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## **BOARD OF DIRECTORS REGULAR MEETING**

### **AGENDA**

**AUGUST 25, 2022 – 3:00 P.M.**

#### **Teleconference/Public Participation Information**

This meeting will be held *exclusively* via teleconference participation of a quorum of Board members in locations not open to the public in compliance with Assembly Bill (“AB”) 361 (Rivas, Chapter 165, Statutes of 2021) and its amendments to California Public Resources Code Section 54953(e), allowing for deviation of teleconference and physical location meeting rules otherwise required by the Ralph M. Brown Act. This meeting is being held during a proclaimed state of emergency, and state and local officials have imposed or recommended measures to promote social distancing, while allowing the public to observe and address the Board.

For this meeting, there will be no physical location from which members of the public may observe the meeting. Instead:

Members of the public are welcome to submit written comments via email to the Board Secretary at [Authority@RecycleSmart.org](mailto:Authority@RecycleSmart.org) prior or during the time for public comment at the meeting. The Board Secretary will share all comments with the Board at the meeting and make them part of the public record.

Members of the public are also welcome to observe and address the Board telephonically, at the appropriate time for public comment during the meeting, following these instructions:

Please click the link below to join the webinar:

**Link to join Webinar:** <https://us02web.zoom.us/j/86287309707>

**Or iPhone one-tap:** 1-669-900-6833 or 1-408-638-0968

**Webinar ID:** 862 8730 9707

During the meeting, the Chair will call for public comment. If you wish to address the Board, please so indicate at that time and the Chair will add you to the speaker list and call your name when it is your turn.

**Note: To improve everyone’s opportunity to participate, please mute your computer or phone until you are called to speak.**

In accordance with the Americans with Disabilities Act, California Law, and the Governor's Executive Orders, it is the policy of the Central Contra Costa Solid Waste Authority to offer its public meetings in a manner that is readily accessible to everyone, including those with disabilities. Any individual with a disability may request reasonable modifications or accommodations so that they may observe and address the Board at this teleconference meeting. If you are disabled and require special accommodations to participate, please contact the Board Secretary at least 48 hours in advance of the meeting at [Authority@RecycleSmart.org](mailto:Authority@RecycleSmart.org) with the following information: name, phone number, email, and type of assistance requested.

**1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE**

**2. PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA**

When addressing the Board, please state your name, company and/or address for the record. There is a three-minute limit to present your information. (The Board Chair may direct questions to any member of the audience as appropriate at any time during the meeting.)

**3. CONSENT ITEMS**

All items listed in the Consent Calendar may be acted upon in one motion. However, any item may be removed from the Consent Calendar by request by a member of the Board, public, or staff, and considered separately.

- a. Approve Minutes of the Board Meeting on July 28, 2022\*
- b. Adopt Resolution 2022-10, Approving continued use of teleconferencing for the meetings of all CCCSWA legislative bodies under Assembly Bill 361\*

**4. PRESENTATION ITEMS**

- a. Overview of the Rate Setting Process  
Rob Hilton, Interim Executive Director, RecycleSmart

**5. INFORMATION ITEMS**

These reports are provided for information only. No Board action is required.

- a. Executive Director Monthly Report\*
- b. Future Agenda Items\*

**6. BOARD COMMUNICATIONS AND ANNOUNCEMENTS**

**7. ADJOURNMENT**

*\*Corresponding Agenda Report or Attachment is included in this Board packet.*

**ADDRESSING THE BOARD ON AN ITEM ON THE AGENDA**

Persons wishing to speak on PUBLIC HEARINGS and OTHER MATTERS listed on the agenda will be heard when the Chair calls for comments from the audience, except on public hearing items previously heard and closed to public comment. The Chair may specify the number of minutes each person will be permitted to speak based on the number of persons wishing to speak and the time available. After the public has commented, the item is closed to further public comment and brought to the Board for discussion and action. There is no further comment permitted from the audience unless invited by the Board.

**ADDRESSING THE BOARD ON AN ITEM NOT ON THE AGENDA**

In accordance with State law, the Board is prohibited from discussing items not calendared on the agenda. For that reason, members of the public wishing to discuss or present a matter to the Board other than a matter which is on the Agenda are requested to present the matter in writing to the Secretary to the Authority at least one week prior to a regularly scheduled Board meeting date. If you are unable to do this, you may make an announcement to the Board of your concern under PUBLIC COMMENTS. Matters brought up which are not on the agenda may be referred to staff for action or calendared on a future agenda.

**AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the Central Contra Costa Solid Waste Authority to offer its public meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require special accommodations to participate, please contact the Board Secretary of the Authority at least 48 hours in advance of the meeting at (925) 906-1801.

**DRAFT REGULAR BOARD MEETING OF THE  
CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY  
HELD ON JULY 28, 2022**

The Regular Board Meeting of the Central Contra Costa Solid Waste Authority's (CCCSWA's) Board of Directors convened exclusively via teleconference participation of a quorum of Board Members in locations not open to the public in compliance with Assembly Bill ("AB") 361 (Rivas, Chapter 165, Statutes of 2021) and its amendments to California Public Resources Code Section 54953(e), allowing for deviation of teleconference and physical location meeting rules otherwise required by the Ralph M. Brown Act. The meeting was held during a proclaimed state of emergency, and state and local officials had imposed or recommended measures to promote social distancing while allowing the public to observe and address the Board after submitting written comments via email to the Board Secretary at [Authority@RecycleSmart.org](mailto:Authority@RecycleSmart.org) prior to or during the time for public comment at the meeting.

Chair Renata Sos called the meeting to order at 3:00 P.M. on July 28, 2022.

PRESENT: Board Members: Candace Andersen  
Newell Arnerich  
Gina Dawson  
Matt Francois  
Teresa Gerringner  
Inga Miller, Vice Chair  
Karen Mitchoff  
Renee Morgan  
Teresa Onoda  
Cindy Silva  
Renata Sos, Chair  
Amy Worth

ABSENT: None

Chair Sos took this opportunity to introduce Rob Hilton, the Interim Executive Director of RecycleSmart.

**Staff members present via teleconference:** Rob Hilton, Interim Executive Director; Janna McKay, Executive Assistant/Secretary to the Board; Brett Jones, Interim Finance Manager; Judith Silver, Senior Program Manager; Jennifer Faught, Contract Compliance Specialist; Ashley Louisiana, Program Manager; and Deborah L. Miller, CCCSWA Counsel.

**1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE**

Board Member Andersen led the Pledge of Allegiance.

**2. PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA**

No written comments were submitted, or oral comments made, by any member of the public.

### 3. CONSENT ITEMS

Chair Sos removed the minutes from Consent and corrected the spelling of David Brockbank's name on Pages 2 and 4, and corrected the date of the next scheduled meeting to July 28, 2022.

- a. Approve Minutes of the Board Meeting on June 23, 2022, as amended.
- b. Adopt Resolution 2022-09, Approving continued use of teleconferencing for the meetings of all CCCSWA legislative bodies under Assembly Bill 361
- c. Approve One-Year Extension of Contract with Shute, Mihaly & Weinberger for Legal Services

No written comments were submitted, or oral comments made, by any member of the public.

MOTION by Board Member Silva to approve Consent Items a., as amended, b. and c., as shown. SECOND by Board Member Worth.

MOTION PASSED unanimously by a Roll Call vote.

### 4. PRESENTATIONS

- a. 2021-2022 Annual Schools Program Report  
Amanda Halte and Nancy Deming, Schools Program Coordinators

Jen Fought, Contract Compliance Specialist, introduced Amanda Halte and Nancy Deming for a report on the Schools Program, and explained that it had been a difficult year coming out of the pandemic to bring the programs back up to speed.

Amanda Halte presented the Annual Schools Program Report for 2021-2022, and reported that 43 out of 66 schools had met a 50 percent or greater diversion rate; 17 schools were 75 percent or greater in diversion; 63 out of 66 had diverted food scraps and there was an overall 65 percent measured diversion rate area-wide. She identified the three recipients of the 2022 Student Scholarships that had been awarded to Aya Banaja, Las Lomas and Miramonte High School; Devon Bradley, Miramonte High School; and Sofia Gonzalez, Acalanes High School. As requested by the Board at the last meeting, she presented a more detailed description of the projects developed by each scholarship winner. A short video developed by the students on how to sort waste properly into three categories was also presented to the Board.

Ms. Halte presented a graph to identify diversion rates year to year and noted the decrease during the height of the pandemic and the increase in 2022. She identified the Wastebuster schools where there was a 75 percent and greater rate of diversion, and described program goals for 2022-23 to support student internships and scholarships, to expand student green teams, to cultivate partnerships with other organizations providing services to schools, such as White Pony Express, and to deliver a Back-to-School Newsletter. More food share and donation programs would be rolled out to help limit the amount of unwanted food and allow the schools to be compliant with SB 1383, and while compliance was not required until 2024, there was a desire to get that started ahead of time. She noted that 16 food share carts would be made available to the San Ramon Valley Unified School District (SRVUSD) and nutrition staff would be trained next week.

Board Member Morgan referred to Del Amigo Continuation School and San Ramon Valley High School, which were on the same campus in Danville, and asked how the diversion for the two entities was being calculated.

Nancy Deming reported that they had met a number of times at San Ramon Valley High School in a number of different areas and it would have to be determined how the diversion rate would be handled whether separately or shared between the two entities. It was clarified that the 16 carts would be distributed to every school where services were provided for the San Ramon Valley through elementary, middle and high schools, and the San Ramon Valley Unified School District would mirror that process for other schools.

Board Member Miller was pleased to see that both public and private schools were being served and asked if Orinda Academy was on the list, and Ms. Halte stated that name was not on the list although she would add that school to the list.

The Board was very pleased with the student created video and recommended that the video be posted on the RecycleSmart website and the websites of the member agencies, shared on e-blasts, linked to social media platforms and played during City Council and County Supervisor meetings, and potentially posted on Contra Costa TV (CCTV) to help educate everyone about the proper sorting of waste.

Chair Sos suggested that the electeds from the city where the awards were to be made be notified to allow their participation to support the students, staff and the school. Since the programs could inspire young people to become environmentalists for life, she asked if there was information available as to what the alums of the scholarships and awards had been doing going forward.

Ms. Deming stated that more monitoring and follow-up could be pursued with a report back.

Board Member Onoda asked how the high school students had initially gotten involved in the programs and Ms. Deming described the path that could be pursued through the school curriculum and environmental clubs, and stated that Abbe & Associates promoted and supported the programs through the schools that were then expanded through an internship program currently at the high school level only at this time.

No written comments were submitted, or oral comments made, by any member of the public.

Ms. Faught added that the presentation was just a summary of what had been done throughout the school year and was not a full description of the level of detail that the team provided for RecycleSmart.

Chair Sos echoed that sentiment and thanked the presenters for their excellent work.

## 5. ACTION ITEMS

### a. Interagency Agreement with Contra Costa Health Services for Inspections of SB 1383 Tier One Commercial Edible Food Generators

Approve Interagency Agreement with Contra Costa Health Services for Inspections of SB 1383 Tier One Commercial Edible Food Generators from August 1, 2022 through March 31, 2024 for a not-to-exceed cost of \$50,447.

Ashley Louisiana, Program Manager, presented the Interagency Agreement with Contra Costa Health Services for Inspections of SB 1383 Tier One Commercial Edible Food Generators, and an overview of the food recovery goal in the state. She explained that SB 1383 required a statewide recovery of 20 percent of edible food and jurisdictions must implement and enforce local programs. She emphasized that the requirement for record keeping had substantially increased. RecycleSmart had been working on program requirements for over two years and almost all food recovery program requirements were in place in the RecycleSmart service area. The last remaining component of the program was to monitor compliance which included inspections and enforcement.

Ms. Louisiana highlighted some of the outreach, presented a copy of the food donation brochure and noted that RecycleSmart had partnered with Contra Costa Health Services to update the brochure to include some food safety information and the Health Services logo. The brochure is being distributed by Health Services field inspectors to all food generators and not just to Tier One generators, to encourage voluntary food donation, at no cost to RecycleSmart.

Ms. Louisiana stated that 31 Tier One generators had been identified and would need to start being inspected this year. The Tier One generators were primarily large grocery stores and supermarkets with 23 permitted by the Health Services Department, and with eight smaller food distributors and wholesalers permitted by the State of California.

Ms. Louisiana explained that RecycleSmart had partnered with Contra Costa Health Services since becoming aware of SB 1383 food recovery requirements given that Health Services staff had some food donation resources and systems in place and were a known and trusted inspection authority offering value and efficiency for RecycleSmart and for the generators. While third party contractors might have a minimally cheaper hourly rate, she suggested the time spent would likely be more. RecycleSmart did not have code enforcement and the services were not provided for in the Franchise Agreement.

Ms. Louisiana recommended partnering with Contra Costa Health Services to pilot the inspection process with Tier One generators, determine where the generators were at with the requirements, develop a baseline and avoid any potential enforcement that would begin in 2024. Since Contra Costa County was another public agency subject to the same food recovery program requirements, there was an interest in developing a successful inspection program. She identified the scope of the agreement that if approved would begin on August 1, 2022. Health services would provide all inspection services including on-site technical assistance, outreach, formal guidance and report back to RecycleSmart, and the scope was entirely by request. She identified the specific requirements of what inspectors would be looking for on-site, reiterated that most SB 1383 requirements required significant and specific record keeping, and clarified that inspectors would

also have a conversation with generators and visually inspect on-site containers with respect to sorting and food donation procedures.

Ms. Louisiana identified the budget at the County's standard rate of \$199/hour with a not-to-exceed cost of \$50,447. Regulations required annual inspections and allowed jurisdictions to determine the annual inspection schedule and the frequency of inspections. The budget included inspection of all 31 Tier One generators the first year to determine a baseline and avoid any potential enforcement in 2024. Costs were expected to decrease after the first year and thereafter.

RecycleSmart had an approved SB 1383 budget of \$134,000, which included the anticipated inspection services. All SB 1383 required programs were fully funded by the CalRecycle grant funds. If the program is successful, another agreement with the County will be in place by the end of 2023, which will position the agency to begin Tier Two compliance work starting January 1, 2024.

Ms. Louisiana closed by thanking the County for their collaboration when many Health Services departments throughout the State have declined to provide these services, and informed the Board that the County had stated they will not be able to provide these services to all jurisdictions in the County at once; however, because RecycleSmart approached the County early, CCCSWA is first in line with the County and will be able to procure necessary services.

Ms. Louisiana responded to questions and verified that the budget amount was expected to be sufficient to conduct the needed inspections. She noted the partnership with the County and RecycleSmart would be setting a leadership role and it was hoped to serve as a model to address that aspect of the SB 1383 requirements.

Board Member Silva pointed out that two businesses shown in Lafayette had Walnut Creek residential addresses, and staff advised that situation would be clarified.

Board Member Worth verified the inspection process and clarified with staff that there would be several different food recovery organizations involved, including White Pony Express, the Food Bank, religious organizations and others.

Ms. Louisiana emphasized the importance of the record keeping that would have to be improved and the generators would have to be educated on the record keeping process and identify where food was going throughout the service area. Food generators were supposed to maximize the amount of food donated as much as possible.

Board Member Worth sought updates on the process at future meetings.

Ms. Louisiana clarified that the agreement with the County was a standard hourly inspection rate agreement, enforcement would be in 2024 through the approved Mandatory Organics Ordinance and the Administrative Citation Ordinance would be used to issue any violations. The agreement would take an outreach and education approach. Formal notification letters had been sent since 2020.

Board Member Miller was glad to have the opportunity to work with the County given the concerns related to the safe handling and transport of food.

Board Member Arnerich agreed, had done a lot of work with Contra Costa County Health Services, and noted its rate of \$199/hour was a full cost recovery audited rate and the Department would be the best agency to provide the services. He supported the proposal and thanked all those involved.

In response to questions from Chair Sos, Ms. Louisiana confirmed: first, that the County was providing the services under the proposed contract at cost; and, second, that the County Board of Supervisors would not be acting on the contract because it is below their approval threshold.

No written comments were submitted, or oral comments made, by any member of the public.

Chair Sos stated the agreement was an example of great leadership on the part of RecycleSmart staff, especially since RecycleSmart was first in line to receive those services with a centralized consistent inspection process by people who knew what they were doing.

MOTION by Board Member Arnerich to approve the Interagency Agreement with Contra Costa Health Services for Inspections of SB 1383 Tier One Commercial Edible Food Generators from August 1, 2022 through March 31, 2024 for a not-to-exceed cost of \$50,000. SECOND by Board Member Andersen.

MOTION PASSED unanimously by a Roll Call vote.

- b. Third Amendment to the Professional Services Agreement with Crowe, LLP to Conduct a Rate Year Nine Special Rate Review  
Approve Third Amendment to Professional Services Agreement with Crowe, LLP increasing the budget for a not-to-exceed cost of \$50,000.

Interim Executive Director Hilton noted that a rate application had been received from Republic Services on time with some special rate requests. He reported that one request had to do with the Walnut Creek Bridge near Castle Hill, another related to Republic Services COVID leave additional labor costs due to the Governor's 80-hour leave authorized during the pandemic, there were some assertions that the mandatory recycling policies implemented by RecycleSmart had created increased costs, and there were additional costs associated with organic material processing. RecycleSmart staff had no position at this point on any of those items. He noted that Republic will pay for the additional review and analysis by the consultant that is required by the special rate review that has been invoked by Republic. He recommended the authorization of the amendment with Crowe, LLP and suggested it would come in at less than \$50,000. When asked, he advised that this would be a cost-based year.

Board Member Silva noted that the Castle Hill Bridge was in her neighborhood and half of the bridge was in Board Member Andersen's Supervisorial District.

Board Member Miller commented that ratepayers were very frustrated with some of the service level issues related to Republic Services, and with respect to the special rate requests she asked if



there was something in the contract to recoup some costs related to the delays in picking up bins and the labor shortages that affected ratepayers.

Mr. Hilton stated the contract dealt with performance issues through performance standards and a liquidated damages process that was done regularly, and separately it dealt with change of law and circumstance that created cost impacts and the validity and magnitude of the impacts. He stated they were working on both.

No written comments were submitted, or oral comments made, by any member of the public.

Board Member Worth suggested that in light of the things circling around service delivery and other issues that when presented by the consultants, staff should provide some detail on the methodology in making the determinations.

MOTION by Board Member Arnerich to approve the Third Amendment to the Professional Services Agreement with Crowe, LLP increasing the budget for a not-to-exceed cost of \$50,000. SECOND by Board Member Morgan.

MOTION PASSED unanimously by a Roll Call vote.

## **6. INFORMATION ITEMS**

Reports were provided for information only and no Board action was required.

### **a. Executive Director's Monthly Report**

Mr. Hilton thanked staff for the warm welcome on July 5, and stated he was in the office half time and had an open-door policy. He reported that a payment had been received from Mt. Diablo Recycling (MDR) for the recyclables processed over the last year in an amount of about \$1.4 million. He added that Board policy had dictated how that would be handled.

Mr. Hilton updated the Board on a meeting with Republic Services on the two-year extension when Republic had indicated that the responses to the special rate requests would report on how they viewed the extension. He highlighted SB 54 where the Board had taken a position of support in 2019, with a focus to shift the responsibility for dealing with plastics from the ratepayers and taxpayers to the producers of those materials and to rationalize the recycling system around that. The bill had been passed and signed and should be implemented with positive impacts for ratepayers in terms of collection and processing costs.

Mr. Hilton added that staff had regularly met with member agency staff on SB 1383 implementation where much of the work could be done at the RecycleSmart level, although there were certain things that happened at the building permit counter and purchasing department in each jurisdiction. RecycleSmart staff was providing support to each agency around those things. He had also regularly been meeting with Republic Services about the spike in COVID cases and delivery issues. He added that RecycleSmart was ahead of a lot of agencies around the state and he commended RecycleSmart for that work.

**b. Future Agenda Items**

Chair Sos referenced a RecycleSmart Board meeting noticed for August 25, 2022 related to the search for a permanent Executive Director, although it was too soon to tell whether that meeting would need to occur. If there was no need for that meeting it would not be held.

Board Member Mitchoff suggested that a meeting would have to be held to comply with the continued use of teleconferencing for all CCCSWA legislative bodies under Assembly Bill 361, and while Deborah Miller, CCCSWA Counsel clarified that would not necessarily have to be done if there was no other business, members of the Board indicated that of all the other groups in which they were involved most meetings had been held simply to comply with Assembly Bill 361. Board sentiment was to hold the meeting as scheduled on August 25, 2022 in the abundance of caution.

**c. Communications to the Authority**

Chair Sos notified the Board that it should soon be receiving a communication from CCCSWA Counsel regarding campaign contributions to Agency Board members who are running for office for their campaign team's consideration.

**7. BOARD COMMUNICATIONS AND ANNOUNCEMENTS**

There were no communications or announcements.

**8. ADJOURNMENT**

The Board adjourned at 4:30 P.M. to the meeting scheduled for August 25, 2022 at 3:00 P.M.

Respectfully submitted by:

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Janna McKay, Executive Assistant/  
Secretary to the Board of the  
Central Contra Costa Solid Waste Authority,  
County of Contra Costa, State of California



Central Contra Costa Solid Waste Authority

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# Agenda Report

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**TO:** CCCSWA BOARD OF DIRECTORS

**FROM:** ROB HILTON, INTERIM EXECUTIVE DIRECTOR  
DEBORAH MILLER, LEGAL COUNSEL

**DATE:** AUGUST 25, 2022

**SUBJECT:** **CONSIDER CONTINUED USE OF TELECONFERENCING FOR THE MEETINGS OF ALL CCCSWA LEGISLATIVE BODIES UNDER ASSEMBLY BILL 361**

## SUMMARY

Based on proclaimed state of emergency, and guidance from the Contra Costa County Health office, consider and adopt resolution approving continued use of teleconferencing for the meetings of all CCCSWA legislative bodies under Assembly Bill 361.

## RECOMMENDED ACTION

1. Adopt Resolution 2022-10, approving continued use of teleconferencing for the meetings of all CCCSWA legislative bodies under Assembly Bill 361.

## DISCUSSION

On March 4, 2020, Governor Newsom proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic.

State and local officials have imposed or recommended measures to promote social distancing. For example, the Health Officer for Contra Costa County published “Recommendations for Safely Holding Public Meetings” on September 20, 2021. Those recommendations “strongly recommend” on-line meetings, that local agencies should provide options for the public to participate without having to attend meetings in person, and that social distancing should be used, including six feet of spacing between all in attendance. The Health Officer for Contra Costa County updated its September 20, 2021 recommendations, effective June 14, 2022. The Health Officer now encourages online meetings, where practical, as online meetings “present the lowest risk of transmission”, which the Health Office notes is particularly important when community prevalence rates are high and given the County’s current trends in case rate, test positivity, hospitalizations, and waste surveillance.

<https://cchealth.org/covid19/pdf/recommendations-for-safe-public-meetings.pdf>

On September 16, 2021, the Governor signed Assembly Bill (“AB”) 361, a bill that amends the Brown Act to allow local public agencies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in the Brown Act that would otherwise apply. AB 361 contains several requirements in order to continue the use of remote meetings. The key provisions include:

- There must be a state of emergency declared under the California Emergency Services Act. This effectively means the Governor must have declared the emergency.
- During that state of emergency, either (i) state or local officials must have imposed or recommended measures to promote social distancing; or (ii) the local legislative body must determine that meeting in person would present an imminent risk to the health or safety of attendees.
- The local legislative body must reconsider the factors above at least every 30 days, and adopt specified findings that the facts relied upon still exist.

Attached for the Board’s consideration is a resolution making the necessary findings under AB 361. The resolution is drafted to make the action taken by the CCCSWA Board applicable to all of the CCCSWA’s legislative bodies as defined by the Brown Act, which includes the Board’s standing committees. If the CCCSWA Board adopts the recommended resolution, the standing committees will not be required to make their own findings.

The CCCSWA Board last considered and adopted a resolution under AB 361 on July 28, 2022. AB 361 requires the CCCSWA Board to regularly reconsider the findings in the proposed resolution. Staff plan to include an item on the consent calendar of each Board meeting to allow the Board to consider and adopt (and/or update) the findings in the resolution for as long as the Governor’s proclaimed state of emergency related to the COVID-19 pandemic remains in effect and state and local officials continue to recommend or require measures to promote social distancing.

#### ATTACHMENT

- A. Resolution 2022-10, Continued Use of Teleconference for the Meetings of all CCCSWA Legislative Bodies under AB 361

## RESOLUTION NO. 2022-10

### CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY CONTINUED USE OF TELECONFERENCING FOR THE MEETINGS OF ALL CCCSWA LEGISLATIVE BODIES UNDER ASSEMBLY BILL 361

**WHEREAS**, The Central Contra Costa Solid Waste Authority (“CCCSWA”) is a joint powers agency organized and existing under the laws of the State of California; and

**WHEREAS**, On March 4, 2020, the Governor of the State of California proclaimed a state of emergency under the State Emergency Services Act in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in effect; and

**WHEREAS**, State and local officials have imposed or recommended measures to promote social distancing. For example, on September 20, 2021, the Health Officer for Contra Costa County published “Recommendations for Safely Holding Public Meetings.” Those recommendations “strongly recommend” on-line meetings, that local agencies should provide options for the public to participate without having to attend meetings in person, and that social distancing should be used, including six feet of spacing between all in attendance; and

**WHEREAS**, On September 16, 2021, the Governor signed Assembly Bill (“AB”) 361 (Rivas, Chapter 165, Statutes of 2021), a bill that amends the Brown Act to allow local public agencies to continue to meet by teleconferencing technology during a state of emergency without complying with restrictions in the Brown Act that would otherwise apply, subject to certain conditions, which must be reconsidered every 30 days; and

**WHEREAS**, The CCCSWA Board of Directors and its legislative bodies have met remotely during the COVID-19 pandemic and, so long as the state of emergency continues, can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings; now, therefore, be it

**RESOLVED**, On behalf of all legislative bodies of the CCCSWA, the CCCSWA Board of Directors finds as follows:

1. As described above, as of the date of this meeting, the Governor’s proclaimed state of emergency remains in effect; and
2. As described above, as of the date of this meeting, State and local officials recommend measures to promote physical distancing and other social distancing measures; and, be it

**FURTHER RESOLVED**, For the reasons described above, the CCCSWA Board of Directors finds that for at least the next 30 days it is necessary for all legislative bodies of the CCCSWA to continue meeting exclusively by teleconferencing technology to promote public health and safety; and, be it

**FURTHER RESOLVED**, That the CCCSWA Board of Directors will review and reconsider the findings made herein at a meeting of the Board within the next 30 days, or if the Board does not meet within the next 30 days, at the next earliest meeting of the Board; and, be it

**FURTHER RESOLVED**, That the CCCSWA Board of Directors' findings contained herein are made on behalf of and shall apply to all legislative bodies of the CCCSWA.

PASSED AND ADOPTED by the CCCSWA Board of Directors this \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:	Members:	_____
NOES:	Members:	_____
ABSTAIN:	Members:	_____
ABSENT:	Members:	_____

\_\_\_\_\_  
Renata Sos, Chair  
Central Contra Costa Solid Waste Authority,  
County of Contra Costa, State of California

COUNTER-SIGNED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janna E. McKay, Secretary of the Board  
for the Central Contra Costa Solid Waste  
Authority, County of Contra Costa, State  
of California

\_\_\_\_\_  
Deborah L. Miller, Counsel for the  
Central Contra Costa Solid Waste Authority  
County of Contra Costa, State of California



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# Agenda Report

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**TO:** CCCSWA BOARD OF DIRECTORS  
**FROM:** ROB HILTON, INTERIM EXECUTIVE DIRECTOR  
**DATE:** AUGUST 25, 2022  
**SUBJECT:** EXECUTIVE DIRECTOR'S MONTHLY REPORT

## SUMMARY

RecycleSmart Staff performs high level programmatic and administrative tasks each month to provide outreach and education to residents, businesses and schools to increase diversion and instill waste prevention practices. Staff manages the franchise agreements and customer service in addition to monitoring monthly reporting by our service providers. Staff actively engages with community groups and regional partners on a variety of topics including SB 1383, legislation and industry best practices.

## RECOMMENDED ACTION

1. This report is provided for information only. No Board action is required.

## DISCUSSION

Key priorities and early activities for the Interim Executive Director include:

- **Franchise Extension with Republic Services.** Authority staff and legal counsel are reviewing information provided by Republic Services. A meeting of the franchise extension Ad Hoc Committee is scheduled for August 24. Staff intends to meet again with Republic in September with a goal of presenting extension recommendations by the October Board Meeting.
- **Rate Year 9 Rate Application.** The Authority's rate consultant is conducting the rate review, including consideration of items presented by Republic Services for extraordinary rate adjustments.
- **Finance Manager Recruitment.** The Interim Executive Director is proposing to reclassify the position of Finance Manager to Senior Accountant, including a reduction in both responsibility level and salary. The Personnel Committee was scheduled to meet to consider the recommendation on August 22, but the meeting will be rescheduled due to lack of a quorum.

**Completed and Ongoing Activities in August 2022:**

- Monthly Member Agency liaison meeting, August 11. Discussion topics included CalRecycle SB 1383 grant funds, Forward compost facility update on quarter two SB 1383 recovered organic product procurement targets, AB 1276 outreach, and CalRecycle Electronic Annual Report requirements including the annual number of Member Agency Water Efficient Landscape Ordinance (WELO) covered projects. After each meeting, RecycleSmart provides follow-up notes and requests them to be circulated to appropriate Member Agency staff.
- Monthly meeting with school programs contractor Ruth Abbe & Associates. Discussion topics included the ongoing development of a new school services brochure with Republic Services, the e-newsletter, an update on a training for the new food services provider (Sodexo) for the Lamorinda schools, reusables, food share tables, and updating information on the RecycleSmart website.
- Bi-weekly Franchise meeting with Republic Services. Staff works collaboratively with Republic's management team, recycling coordinators and finance staff to discuss franchise requirements, customer feedback and service issues, member agency requests, rates, ongoing commercial site visits and outreach.

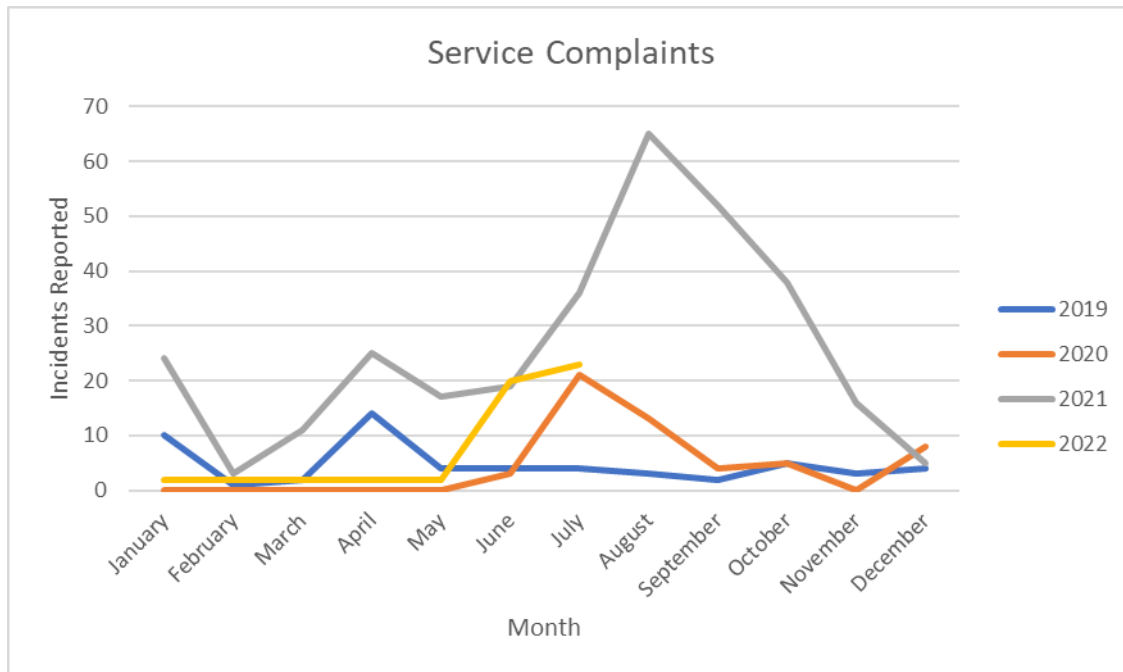
**SB 1383 Updates:**

- At the County's request, staff is negotiating a Memorandum of Understanding (MOU) to outline agency responsibilities for the unincorporated portion of the RecycleSmart service area. It is likely that the MOU will be brought to the September Board meeting.
- Met with county staff to review new CalRecycle Electronic Annual Report format and deadlines, and information requests from the County, which will also be outlined in the MOU.
- Enforcement planning contract kick-off meeting with HF&H, managed by Judith Silver, Senior Program Manager. The goals of the project are to identify and develop enforcement protocols by January 1, 2024.
- Jurisdictions are required to issue waivers for organics services if a business or multifamily generator either has inadequate space or only creates a de minimis quantity of organics as described in the law. RecycleSmart is in the field reviewing waivers recommended by Republic Services to assess recommendations and provide final approval, as required.
- RecycleSmart released a Request for Proposals for assistance with required route contamination monitoring. Proposals were due on August 17. Staff will review the sole proposal received and bring a contract to the September Board meeting for consideration.
- Third meeting with Jack Dice, Muffin People, a Moraga-based Food Recovery Organization, for general information sharing and updates, August 22.
- Tier One Commercial Edible Food Generator Inspections kickoff meeting with Contra Costa Health Services, August 30.

**Republic Services Service Issues:**

Beginning this June, RecycleSmart has experienced an uptick in service complaints from Republic customers. For purposes of comparison, the number of complaints this office has received since January 2019 are shown on the following chart:





- Republic Services attempts to be proactive about notifying customers of service delays, using robocalls informing customers to leave their container on the curb so it can be resolved the next business day.
- When customers contact RecycleSmart, staff advocates for customers to ensure service issues are resolved and credits are issued to customers who have experienced service interruptions.
- RecycleSmart routinely issues liquidated damages to Republic Services based on customer complaints, not resolved by Republic’s customer service team, that are received by the agency (through member agency staff, Board Members, or RecycleSmart staff.)
- Staff communicates each escalated customer issue to Republic and follows up to ensure a satisfactory resolution.
- Staff meets with Republic on a regular basis to discuss the issues contributing to service problems. Republic reports that many of the service issues are due to COVID-related driver sick leave causing open routes, relief drivers learning new routes, and supply-chain related parts and maintenance delays.
- Staff has discussed COVID-related service issues with other jurisdictions and it appears that the number of escalated complaints and incomplete routes experienced in our service area is greater than in other communities. It is reported that other hauling companies have added significant “pool” personnel to provide coverage of open routes rather than assigning portions of open routes to drivers who have already run one route.

**Staff participated in or attended the following meetings and events:**

- Walnut Creek First Wednesday event with Republic Services, August 3
- Danville Town Talks with Mayor Arnerich, August 5
- CalPERS Investment Returns meeting, August 10
- Lafayette Environmental Task Force, August 11

- California Organics Recycling Technical Council, August 12
- Moraga Hacienda Nights, August 16
- ReThink Waste Shoreway Environmental Center tour, August 18
- The Crayon Initiative event, August 19
- Little Hoover Commission Hearing on Organic Waste Recycling, August 25
- Lafayette Community Garden Open House, August 28
- Tri-Valley Mayor's Summit, August 31



## Future Agenda Items

TYPE	BOARD MEETING: 09/22/2022
C	Approve 08/25/2022 Minutes
C	Adopt Resolution 2022-11, Continued use of Teleconferencing for all CCCSWA meetings under AB 361
A	Approve MOU with County Regarding SB 1383 Implementation
A	Amendment to Administrative Citation Ordinance No. 16-1 – First Reading
A	Route Contamination Monitoring Assistance Contract
I	Executive Director’s Monthly Report
P	Solid Waste Collection Rates for RY9

TYPE	BOARD MEETING: 10/27/2022
C	Approve 09/22/2022 Minutes
C	Adopt Resolution 2022-12, Continued use of Teleconferencing for all CCCSWA meetings under AB 361
A	Amendment to Administrative Citation Ordinance No. 16-1 – Second Reading
I	Executive Director’s Monthly Report
P	2022 Final Legislation Update
P	AB939 2021 Annual Report & SB 1383 2022 Initial Compliance Report

TYPE	BOARD MEETING: 12/08/2022
C	Approve 10/27/2022 Minutes
C	Adopt Resolution 2022-13, Continued use of Teleconferencing for all CCCSWA meetings under AB 361
I	Executive Director’s Monthly Report
P	Solid Waste Collection Rates for Rate Year 9

**TYPE**

- C – Consent Item
- A – Action Item
- I – Information Item
- P – Presentation