



MINUTES

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
MEETING OF THE BOARD OF DIRECTORS
April 23, 2020– 2:00 p.m.
Via Zoom Tele or Video Conference Only

Call to Order: 2:03PM

1. Call to Order/Roll Call

Agency	Present	Absent	Agency	Present	Absent
Atherton	X 2:07PM		Menlo Park	X 2:59PM	
Belmont	X		Redwood City	X	
Burlingame		X	San Carlos	X	
East Palo Alto	X	X3:08PM	San Mateo	X	
Foster City	X		County of San Mateo	X	X3:30PM
Hillsborough	X		West Bay Sanitary District	X	

All Members and public participated by Zoom Conference Call

2. Public Comment

Persons wishing to address the Board on matters NOT on the posted agenda may do so. Each speaker is limited to three 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. **Speakers may also submit comments via email prior to the meeting by sending those comments to rethinker@rethinkwaste.org.**

None

3. Executive Director's Report

Executive Director welcomed everyone to the meeting and wished the group a happy 50th Earth Day. He congratulated staff and especially the outreach team on the successful virtual events over the week. He then gave the following updates:

- Cal Recycle has released a letter regarding Jurisdictions EAR requirements outlining their statutory requirements for these reports, and the emergency waiver process should agencies need to apply.
- The SBWMA is writing a letter that is due May 20 to Cal Recycle with comment on the proposed final regulations of SB1383. The letter will include a strong message that SB1383 will cost jurisdictions a lot of money and ask that they look for ways to reduce the burden on rate payers, especially considering the current economic crisis.
- The Organics-to-Energy project equipment has passed the final fire inspection and is ready to start receiving material for the pilot. However, the COVID19 shut down has meant that there is very little source separated organics tons so there is no targeted source material at the moment

to run the pilot.

Member Bonilla commented that he had just gotten his annual service notice and asked why it mentioned the public recycling center and the bulky item collection programs when those currently aren't available.

Executive Director noted that this mailing has been staggered over the course of February, March and April, and this is the last two weeks of the mailing. The mailing had already been brought to the mail house before the COVID shut down occurred. All the websites and social media sites have been updated with the closures, but the bulk of the items in the brochure are correct and current.

A. COVID-19 Update

Executive Director La Mariana gave background and showed graphs of the decreasing in-bound tonnage being currently received at our facility under the County's Public Health Shelter-in-Place order. The commercial sector, tonnage received is half of the pre-health order amounts. To date, none of the Recology workers have been directly affected by COVID19. On the SBR side, right now the facility is only open to receiving franchised material tons. Two classes of SBR workers have been affected by the decrease in tonnage/work at the facility. 1), around 10 workers per day have been temporarily reassigned to maintenance projects at Shoreway. 2), 8 class A drivers (4 regular and 4 casual pool) long haul drivers were furloughed as of April 14.

Member Bonilla discussed the workers who, as a result of the furlough, are experiencing even more economic hardship resulting of the COVID-19 crisis. He had distributed some information to the Board Members prior to the meeting and offered three options for keeping these workers employed.

- 1) It would cost a little over \$600 per day per employee, and he asked to reassign the 4 regular drivers to the Shoreway Maintenance projects along with the other reassigned employees.
- 2) The California Employee Development Department has a work sharing program where workers could be brought into work partial shifts and unemployment would cover the remaining salaries. He noted that this would require the furloughed drivers to be brought back onto the payroll to qualify.
- 3) He was told that SBR didn't qualify for the Federal Payment Protection Plan (PPP), but he asked SBR to apply and let the Federal Government confirm if they don't qualify because he read the rules and it seems like they would qualify. He noted that this program would also require the furloughed drivers to be working for a week before this program went into effect.

Chair Benton and Executive Director La Mariana emphasized that this is a discussion item only and that SBR is the employer and the decision making is between SBR and Local 350.

Dwight Herring, General Manager of SBR gave an update, noting that they have taken some steps to mitigate the financial impacts to their employees.

- 1) On April 1, they submitted a proposal to the SBWMA to retain the affected employees to perform maintenance projects at Shoreway. The SBWMA approved to compensate the affected transfer station employees but not the drivers.
- 2) He did look into the PPP, however, because Recology is a 60% shareholder (not an affiliate or a parent company) SBR is not eligible for the PPP because they exceed 500 workers. He noted he could ask the attorney again.
- 3) SBR is eligible for the California EDD Workshare program. Mr. Herring has been in contact with the Union to work through steps to be eligible and will be applying for the program, but it does require the employees to have been working on site for at least a week before the program goes into effect.

- And unless they are approved to work on the maintenance projects or tons return and we need them to perform as long-haul drivers their positions would not qualify for the EDD.
- 4) SBR is working with the Union to creatively find intermittent work for the furloughed drivers. They have asked senior drivers to take earned paid leave or unpaid leave to allow some of the furloughed drivers to come and work. This week 4 senior drivers volunteered to do that which allowed all of the regular drivers to work this week.
 - 5) All of the furloughed drivers are being paid full benefits through May 31.

Executive Director La Mariana noted that the drivers were not included in the SBR proposal to shift work assignments for its affected Transfer Station and site workers. He added that he has identified what might be an additional temporary option for the drivers through the County of San Mateo. Second Harvest of Silicon Valley has a need for temporary Class A drivers to help distribute food to distribution locations throughout the County.

Member Hurt thanked Board Member Bonilla for his advocacy on this issue and encouraged the Board to think outside the box on this issue, even though the Board doesn't have the decision-making ability. Things will pick back up, and once an employee is furloughed, they may start looking for other employment opportunities. So, she recommended retaining the drivers and finding jobs for them to keep them working for SBR.

Member Widmer thanked Dwight for doing everything he could to keep the drivers working, he thought the drivers could be added to the maintenance projects at Shoreway if that could be done constructively and loaning them to the County was a great idea. He also encouraged SBR to reapply for some of the government loans.

Vice Chair Aguirre reminded the Board that their roles in advocacy are important even though the Board cannot control the outcome.

Board Clerk Cyndi Urman read 4 public comment letters into the record: John Bouchard, Secretary Treasurer of Local 350; Joseph Gomes, SBR Employee; Brian Jenkins, SBR Employee; and Julie Lind, San Mateo Labor Council. All letters asked for the 8 drivers who have been furloughed to be included in the workers who have been reassigned to do maintenance work at Shoreway.

Member Rak encouraged SBR to look into the all the different options presented and thanked his colleagues for the advocacy. He noted that he would like to add that SBR could officially request the drivers be included in the project work at Shoreway since they weren't in the initial proposal. He asked how the construction debris for the projects that are approved is being handled if the drop off at Shoreway is closed, and if a collection option for the furloughed drivers could be explored. Executive Director La Mariana answered that there are two local drop off options; the Ox Mountain landfill in Half Moon Bay and Blue Line Transfer Station in South San Francisco are still open to public drop off. The Sunnyvale SMARTSTATION also continues to be closed to the public. Using the furloughed drivers to collect C&D wouldn't work because the collection contract is with Recology and requires a different kind of truck. Mike Kelly, general Manager of Recology San Mateo County, added that debris box roll-off isn't franchised work it's in the competitive market, and Recology does very little roll off work.

Member Rak then asked about the increase in residential tonnage if that meant customers were ordering extra bins. Executive Director La Mariana answered that he didn't think there was a lot of activity with requests for extra carts or swapping of cart sizes but that residents were using their current bins to 100% capacity.

Lastly, Member Rak noted that the City of San Carlos has initiated a Bulky Item drop off program for San

Carlos residents to drop off items at the San Carlos public works corporation yard while the Recology Bulky Item Collection is not available.

Stephen Machida, Public Works Director for the City of San Carlos, elaborated that he worked with Member Rak and Mike Kelly to fill the Bulky Item Collection void for the residents of San Carlos, and have instituted a drop off program where residents call ahead and then can drop off bulky items at the San Carlos corporation yard between 9AM and 1PM. The same rules and restrictions of the normal Bulky Item Collection apply, and they are not able to handle multi-family complexes. Residents handle their own material, but they offer a forklift for heavier items, and they also have a separate collection area for cardboard.

The Board discussed Construction and Demolition Debris services. Member Bonilla asked where debris boxes that Recology delivers and picks up are taken to and are other operators' debris boxes taken at Shoreway. Mike Kelly answered that all material that Recology San Mateo County collects is delivered to Shoreway. Dwight Herring added that from time to time non-franchised C&D haulers drop off but 90% of C&D is individuals. Member Bonilla suggested opening up C&D haulers only to increase tonnage. Executive Director La Mariana noted that would require re-opening the scale house and it would have to be staffed full time for only occasional drop offs which is likely an underutilization of workers.

Chair Benton asked to close the discussion but asked everyone to think creatively, and if we open with limited services make sure it complies with the County health order.

4. 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. Approval of the Minutes from the March 26, 2020 Board of Directors Meeting
- B. Resolution Approving Annual Contract with Aaronson, Dickerson, Cohn & Lanzone for Legal Counsel Services for FY2021-2023
- C. Resolution Authorizing the Executive Director to Execute a One-Year Contract with DTE Networks not-to-exceed \$38,863 for Information Technology Services

Motion/Second: Rak/Bonilla
 Roll Call Vote: 10-0-0-2

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			

5. Administration and Finance

No Items

6. Collection and Recycling Program Support and Compliance

- A. Resolution Recommending Approval of the Proposed Amendment One Modification to the Members' Recology Amended and Restated Franchise Agreements

Executive Director La Mariana gave a PowerPoint presentation noting that two very popular programs - Abandoned Waste and Bulky Item Collection - are at capacity and need to be expanded before any promotion of these programs can continue. This is the third time the Board is discussing this item, and

that in previous presentations this item included some storm water regulation items. Those items have been removed from today's consideration and the recommendation is to address those storm water regulations at the individual Member Agency level. Today's recommendation is to allow for an increase in Bulky Item Collection staff and equipment and to approve a pilot voucher program that could delay the need for that additional staff and equipment. He noted that, if this item is approved, it is a recommendation to the Members, that would then need to be ultimately considered by each Member's governing body. A majority of these governing bodies will need to approve this proposal to constitute a formal amendment to the 2018 Restated and Amended Franchise Agreement. The cost for the proposed additional Bulky Item Collection/Abandoned Waste drivers and truck is \$631,000. The cost for the proposed voucher program pilot is approximately \$258,000.

Member Hurt asked for confirmation that the additional bulky item route is just to ensure that Bulky Item Collections are done within 10 days. She also asked if there have been complaints about the timeframe from customers wanting to make an appointment. Mike Kelly noted that it doesn't include an additional collection for residents, just an additional route to be able to add more collections and meet demand. Recology hasn't had complaints yet, but the program is at 90% capacity right now, so soon Recology won't be able to service everyone within that 10-day window.

Member Hurt asked how Atherton's notice of withdrawal request will affect capacity. She also asked if this item has this gone back to the TAC since COVID-19. Mike Kelly answered that it would reduce demand, based on the towns usage rates. Executive Director La Mariana answered that this has not gone back to the TAC. He added that it was on the agenda in January, but the meeting ran long and there wasn't time for this item, but nothing has changed since the January staff report, and he has spoken with several TAC Members in the interim on the item.

Member Hurt asked why this item needs to get approved right now with the current situation. Executive Director La Mariana answered that he would like to move it forward to the Member's Councils at the same time as the JPA Agreement Amendments, and the Bulky Item Collection program is very close to capacity, and it puts Recology and the SBWMA in a position where we can't promote all of the programs offered. When something like the annual service notice goes out Recology gets calls for those promoted services and if they aren't able to provide those services in a timely manner it puts them in a bad spot.

Member Widmer noted that he is in favor of the voucher program and thinks it may eliminate the need for the additional Bulky Item Collection route. He also noted that the abandoned waste language in the contract was spot on, but he has concerns about the contract language around the Bulky Item Collection program being too lean for Recology. He discussed his issues with the contract language especially emphasizing overages and he thought that there should not be a charge on the Recology bill for overages.

Member Rak asked for clarification that the overage issue was not included in what was in the proposal today, he also asked if the two items could be dealt with separately and could they be phased in. Noting that the voucher and Atherton's potential exit could eliminate the need for the additional Bulky Item Collection/Abandoned Waste route.

Member Mahanpour asked if this was tabled or delayed, how would that affect timing.

Executive Director La Mariana answered that staff would like the decision to be made by January 1, 2021 to align with the start of the new contract term. It does take time to get the crews, and trucks, and it will take some time to get to all of the Members for approval.

Chair Benton suggested tabling this issue, it's an odd time to be discussing given all the moving parts.

Member Carlton made a motion to table

Member Bonilla seconded

Roll Call Vote: 9-0-0-3

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. Shoreway Operations and Contract Management

A. Resolution Approving an Amendment to South Bay Recycling's 2020 Compensation Tonnage Rate for Transfer Station Material Handling

Staff Mangini gave an overview of the staff report noting that there is a \$0.02 adjustment in interpretation that resulted in a mathematical error in the compensation application that amounts to a roughly \$7,000 payment to SBR from the SBWMA annually.

There was no discussion.

Motion/Second: Widmer/Bonilla

Roll Call Vote: 9-0-0-3

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			

8. Public Education and Outreach

A. Resolution Approving a One-Year Contract with up to Two Additional Option years for a Not-to-Exceed Total Contract Value of \$94,500 with Ascent Environmental for Preparation of CalRecycle's Electronic Annual Reports for 10 SBWMA Member Agencies

Agenda item 8A was discussed before agenda items 6-7. Staff Au gave an overview of the staff report noting that this contract was competitively bid through a RFQ and the incumbent was the lowest bidder, the contract being approved is for one year with an additional two option years.

Motion/Second: Bonilla/Hurt

Roll Call Vote: 9-0-0-3

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. Review of SBWMA 2019 Annual Report

Staff Au introduced the annual report, and thanked staff and the graphic designer for their work.

Chair Benton complemented Staff Au on the report.

9. Informational Items Only (no action required)

- A. 2020 Legislative Session Update
- B. 2020 Finance and Rate Setting Calendar
- C. Check Register Detail for March 2020
- D. Potential Future Board Agenda Items

10. Board Member Comments

11. Adjourn 4:06PM