

None

CONSENT CALENDAR

4. Upon a motion by Vice-Chair Rogers and a second by Member Miller, the Board voted 4-0 to approve the minutes of the September 4, 2014 Regular Board Meeting and the Executive Director financial report for the three months ended September 30, 2014.

ADDRESSING THE BOARD

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FUTURE AGENDA ITEMS

None

BOARD MEMBER REPORTS

None

EXECUTIVE DIRECTOR REPORT

Executive Director Sheehan asked Weslie McConkey to share the information she had gathered on cart stickers for traffic calming.

CONVENE TO CLOSED SESSION

The Board convened to closed session at 5:39 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 Leonardis adjourned the meeting of the Board at 6:03 pm until the next regular meeting will be February 5, 2015.

ADDRESSING THE BOARD

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WEST VALLEY
SOLID WASTE MANAGEMENT
AUTHORITY

AGENDA REPORT

Date: February 5, 2015
To: West Valley Solid Waste Management Authority Board
From: Executive Director
Subject: **YTD Financial Report**

RECOMMENDED ACTION

Accept report on the Authority's FY 2014-15 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 September for FY 2014-15. With 50% of the fiscal year passed, the report shows that the Authority expended \$232,132.4 or 40.82% of the approved FY 2014-15 budget.

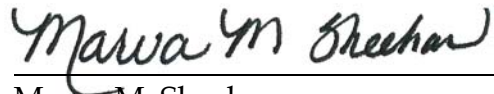
In February 2011, the Board adopted a policy that requires it to maintain an operating reserve of \$100,000 and a rate stabilization reserve of \$100,000. The preliminary fund balance (\$254,983.09) is more than the \$200,000 as a result of 100% of revenues from the Member Agencies have been received for the year and expenditures are made throughout the year. Included in the budgeted revenue is \$35,000 that was expected to be received from WVC&R for the reimbursement for negotiation consulting fees. However, as we discussed at previous Board meetings, the reimbursement will come from the fund balance. Once the remaining budgeted payments are made for the expenditures, the fund balance will be approximately \$165,000. The future fund balance reserves will be reviewed as part of the FY15-16 budget process.

FISCAL IMPACT

None

DOCUMENTS ATTACHED

Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual December 31, 2014.



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, 2014

Acct. #	Description	JPA Budget FY 14/15	Year to Date Actual	Balance	YTD %
Revenues:					
4410	Interest Earnings	\$ -	\$ -	\$ -	N/A
4970	City of Campbell	45,096	45,096.00	-	100.00%
4970	City of Los Gatos	33,759	33,759.00	-	100.00%
4970	City of Monte Sereno	3,817	3,817.00	-	100.00%
4970	City of Saratoga	34,272	34,272.00	-	100.00%
4965	AB 2020 Program State Contribution	-	-	-	-
4975	Franchise Agreement WVC&R	450,000	187,500.00	262,500.00	41.67%
4965	Other	35,081	-	35,081.00	-
	Total Revenues	\$ 602,025	\$ 304,444.00	\$ 297,581.00	50.57%
Expenditures:					
Services and Supplies:					
7421	Communications-Phone	-	-	-	-
7424	Office Expense	500	-	500.00	-
7427	Special Departmental Exp. (Legal Svcs.)	8,500	2,700.00	5,800.00	31.76%
7430	Prof. & Special Services (Executive Director)	79,610	2,449.61	77,160.39	3.08%
7430	Prof. & Special Services (Special Projects)	-	36,982.79	(36,982.79)	N/A
7430	Prof. & Special Services (Other)	5,000	-	5,000.00	-
7432	Other Contractual Services (Audit Svcs.)	5,102	1,500.00	3,602.00	29.40%
7432	Other Contractual Services (Countywide Support)	1,000	-	1,000.00	-
7432	Other Contractual Services (Website Administration)	2,500	-	-	-
7433	Insurance (Liability)	2,261	-	2,261.00	-
7435	Travel/Conf. & Meetings	4,000	-	4,000.00	-
7438	Other Charges (Accounting & Bookkeeping)	7,718	-	7,718.00	-
7675	JPA Solid Waste Distribution	450,000	187,500.00	262,500.00	41.67%
7883	Improvements (AB2020 Infrastructure)	-	-	-	-
	Total Expenditures	\$ 566,191	\$ 231,132.40	\$ 332,558.60	40.82%
	Excess (deficiency) of revenues over (under) expenditures	35,834	73,311.60	109,145.60	
	Fund balance at beginning of year - 7/1/2014	164,166	181,671.49		
	Fund balance as of December 31, 2014	\$ 200,000	\$ 254,983.09		

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WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

Calendar of Future Agenda Items

May 7, 2015 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 3, 2015 Meeting

- Receive and file annual CalRecycle Annual Reports
- Schedule annual Authority Attorney and Executive Director performance review
- Consider a report on WVC&R's prior Fiscal Year Complaints/Liquidated Damages

Recurring Meeting Agenda Items

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

November 6, 2014 Meeting

Closed Session – annual evaluations of Authority Attorney and Executive Director

February 4, 2016 Meeting

- Elect new officers
- Review of Collection and Disposal contracts
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