



COLLECTION AND RECYCLING PROGRAM SUPPORT AND COMPLIANCE



STAFF REPORT

To: SBWMA Board Members
From: Jean Savaree, Deputy General Counsel
Date: February 23, 2017 Board of Directors Meeting
Subject: Resolution Accepting Recommendation of Ad Hoc Committee to Review Franchise Agreement Amendments (Committee) Not to Fill Existing Vacancy on the Committee

Recommendation

The Committee recommends that the Committee's five members continue their work to review proposed Franchise Agreement amendments currently being negotiated by SBWMA's staff and consultants.

Analysis

On April 28, 2016, (Staff Report dated April 28, 2016 included at Attachment A) the Board considered a recommendation from the Technical Advisory Committee (TAC) that the Board appoint members of the Committee to review proposed Franchise Agreement amendments negotiated by SBWMA's staff and consultants prior to those proposed amendments being brought to the full Board for consideration.

On April 28, 2016, the Board accepted the TAC's recommendation to appoint the following six (6) members to the Committee:

1. Afshin Oskoui, Public Works Director, TAC Chair, City of Belmont
2. Brenda Olwin, Finance Manager, City of East Palo Alto
3. Heather Abrams, Environmental Programs Manager, City of Menlo Park
4. Melissa Stevenson-Diaz, City Manager, City of Redwood City
5. Larry Patterson, City Manager, City of San Mateo
6. Jim Porter, Public Works Director, County of San Mateo

In late January 2017, Committee Member Heather Abrams informed the Committee that she would no longer be able to serve on the Committee. The Executive Director advised the Board of Ms. Abrams' departure at the Board's January 26, 2017 meeting and requested direction on whether or not the Board wished to fill this vacancy. The Board requested that this question be referred to the Committee for its recommendation.

The Committee met on February 6, 2017, and now recommends to the Board that the Board not fill the vacancy created by Ms. Abrams' departure and that the Committee continue its assignment with five (5) members. The Committee makes this recommendation because it is nine (9) months into its review of proposed Franchise Agreement amendments.

A Resolution reflecting this recommendation is attached as Attachment 2 for the Board's consideration.

Fiscal Impact

None

Attachments:

- Resolution 2017-12
- A. Staff Report dated April 28, 2016



RESOLUTION NO. 2017-12

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS ACCEPTING RECOMMENDATION OF AD HOC COMMITTEE TO REVIEW FRANCHISE AGREEMENT AMENDMENTS (COMMITTEE) NOT TO FILL EXISTING VACANCY ON THE COMMITTEE

WHEREAS, on April 8, 2016, the South Bayside Waste Management Authority Board of Directors approved the formation of the Ad Hoc Committee to Review Franchise Agreement Amendments (Committee); and

WHEREAS, the Committee consisted of a six (6) person roster representing the following Member Agencies: the City of Belmont, the City of East Palo Alto, the City of Menlo Park, the City of Redwood City, the City of San Mateo and the County of San Mateo; and

WHEREAS, the Board further named the following individuals to the Committee:

1. Afshin Oskoui, Public Works Director, TAC Chair, City of Belmont
2. Brenda Olwin, Finance Manager, City of East Palo Alto
3. Heather Abrams, Environmental Programs Manager, City of Menlo Park
4. Melissa Stevenson-Diaz, City Manager, City of Redwood City
5. Larry Patterson, City Manager, City of San Mateo
6. Jim Porter, Public Works Director, County of San Mateo; and

WHEREAS, Heather Abrams advised the Committee in January 2017 that she could no longer serve on the Committee; and

WHEREAS, the Board requested that the Committee recommend to the Board whether this vacancy on the Committee should be filled; and

WHEREAS, the Committee now recommends to the Board that the vacancy on the Committee not be filled and that the Committee continue with the five (5) existing members.

NOW, THEREFORE BE IT RESOLVED that the South Bayside Waste Management Authority Board of Directors accepts the Committee's recommendation that the Committee now be composed of the above named five (5) remaining members.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on this 23rd day of February, 2017, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton					Menlo Park				
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist				

I HEREBY CERTIFY that the foregoing Resolution No. 2017-12 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on February 23, 2017.

ATTEST:

Bob Grassilli, Chairperson of SBWMA

Cyndi Urman, Board Secretary



STAFF REPORT

To: SBWMA TAC Members
From: Cliff Feldman, Recycling Programs Manager
Date: April 28, 2016 Board of Directors Meeting
Subject: Resolution to Form an Ad Hoc Committee to Review Franchise Agreement Amendments

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No. 2016-21 attached hereto authorizing the following action:

Formation of an Ad Hoc Committee to Review Franchise Agreement Amendments consisting of the following roster:

1. Afshin Oskoui, Public Works Director, TAC Chair, City of Belmont
2. Brenda Olwin, Finance Manager, City of East Palo Alto
3. Heather Abrams, Environmental Programs Manager, City of Menlo Park
4. Melissa Stevenson-Diaz, City Manager, City of Redwood City
5. Larry Patterson, City Manager, City of San Mateo
6. Jim Porter, Public Works Director, County of San Mateo

Analysis

The Final Plan and Recommended Process for Supporting Member Agencies with Negotiating a Potential Franchise Agreement Extension with Recology (Plan) approved by the Board of Directors on January 28, 2016, recommends a schedule that if adhered to is intended to result in negotiating amendments to the Franchise Agreements with Recology by the end of 2016. The Plan includes a key assumption that all Member Agencies intend to negotiate a Franchise Agreement extension with Recology. The Plan prescribes that the Board would appoint an Ad Hoc Committee to Review Franchise Agreement Amendments comprised of TAC and other Member Agency staff, as follows:

April / May 2016 "Board appoints an ad hoc committee of TAC or designated Member Agency staff to review Franchise Agreement amendments negotiated by JPA staff prior to such amendments being brought forward to the full Board for consideration. This Board action can happen as early as it's clear (e.g., by April or May) that a majority of the Member Agencies are onboard with pursuing contract extension talks with Recology."

On March 14, 2016, after discussion regarding the formation of the Ad Hoc Committee, the TAC unanimously recommended that this Committee be comprised of the following roster:

Afshin Oskoui, Public Works Director, TAC Chair, City of Belmont
Brenda Olwin, Finance Manager, City of East Palo Alto
Heather Abrams, Environmental Programs Manager, City of Menlo Park

Melissa Stevenson-Diaz, City Manager, City of Redwood City

*Larry Patterson, City Manager, City of San Mateo

**Jim Porter, Public Works Director, County of San Mateo

*Chair of JPA Board during the Contractor Selection Process, Member of both the Contractor Selection Committee and Facility Operator Selection Committee

**Member of both the Contractor Selection Committee and Facility Operator Selection Committee

Member Agency Commitment to Participate Update

The timeline set forth in the Plan includes an April/May 2016 deadline for Member Agencies to express their intent to participate in the SBWMA led negotiations with Recology, as follows:

April / May 2016 *"Member Agency governing bodies provide confirmation to the JPA of their intent to participate in the JPA's process to negotiate an extension of their Franchise Agreement with Recology. This commitment to the JPA's process to negotiate an extension with Recology does not preclude Member Agencies from pursuing their own concurrent competitive procurement process (i.e., RFP), nor does it preclude Member Agencies from individually negotiating aspects of their Franchise Agreements separately with Recology."*

The active engagement and collaboration between JPA staff, Member Agency staff (including the TAC), Recology and the SBWMA Board is required to effectively implement the Plan in a timely manner. Meeting the Plan milestones in 2016 will provide Member Agencies sufficient time to schedule their governing body action early enough in 2017 to meet the deadline prescribed in their Franchise Agreement for action on extending said contract or not. On March 14, 2016, after discussion regarding the Member Agencies providing the SBWMA a notice of their commitment to participate in the contract negotiations, the TAC unanimously voted to recommend that the deadline for the Member Agencies to convey their commitment would be May 2016.

SBWMA High-Level Review of Recology Update

The SBWMA shall issue a draft of its High-Level Review to Recology for review and comment prior to issuing it to the TAC for discussion at the May 12 TAC meeting. Pending TAC feedback, the final version will be presented to the Board for the May 26 Board Meeting.

Background

The Final Plan and Recommended Process for Supporting Member Agencies with Negotiating a Potential Franchise Agreement Extension with Recology (Plan) was approved by the Board of Directors on January 28, 2016. The Plan recommends a schedule that if adhered to is intended to result in negotiating amendments to the Franchise Agreements with Recology by the end of 2016. The Plan includes a key assumption that all Member Agencies intend to negotiate a Franchise Agreement extension with Recology. On March 14, 2016, the TAC discussed formation of the Ad Hoc Committee and recommending a deadline for the Member Agencies to provide the SBWMA notice of their commitment to participate, as discussed above.

Fiscal Impact

There is no specific fiscal impact associated with this item.

Attachment(s):

Resolution No. 2016-21



RESOLUTION NO. 2016-21

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS APPROVING THE FORMATION OF THE AD HOC COMMITTEE TO REVIEW FRANCHISE AGREEMENT AMENDMENTS

WHEREAS, the Authority is a joint powers agency organized under the Joint Exercise of Powers Act by cities and other local government agencies in San Mateo County (the "Member Agencies"), each of which oversees the collection of solid waste, organic materials and recyclable materials within its jurisdiction; and

WHEREAS, the SBWMA's adopted mission is to cost effectively design, implement and manage innovative waste reduction and recycling programs and facility infrastructure that fulfills our fiduciary responsibilities to our Member Agencies while achieving community environmental and economic goals.

WHEREAS, each of the SBWMA's Member Agencies has a Franchise Agreement for the collection of solid waste, organic materials and recyclable materials with Recology San Mateo County which started on January 1, 2011 and ends at midnight on December 31, 2020; and,

WHEREAS, the Member Agency's Franchise Agreements with Recology San Mateo County include provisions that prescribe the term of the Agreement and the timeline to pursue an extension to the Agreement; and,

WHEREAS, the past practice has been for the SBWMA to help its Member Agencies facilitate and manage the process for selection of a franchised collection services provider, negotiate Franchise Agreement contract terms, and to provide overall contract administration support; and,

WHEREAS, on January 28, 2016 the SBWMA Board of Directors approved Resolution No. 2016-09 approving Final Plan and Recommended Process for Supporting Member Agencies with Negotiating a Potential Franchise Agreement Extension with Recology San Mateo County; and,

WHEREAS, the Final Plan and Recommended Process for Supporting Member Agencies with Negotiating a Potential Franchise Agreement Extension with Recology San Mateo County prescribes that the Board of Directors appoint an ad hoc committee to review negotiated contract amendments; and,

WHEREAS, on March 14, 2016, the TAC of the SBWMA unanimously recommended the formation of an Ad Hoc Committee to Review Franchise Agreement Amendments consisting of a six person roster representing the following Member Agencies: City of Belmont, City of East Palo Alto, City of Menlo Park, City of Redwood City, City of San Mateo, and County of San Mateo.

NOW, THEREFORE BE IT RESOLVED, that the South Bayside Waste Management Authority hereby approves the formation of an Ad Hoc Committee to Review Franchise Agreement Amendments consisting of:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the this **28th** day of **April, 2016**, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton					Menlo Park				
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist.				

I HEREBY CERTIFY that the foregoing Resolution No. 2016-21 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on April 28, 2016.

 Bob Grassilli, Chairperson of SBWMA

ATTEST:

 Cyndi Urman, Board Secretary