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BOARD OF DIRECTORS MEETING

AGENDA

SEPTEMBER 28, 2023 – 3:00 P.M.

Walnut Creek City Hall, 3rd Floor Conference Room
(Use elevator by City Council Chambers)
1666 North Main Street, Walnut Creek

Offsite Board Member Attendance:
Candace Andersen
3976 North 300 West
Provo, UT 84604

1. **CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE**
2. **PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA**

Please fill out a speaker card and hand to Board Secretary. The Chair will call on you and 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 Regular Board Meeting on July 27, 2023*
- b. Receive Fiscal Year 2022-23 Unaudited Budget to Actual Report*
- c. Approve Agreement with Shute, Mihaly & Weinberger for Legal Counsel Services through December 31, 2028*

4. **PRESENTATIONS**

- a. 2022 CalRecycle Electronic Annual Report and SB 1383 Compliance*
Judith Silver, Senior Program Manager, RecycleSmart

- b. Republic's Collection Service Quality Metrics*
Jen Faught, Contract Compliance Specialist, RecycleSmart
- c. Base Rate Application for Rate Year 10*
Erik Nylund, Crowe LLP

5. ACTION ITEMS

a. Franchise Design Ad Hoc Committee Recommendation on Process for Procuring Post-Collection Services*

The Ad Hoc Committee recommends that the Board direct staff to:

1. Begin preparation of a post-collection RFP document with each of the services listed above (including those initially intended for sole source and excluding Reuse Days and Cleanup Days) where post-collection proposers can bid on one or more of the services.
2. Enter into time-bound sole source negotiations with:
 - a. Republic for landfill services, and
 - b. MDRR for Reuse Days and Cleanup Days
3. Enter into time-bound concurrent negotiations with Republic and MDRR for transfer station services.
4. To the extent these sole source and concurrent negotiations are successful and contracts are executed before the deadline, remove those services from the RFPs.
5. Pursue the business terms listed for each service in Attachment B.
6. Establish the following business terms as non-negotiable:
 - a. Negotiations for all post-collection services except Reuse & Cleanup Days must be concluded, and agreements signed by Republic and MDRR, by the **March 28, 2024** Board meeting or those services will be included in the post-collection RFP.
 - b. Negotiations for Reuse & Cleanup Days must be concluded, and the agreement signed by MDRR, by the **October 24, 2024** Board meeting, or those services will be included in the collection RFP.
 - c. Agreements for all post-collection services must be signed and executed before the release of the collection RFP.
 - d. Post-collection service providers must agree to charge the same rates to accept any franchised materials from our service area, regardless of which company(ies) the Authority selects to collect and/or transfer those materials during the term of their post-collection agreement(s).
 - e. Transfer service providers must agree to transfer materials to any destination designated by the Authority, and the cost of transfer services will not be affected by the ownership of the destination facilities.
 - f. Costs for transfer, transport, processing, and disposal must be disaggregated.
7. Inform all potential proposers that the Board will not consider any new or revised proposals, pricing, services, or business terms from any proposer once its competitors' pricing and proposals have been made public.

Initial recommendations were developed by Authority staff in consultation with HF&H Consultants and in furtherance of the direction that was provided by the Board at the February 23, 2023 Board retreat and the May 25, 2023 Board meeting. Those were presented to the Franchise Design Ad Hoc Committee at its September 11, 2023 meeting. After discussion and deliberation, the Committee directed staff to make certain modifications to the initial recommendations and to seek the Board's approval of the Ad Hoc Committee's recommendations.

b. CCCSWA Regular Board Meeting Time*

Determine a meeting time that works best for all 2024 CCCSWA Regular Board meetings.

6. INFORMATION ITEMS

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

a. Executive Director's Monthly Report*

b. Future Agenda Items*

7. BOARD COMMUNICATIONS AND ANNOUNCEMENTS

8. 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.