

**MINUTES**  
**SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY**  
**MEETING OF THE BOARD OF DIRECTORS**  
**June 23, 2011 – 2:00 p.m.**  
**Shoreway Environmental Center**

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**1. Roll Call: CTO 1:18 p.m.**

**In attendance:** Belmont, Burlingame, Foster City, Hillsborough, Menlo Park, Redwood City, San Carlos, San Mateo, County of San Mateo and West Bay Sanitary District

**2. Adjourn to Closed Session - pursuant to Government Code Section 54954.5: Public Employee Performance Evaluation: Executive Director.**

**3. Report from Closed Session**

None

**THE REGULAR PORTION OF THE MEETING CTO at 2:00 p.m.**

**4. Public Comment**

Persons wishing to address the Board on matters NOT on the posted agenda may do so.

Each speaker is limited to two minutes. If there are more than five individuals wishing to speak during public comment, the Chairman will draw five speaker cards from those submitted to speak during this time. The balance of the Public Comment speakers will be called upon at the end of the Board Meeting.

If the item you are speaking on is not listed on the agenda, please be advised that the Board may briefly respond to statements made or questions posed as allowed under The Brown Act (Government Code Section 54954.2). The Board's general policy is to refer items to staff for attention, or have a matter placed on a future Board agenda for a more comprehensive action or report and formal public discussion and input at that time.

None

**5. Approval of Consent Calendar:**

Consent Calendar item(s) are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items be removed for separate action. *Items removed from the Consent Calendar will be moved to the end of the agenda for separate discussion.*

- A. Adopt the May 26, 2011 BOD Meeting Minutes
- B. Resolution Approving a Contract with Aaronson, Dickerson, Cohn & Lanzone for Legal Counsel Services for FY2012
- C. Resolution Approving Contract with the City of San Carlos for Accounting and Financial Services for FY 2012
- D. Resolution Approving Business Insurance Policies Renewal
- E. Receipt of Recology and SBR Monthly Reports

Member Scott requested 5C Removed from Consent

Member La Mariana requested 5D Removed from consent

M/S Gibbons/LaMariana approval of consent calendar items 5A, 5B, and 5E

Voice Vote: All in Favor

Motion passes 10-0-0-2 (Atherton and East Palo Alto Absent)

Discussion 5C

Member Scott requested clarification about the City of San Carlos Financial Services Contract, and proposed the Board consider going through the RFP process for these services in the future.

Chair Moura stated that the executive committee will discuss adding the RFP for financial services process to a future Board agenda.

M/S Scott/Masbad Approval of Consent Agenda Item 5C

Voice Vote: All in Favor

Motion passes 10-0-0-2 (Atherton and East Palo Alto Absent)

Discussion 5D

Member LaMariana asked for clarification regarding the business auto policy line item in the insurance policy. He requested further clarification on whether or not the SBWMA had any vehicles.

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Executive Director McCarthy stated that the SBWMA didn't have any vehicles, but that cost was for rented vehicles on business trips, or personal vehicles when driving for business.

M/S: LaMariana/Scott approval of Consent Agenda Item 5D  
Voice Vote: All in Favor  
Motion passes 10-0-0-2 (Atherton and East Palo Alto Absent)

## 6. New Business:

Burlingame now absent

A. Resolution Approving Tipping Fee Adjustments Effective July 1, 2011

Discussion:

Executive Director McCarthy followed up on the Tipping Fee discussions from last month, noting that our fees have gotten higher than our actual costs, and that staff is recommending to roll back rates. Public volumes have significantly dropped, and staff recommends lowering the rates to see if we can affect volume.

Member Masbad questioned why the C&D rate is lower than our costs.

Executive Director McCarthy stated that staff is recommending to leave C&D rates the same to see if we have effected any changes in volume and then revisit the tipping fees in November for the January rates.

Member Gibbons wondered if the SBWMA should considering advertising the new lower rates and new facility.

Executive Director McCarthy responded that there are plans to put a large freeway visible banner in front of the facility, and other advertising such as the website as well.

M/S: LaMariana/Fotu Approval of Tipping Fee Adjustments Effective July 1, 2011  
Roll Call vote:  
Motion Passes: 9-0-0-2 (Atherton, Burlingame and East Palo Alto absent)

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

B. Resolution Adopting FY 2012 Budget

Burlingame now present

Discussion:

Executive Director McCarthy gave a PowerPoint presenting the FY2012 proposed budget, noting changes based on last month's discussion reducing HHW, reduction in Education Center, and reduction in Franchise Tipping Fee, also noting a total reduced program budget of 13.3%.

Member Galli asked for clarification on the tipping fees voted on in item 6A versus the tipping fees in this budget. She questioned if they would have an impact on overall rates.

Executive Director McCarthy answered that Franchise tip fees are not affected by public rates.

Member Gibbons asked for clarification on the auditing of new customer service systems, billing, and reports and related contract compliance support budget line items supported.

Executive Director McCarthy stated that it is included in all of the Member Agency Franchise Agreements that we audit the customer service system.

Staff Feldman added that this is a one time cost.

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Member Nava stated that at the last meeting we discussed whether environmental education was a core service of our agency, and asked the Board to hold off on hiring an Environmental Education Coordinator, and revisit our strategic plan.

Member Gibbons commented that he agreed with the head count discussion, noting that it is a sensitive issue for all of our agencies.

Executive Director McCarthy stated that the Education Center has always been in the long range plan, and that it is not in Recology's or SBR's scope of work to host tours. The program that he started in 1995 at Davis Street Transfer Station in Alameda County is one of the best programs in the country and a model for what's proposed at Shoreway.

Chair Moura suggested removing the Environmental Education Coordinator to a separate agenda item to explore options and not lose sight of program goals.

Member LaMariana offered compliments to Executive Director McCarthy and staff on the extraordinary amount of work the last 5 years. Adding that he supported the education center, and that is now is the time to talk about the maintenance activities for facilities and programs. He suggested forming a facilities programs committee to scope the program.

Executive Director McCarthy stated that the overlay of the curriculum is conceptual but that the Education Center is not conceptual. Museum quality exhibits are being completed, and the Education Center will be built and complete by September.

Member Hardy suggested that a Board retreat was necessary to see where the agency wants to go in the next 5 years, and suggested the retreat be prior to the setting of next year's budget.

Member Fotu added her support of the Education Center adding that it was important to balance cost issues with safety and quality, she added that it is beneficial for students to see the process, and encouraged the Board to consider paid staff versus volunteers due to the safety issues.

Member Nava asked about the \$300,000 for Commercial Recycling Technical Assistance, noting that recycling administration is a large budget line item, and asking if spending this money has led to success in diversion. He also added that he would like to see some goals and objectives in this area to measure results from the money spent, and to see if there are any alternatives.

Executive Director McCarthy stated that commercial recycling is not increasing, and improvements need to be made. A substantial amount of money is being spent on commercial recycling because that is where the need is, and we want to target businesses with the most cost-effective use of those dollars.

Staff LaMariana added that in reading staff report 8b, you can see that commercial recycling is down, and that is discouraging, he agreed that we need to put money there to try and change that.

M/S Hardy/LaMariana approval of FY 2012 budget as written

Roll Call Vote:

Motion Passes: 9-1-0-2 (Atherton, and East Palo Alto Absent)

Executive Director McCarthy asked for confirmation that the motion was to approve the budget as is with no changes.

Member Hardy confirmed that was his motion.

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

C. Consideration of Resolution Setting Policy to Allow Limited Disclosure of Information from Closed Sessions per Government code Section 54956.96.

Counsel Jean Savaree explained that the JPA allows the Board limited disclosure in certain circumstances in accordance with the government code §54956.96.

Member Scott noted that the Resolution was not stated correctly, there should be an item (iii) allowing for alternate disclosure.

Counsel Savaree noted that we would change the resolution to reflect, "or (iii) disclosure to the Board Member's alternate who is attending in lieu of the regularly appointed member."

Member Nava asked for clarification if two people from one agency could sit in closed session.

Counsel Savaree stated that Mr. Lanzone's recommendation is that only one Member from each agency is allowed to participate in closed session.

M/S Nava/Scott to approve Resolution 2011-14 as amended

Roll Call Vote:

Motion Passes: 10-0-0-2 (Atherton, and East Palo Alto Absent)

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

## 7. Old Business:

A. RSMC Franchise Agreement Operational and Contract Administration Update

Mario Puccinelli gave an update on Recology's Franchise Agreement operations and Contract Administration updates.

B. SBR Shoreway Operations Agreement Update

David Langer gave an update, and gave each Member Agency May reporting information.

## 8. Staff Updates

- a) Review of RSMC and SBR 1<sup>st</sup> Quarter 2011 Reports
- b) Update on Recology Commercial Recycling Outreach Efforts
- c) Recycling and Outreach Programs Update

Member Nava asked how the HHW participation numbers match up with the 10% projection for participation that gives the company the right to ask for additional payment.

Staff Feldman clarified that the projection for participation was 5% and that there is no opener in the contract to ask for additional payment other than via an annual CPI adjustment; however, the Member Agencies are protected if participation is lower than 5% by being able to add additional marketing to drive participation up. Feldman also stated that calculating participation is a difficult equation due to different agencies starting at different times, but he would provide.

Member LaMariana added that the County would be joining the HHW collection program in 2012, but also noted that tonnage isn't down at the Tower Road Facility.

Executive Director McCarthy clarified that through the County's AB939 Fee all of the Agencies are still paying for the Tower Road facility.

Chair Moura added that it comes back to marketing, that in San Carlos when they advertise it, they see a spike in participation.

- d) Shoreway Construction Update
- e) 2012 Rate Application Update

Executive Director McCarthy pointed out that rate application process schedule is laid out, in the staff report. He encouraged the Board to look at their council schedules, and manage the schedule so that Prop 218 notices go out on time.

Chair Moura asked staff to provide suggested time frame for schedules.

- f) Preview of Upcoming Board meetings

## 9. Board Member Comments

Member Gibbons thanked Recology for Redwood City's great Shred Event.

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10. Adjourn 3:32 p.m. Next Regular meeting scheduled for July 28, 2011, San Carlos Library at 1 pm

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