

AGENDA ITEM III – A
REGIONAL WASTE MANAGEMENT AUTHORITY
MEETING MINUTES
JANUARY 20, 2022

I. Call to Order and Roll Call

The meeting was called to order by Chairman Shaw at 5:00 p.m.

Present: Bains, Blaser (for Vasquez), Buttacavoli, Pendergraph, Shaw, and Woten

Absent: Vasquez

II. Board Business

A. Nomination and Election of Board Members for 2022

Director Pendergraph was nominated for Chairman by Director Shaw. This nomination was seconded by Director Bains. There were no additional nominations and the motion carried unanimously.

Director Bains was then nominated for Vice-Chair by Director Shaw. The nomination was seconded by Director Pendergraph. There were no additional nominations and the motion carried unanimously.

B. Statements of Economic Interest

Martin noted that this item is reminder of the requirement to file yearly statements with the FPPC. Form 700 is due to the FPPC by April 1, 2022, for ongoing members or alternates and within 30 days from appointment for new members or alternates. A copy of the form should be provided to Janet Frye, Board Clerk, for public record requests. Any questions should be directed to the office.

III. Public Business from the Floor

None.

IV. Public Hearings

A. Mandatory Organic Waste Disposal Reduction Ordinance

Martin introduced the Mandatory Organic Waste Disposal Reduction Ordinance that was first presented for Board review at the December 16, 2021 meeting and is now the subject of a public hearing to receive input on the ordinance prior to adoption consideration. The public hearing was noticed in the Appeal Democrat on January 6, 2022 with a summary of the ordinance. The ordinance is intended to meet the minimum requirements of SB 1383 to

reduce the amount of waste in landfills. The State has set aside funds for SB 1383 implementation activities and the member jurisdictions have authorized the RWMA to submit a regional request for those funds. The ordinance must be implemented by April 1, 2022 to be eligible for those funds. Staff is recommending that the Board waive the second reading and adopt the ordinance as proposed.

Director Bains asked why the RWMA is adopting this ordinance. Martin responded that the main reason is to comply with SB 1383. The region is currently not in compliance with this law that was passed in 2016 and this ordinance would move the region closer to compliance with the State mandate.

Director Bains asked what the impacts would be to local businesses and individuals. Martin answered that the impacts would vary, but the goal of the law is to remove food waste and other organics from the waste stream to decrease the amount in landfills for a reduction in greenhouse gas emissions.

Director Bains asked what the penalties would be for non-compliance. Martin answered that there are two non-compliance issues – one for businesses and individuals and one for jurisdictions. While fines for businesses and individuals is relatively minor, fines for jurisdictions could reach \$10,000 per day per incident.

Director Bains asked how this would affect non-profit organizations. Martin stated that the requirements apply to any covered waste generator equally.

Director Bains asked what Recology was doing for compliance. Martin stated that three cart service is available to residents in the program areas and that food waste can now be placed in the green waste cart in five of the six member jurisdictions. Organic waste collection is also available to commercial customers and Recology will be implementing public outreach and education about the requirements.

Director Bains asked what the time was for full compliance. Martin stated the first deadline was January 1, 2022, and the first report is due to the state by April 1, 2022, but that fine authority for business and individuals begins on January 1, 2024. Alyson Burleigh of Aurora Environmental added that there are two tiers for the edible food recover requirement. Tier one generators are supposed to now be in compliance while Tier two generators must be in compliance by January 1, 2024. Martin added that the compliance dates in the ordinance are all State minimums.

Director Shaw stated that the ordinance that is being adopted is the minimum requirement to stay in compliance with SB 1383. If the jurisdictions are out of compliance, the fees will have to come out of the general funds of the jurisdictions and take funding away from other areas including law enforcement and fire departments.

Director Blaser asked who benefits from this ordinance. Martin stated that the bill was passed with the intent of reducing greenhouse gas emissions so presumably everyone would benefit.

The public hearing was opened by Director Pendergraph at 5:21 p.m.

Sondra Mallow from Marysville stated the burden of the ordinance would be damaging to small, local businesses.

Diane Jaeger from Sutter County stated that businesses do not have the time or staff to sort their trash. Due to litigation, most food producers are unwilling to donate their edible food waste and an EPA study stated that the preferred way to reduce food waste is to reduce food production. She added that waste incinerators were the answer to this issue.

Johanna Lassage presented information about Covanta with waste-to-energy facilities in Stanislaus County and in Long Beach where food waste is used to generate electricity through incineration. She requested the board not pass the ordinance and figure out a way to fight it at the state level.

Donna Wahlberg stated that this ordinance is governmental overreach.

Bijan Parhizgar stated that perhaps there is another option, and maybe more research needs to be done before the ordinance is adopted.

Director Pendergraph closed the Public Hearing at 5:44 p.m.

Director Blaser asked legal counsel about the pros and cons of moving forward. Counsel Brant Bordsen stated that the Board does not have to pass the ordinance, but if it is not adopted, each jurisdiction would be subject to the fines. His recommendation is to pass the ordinance which will allow two years to figure out another option before fines are imposed.

Director Woten asked if there were any stipulations on the when the grant money must be spent. Martin stated that the funds are intended for SB 1383 implementation and education over the next two years to offset local expenses.

Director Woten stated that it is encouraging that there is time before implementation to look at other options.

Director Buttacavoli stated that the biggest concern is the amount of the fine per jurisdiction if they are found to be in non-compliance with the ordinance requirement. None of the local jurisdictions could afford to pay that amount out of their general funds. Also, how do the jurisdictions keep on top of the requirements so that they do not get fined when the time comes. Martin stated that this issue will be addressed by the Board over time and that adopting the ordinance will keep the jurisdictions out of the State's view as it is an enforceable ordinance that meets the current requirement.

Director Pendergraph allowed Diane Jaeger to speak again. She said that she understands the fine issue, but that action can be delayed until next month as the State requirement is for the ordinance to be adopted by March 1, 2022. Martin interjected that the deadline is April 1, 2022, but there is a 30-day implementation period so the ordinance must be adopted by March 1, 2022, to be implemented by April 1, 2022. Ms. Jaeger stated that she is hopeful

that a waste incineration option would be available before the two years are up. Alyson Burleigh stated that incineration is not allowed under this bill. Martin stated that Covanta has other issues of its own, including emissions, ash disposal and the effect the plant has on local disadvantaged communities.

Director Shaw stated that the board needs to do what is prudent now and look forward with options, but only the legislature can change the law.

Director Blaser agreed that change must come from the legislature.

Director Buttacavoli stated that he believes the recommendation from legal counsel is the only option available.

Director Pendergraph stated that the outreach to restaurants and businesses will come from Recology Yuba-Sutter.

Director Shaw made a motion to waive the second reading and adopt the Regional Waste Management Authority Mandatory Organic Waste Disposal Reduction Ordinance No. 22-1 as proposed. Director Woten seconded the motion and it carried unanimously.

Director Buttacavoli asked if it is possible to notify restaurants and other businesses that will be heavily affected by the ordinance. Martin stated that last year the Board had suggested workshops be conducted for all businesses in the area to educate the community about the regulations. Rigo Diaz, General Manager of Recology Yuba-Sutter, stated that they have already completed two rounds of compliance letters and they are meeting next week with the newer formed restaurant association, which is a branch of the Yuba-Sutter Chamber of Commerce, and Recology will be presenting the compliance regulations for restaurants at that meeting. There are also plans to conduct region-wide outreach through the Appeal Democrat, but they are waiting for the one remaining jurisdiction to settle the SB 1383 items. Martin clarified that the compliance letters are for previous state regulations and are for commercial producers. Mr. Diaz also stated that Recology Yuba-Sutter is committed to not increasing the bills for it's customers by auditing the waste stream to right-size the service received.

Director Pendergraph thanked all involved for a great discussion of this item.

V. Consent Calendar

Director Shaw made a motion to approve the Consent Calendar. Director Buttacavoli seconded the motion and it carried unanimously.

VI. Reports

A. FY 2020/2021 RWMA Financial Audit Report.

Martin presented the RWMA Financial Audit Report for fiscal year 2020/2021. There were no audit findings or comments provided by the auditor.

Director Shaw made a motion to accept the FY 2020/2021 RWMA Financial Audit Report as submitted. Director Bains seconded the motion and it carried unanimously.

B. Executive Director Selection Process.

Martin stated that the RWMA is in the process of recruiting an Executive Director and staff is now recommending that an Ad Hoc Committee be established to act as an applicant screening and contract negotiating committee. The position is open until filled, but the first review will be on February 11th which will be done by RWMA and Sutter County Human Services staff. The highest-level candidates will then be reviewed by a screening panel to include two members of the Technical Advisory Committee (TAC) (Diana Langley, City Manager of Yuba City, and Kevin Mallen, Yuba County Administrator) along with the Ad Hoc Committee. The top candidates will then be interviewed by the full TAC and with one or more to be forwarded to the Board for consideration in a special closed session meeting. The Ad Hoc Committee can be up to three members, but the TAC is recommending two members to participate.

Directors Buttacavoli and Bains volunteered to serve on the ad hoc committee.

C. Annual Investment Policy Review.

Martin stated that previous audits recommended that the RWMA investment policy be reviewed at least annually and amended as needed. Staff considers the current policy sufficient and are not recommending any policy modifications.

Director Bains made a motion to accept the annual investment policy review as presented. Director Shaw seconded the motion and it carried unanimously.

D. Board Member Meeting Stipend Rate Adjustment.

Martin stated that the current Board member stipend rate of \$50 per meeting has been in effect since July 1, 2020, and staff is now recommending that it be increased to \$100 per meeting beginning February 1, 2022. This increase, which was included in the FY 2022 budget, would put the RWMA Board in line with what is commonly provided for other local agencies which now includes Yuba-Sutter Transit.

Director Blaser made a motion to adopt the proposed increase in the Board Member Meeting Stipend Rate as proposed. Director Woten seconded the motion and it carried unanimously.

E. Status Reports on Current Projects.

1. SB 1383 Local Assistance Grant Program for FY 2021-22.

Martin stated that the RWMA will be applying for funding from the SB 1383 Local Assistance Grant Program. The minimum funding amount is \$260,000 for implementation of SB 1383 for staffing costs over the next two years.

2. Fourth Amendment and Restated Regional Waste Management Authority Joint Powers Agreement (JPA).

The amended JPA has now been fully approved following the January 5th action by the Live Oak City Council. This ended a more than three year process that began in 2018.

VII. Other Business

Martin stated that future meeting agendas would include a Zoom link so the public item can attend remotely and make comments without having to be present.

VIII. Adjournment.

The meeting was adjourned at 6:24 p.m.

The next meeting of the Regional Waste Management Authority is scheduled for 4:30 p.m. on February 17, 2022, in the Yuba County Board of Supervisors Chambers at the Yuba County Government Center unless otherwise noticed.