



A Public Agency

# ADMINISTRATION AND FINANCE



## STAFF REPORT

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**To:** SBWMA Board Members  
**From:** Jean Savaree, General Counsel  
**Date:** January 28, 2021 Board of Directors Meeting  
**Subject:** Election of Board Officers for 2021

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### Recommendation

The Board is required to annually elect a Board Chair and Vice Chair per Article 8, Governance, of the JPA Agreement, Sections 8.5 and 8.6 which provide:

8.5 Chair. The Board shall annually select a Chair, by a vote taken in accordance with Section 10.8 of this Agreement, who shall serve without compensation at the pleasure of the Board. The duties of the Chair include, but are not limited to the following:

- a. Conduct Board meetings.
- b. Review and set meeting agendas with the Executive Director.
- c. Sign any and all SBWMA official documents.

8.6 Vice Chair. The Board shall annually select a Vice Chair, by a vote taken in accordance with Section 10.8 of this Agreement, who serves without compensation at the pleasure of the Board. The Vice Chair shall act in the absence of the Chair, with full powers of the Chair.

This selection traditionally occurred at the Board's January meeting. Staff recommends that the Board now select the Chair and Vice Chair for 2021.

In addition to the duties enumerated in Section 8.5, as a matter of practice, the Board Chair and Vice Chair along with the Executive Director, General Counsel and Board Clerk have traditionally met on a monthly basis as the "Executive Committee" to conduct Board meeting agenda planning and discuss major items of note related to JPA operations. The Executive Director also updates the Executive Committee on a regular basis on any major issues that may come up in the course of day-to-day operations.

### Background

Staff recommends the following process for the Board to follow in electing a Chair and Vice Chair for calendar year 2021:

1. Interim Chair calls for nominations for the position of Chair (nominations do not require a second).
2. Motion is adopted to close nominations.
3. Board votes on nominations in the order in which the nominations were made until a Chair is elected.

4. Sections 8.5 and 10.8 of the JPA Agreement require the successful vote to be by 2/3 of the Directors present.
5. The new Chair takes the gavel and assumes the office and calls for nominations for Vice Chair and the same procedure is followed for electing the Vice Chair.

**Fiscal Impact**

None.

**Attachments:**

None.

## STAFF REPORT

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**To:** SBWMA Board Members  
**From:** Joe La Mariana, Executive Director  
Julia Au, Sr. Outreach, Education and Compliance Manager  
**Date:** January 28, 2021 Board of Directors Meeting  
**Subject:** Resolution Approving the SBWMA 2020-2021 Legislative and Regulatory Platform

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### **Recommendation**

It is recommended that the SBWMA Board of Directors approve Resolution No 2021-04 attached hereto authorizing the following action:

Approval of the SBWMA 2020-2021 Legislative and Regulatory Platform (Platform)

### **Summary**

Adopting a legislative and regulatory platform of important topics for the SBWMA will enable the agency to be heard in Sacramento and statewide with a loud and preemptive voice, act more swiftly on pressing and emerging legislative and regulatory issues that need prompt action, as well as help the agency prioritize our legislative resources. The proposed Platform language is purposefully broad enough so that issues of importance that are not currently conceived, which may unexpectedly arise that the agency and its members may need to contribute to during this California legislative session, can still be addressed in a promptly manner. This Platform will cover one California legislative session which covers two calendar years.

### **Analysis**

The proposed Platform identifies 14 key topic areas of importance to the agency and our member agencies to guide the identification of critically relevant bills and regulatory action that need attention during the legislative session. This is two more than the last approved Platform due to the need to call out specific issues related to lithium-ion battery collection and recycling and “right to repair” issues. This document was developed by staff in conjunction with the Agency’s legislative and regulatory lobbyist firm, Environmental and Energy Consulting (EEC).

Each year, numerous bills are proposed for legislative consideration and many more industry-specific regulations are proposed for statutory implementation; therefore, bill and regulation identification and tracking are a critically important step in the process.

Based on the approved Platform, the Executive Director and staff will work with EEC and partners to identify a list of industry-specific bills to track and to determine which bills to take a position on, alongside any potential co-sponsored legislation. To better meet the needs and time of the Board, staff and our lobbyists, the Platform will be updated every legislative session or every two years.

### **Background**

The SBWMA Board last approved a Legislative and Regulatory Platform for 2019-2020.

**Fiscal Impact**

There is no additional fiscal impact for development of this Legislative and Regulatory Platform.

**Attachments:**

Resolution 2021-04

Exhibit A – 2021-2022 SBWMA Legislative and Regulatory Platform



## RESOLUTION NO. 2021- 04

### RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS AUTHORIZING THE APPROVAL OF THE SBWMA’S 2021-2022 LEGISLATIVE AND REGULATORY PLATFORM

**WHEREAS**, the SBWMA’s adopted mission is to serve as solid waste industry leaders in public health, safety and environmental stewardship by providing our ratepayers with innovative cost-effective zero waste programs and Member Agency climate action plan alignment through education, engagement, infrastructure, and policy development;

**WHEREAS**, the goals of the SBWMA and the environmental quality of life of our Member Agencies’ community members are strongly served by the establishment of a legislative and regulatory platform on important issues; and

**WHEREAS**, the adoption of a legislative platform gives the SBWMA a strong, preemptive voice in on pressing and emerging legislative and regulatory issues and it allows staff to functionally work with agency partners and legislative and regulatory contacts to affect change that aligns with agency goals; and

**NOW, THEREFORE BE IT RESOLVED** that the South Bayside Waste Management Authority hereby approves the SBWMA 2021-2022 Legislative and Regulatory Platform.

**PASSED AND ADOPTED** by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 28<sup>th</sup> day of January, 2021, by the following vote:

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

I HEREBY CERTIFY that the foregoing Resolution No. 2021-04 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on January 28, 2021.

ATTEST:

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Alicia Aguirre, Interim Chairperson of SBWMA

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Cyndi Urman, Clerk of the Board



# **SBWMA 2021-2022**

## **Legislative & Regulatory Platform**

## Executive Summary

A pre-approved biennial Legislative & Regulatory Platform provides the SBWMA with a clear and concise guiding document from which to focus all targeted activities during each Legislative session to achieve agency goals and best represent its interests. With Legislative and Regulatory Subcommittee oversight, this platform allows staff to strategically direct agency resources and marshal important external partnerships with nimble, yet highly effective urgency to deliver successful outcomes in the fast-paced and complex Sacramento legislative ecosystem.

The elements below provide the overarching direction for the SBWMA's Legislative and Regulatory Subcommittee and staff throughout the entire legislative session in the most time expeditious fashion. The Legislative & Regulatory Platform model is a longstanding tool that has been adopted by numerous governmental agencies, including the County of San Mateo, the City/County Association of Governments (C/CAG), most counties and major cities, transit districts and many special agencies. Upon Board approval, these are the 14 guiding principles that our Agency will work diligently to advance during this legislative session:

### 1. Extended Producer Responsibility (EPR)

Extended producer responsibility (EPR) or product stewardship is a strategy that shifts the responsibility for end-of-life management of a product or package to the manufacturer to finance the end-of-life management costs by incorporating it in the price of a product.

Support laws and regulations that require manufacturers to take responsibility for the end-of-life management of problematic (costly to handle, not easily recyclable, and toxic containing) products and packaging that shift costs away from local governments. Support efforts to improve existing EPR regulations to include as well as support new EPR efforts for products, including but not limited to: batteries, solar panels and fluorescent lights. Support provisions that make EPR laws effective including minimum collection rates, progressively increasing collection targets and no local preemption clause.

### 2. Lithium-Ion (Li-ion) Battery Collection and Recycling

Support legislation, regulations, and programs that ensure the safe collection, management, and processing of Li-ion batteries to reduce the serious fire, health, and safety hazard these batteries pose when improperly disposed of.

### 3. Waste Diversion

Support the diversion of recyclables and organics from landfills through implementation of AB 939 (Chapter 809, Statutes of 1989); AB 341 (Chapter 476, Statutes of 2011); AB 1826 (Chapter 727, Statutes of 2014); and SB 1383 (Chapter 395, Statutes of 2016) and support regulations that are practical for local governments to implement. Support new legislative efforts to divert waste away from landfilling and toward recycling, composting, and anaerobic digestion to support the state's 75 percent solid waste diversion goal.

#### **4. Recycling and Organics Processing Infrastructure**

Support new or additional funding for expanded recycling and organics processing infrastructure which will be needed to fully implement AB 1826 and SB 1383. Support investment in expanded clean composting, anaerobic digestion, and recyclable materials manufacturing to support diversion, jobs, greenhouse gas (GHG) reduction and the green economy.

#### **5. Packaging Reduction**

Support legislation, regulations, and programs that provide a consistent approach to phasing out the sale and distribution of products, materials, and packaging that cause significant land and ocean litter problems, and that are known to be carcinogenic.

#### **6. Diversion Funding**

Support new or additional funding sources for implementation of Countywide Integrated Waste Management Plan as well as local grants and funding for local government implementation of AB 939; AB 341; AB 1826; SB 1383 and other solid waste and waste diversion related laws that affect local governments. Support funding for CalRecycle to assist in the implementation of these laws and other efforts to divert organic and recyclable waste from landfill.

#### **7. Toxics Reduction / Household Hazardous Waste (HHW)**

Support legislation that will reduce the amount of toxic chemicals released into our environment and that impact worker health. Oppose legislation that preempts or supersedes local control over household hazardous waste programs or supersedes local product stewardship/EPR ordinances and limits the role of manufacturers and producers in product stewardship programs. Oppose state legislation that weakens local ordinances without an adequately funded alternative.

#### **8. Food Waste Reduction and Recovery**

Support legislation to enable additional food rescue and recovery of edible food for human consumption, including expansion of good samaritan laws, increasing infrastructure, and support legislation that establishes funding for food recovery programs and develops policies for safe, but consistent food date labeling.

#### **9. Market and Economic Development**

Support legislation that promotes innovative economic development policies and programs that create green jobs and promote waste reduction. Support programs to improve California's Beverage Container Recycling Program ("Bottle bill"), including the long-term continuation and expansion of this program as well as ensuring Californians have convenient access to recycling centers. Support efforts to improve markets for compost and mulch and for recycled content products, including increasing recycled product purchasing. Support policies that develop new markets for recycled content materials and compost and policies that establish fees and funding streams for large volume or hard to recycle materials such as tires. Support legislation that promotes market development for wood and other construction and demolition materials.

## **10. Green Purchasing**

Support laws to purchase products and services that reduce the impact on human health and the environment through their lifecycle when compared with competing products serving the same purpose.

## **11. Right to Repair**

Currently, manufacturers design products that are difficult or impossible to repair without damaging the product, often making consumers purchase buy new products and discard old ones. Support Right to Repair legislation that requires manufacturers to provide access to repair information and software, and also sell spare parts and any required tools on fair and reasonable terms to consumers.

## **12. Healthy Soils**

Support measures to advance the development and maintenance of healthy soils (which are expected to decline because of climate change) through the use of natural infrastructure. Support measures to increase use of compost and mulch as appropriate for new and expanded landscapes to improve soil quality and compost socks, blankets and berms as a means of flood and erosion control and soil improvement after fires.

## **13. Climate Adaption and Mitigation**

Support legislation that funds and advances the use of natural vegetation to adapt to flooding, fire, and drought and reduce the impact that urban areas have on the environment. This includes promoting the appropriate use of compost berms, socks and blankets to control soil erosion after fires and to address flooding, as well as the use of native plants and natural landscapes for water conservation. Support measures to expand the use of compost and mulch as ways to improve climate resiliency locally and statewide. Support legislation to reduce organics and recyclables in the landfill as a measure to reduce greenhouse gases.

## **14. California Green Business Program Funding**

Support flexible funding sources, such as Cap and Trade and other funding sources that support local and statewide green business programs that address multiple environmental issues including toxics, energy, water, solid waste, storm water, pollution prevention, and transportation.