

MINUTES

**SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
MEETING OF THE BOARD OF DIRECTORS**

April 28, 2022– 2:00 p.m.

Via Zoom Tele or Video Conference Only

Call to Order: 2:06 PM

1. Call to Order/Roll Call (Closed Session)

Agency	Present	Absent	Agency	Present	Absent
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 District	X	
Menlo Park	X				

All Members and public participated by Zoom Video or 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 La Mariana welcomed all to the meeting and gave the following updates:

Staffing updates: Joanne Nghiem has joined the Agency as the Sr. Management Analyst, and he introduced her to the group. Laura Wessberg the Environmental Education Associate has left the agency for a position at Stanford.

Key Project Updates:

- The Operations Agreement RFP evaluation team is currently conducting site visits and reference checks. After completing those, the team will be going into parallel negotiations, and at the June meeting staff will give a process update.
- The Site Optimization Study has a big decision point on today's agenda at agenda item 7B.

Contract Updates: The Newby Island contract expires at the end of 2022, and there is an option for two extension years by mutual agreement. Staff is expecting a receive a cost proposal from Newby on those option

years, at which point staff will either recommend moving forward with the extension or going out for an RFP for organics material processing.

The Board then discussed the upcoming Board Meetings. Executive Director La Mariana asked Board members to prioritize the June Board meeting as it would have a lot of action items, and that the May and July board meeting times would be utilized for Site Optimization Study input.

Chair Aguirre commented that she thought the May meeting would be cancelled, but it sounds like it's not. She asked for clarity on that as soon as possible and noted that it's nice for people to have a break from meeting commitments in the summer. She is suggested adding the input session to the June Board meeting, so that May and July could be cancelled. The consensus of the board agreed with Chair Aguirre's comments.

Executive Director La Mariana suggested adding an hour to the June meeting to add time to get input on the site optimization study.

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 January 27, 2022 , Board of Directors Meeting
- B. Approval of the Minutes from the February 24, 2022 , Board of Directors/ TAC Retreat
- C. Approval of Quarterly Investment Report for the Quarter Ended December 31, 2021
- D. Resolution Direction that all meetings of the SBWMA Board of Directors, Technical Advisory Committee and all Board Appointed Subcommittees will continue to be held via teleconference Pursuant to California Government Code Section 54953(e)
- E. Resolution Approving a Second Contract Amendment in the amount of \$25,000 with HF&H Consulting, LLC for Senate Bill (SB) 1383 Planning and Implementation Services

Motion/Second: Bonilla/Taylor

Roll Call Vote: 8-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
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			
Menlo Park	X								

5. Administration and Finance

- A. Resolution Adopting New Quorum Requirements for SBWMA Committees to be met by 50% Committee Attendance

Executive Director La Mariana gave background noting that, on occasion, the committee meetings have been experiencing challenges getting a quorum, and by reducing the quorum requirements staff could still get board and TAC level feedback at these committees if the quorum was reduced to 50%.

Chair Aguirre thought this was a good compromise but didn't want it to allow for an excuse for the committee members to not show up, and would rather the committee work to find a consistent date that works for the committee.

Member Rak suggested a commitment for a minimum of number of meetings, and if a committee member has too many excused absences then they need to step off the committee.

Chair Aguirre also suggested a running attendance log that could be sent out and if a person or agency is always absent ask someone else to be appointed.

Member Royce asked for consistent language as the staff report and resolution says both sub committees and committees. And noted that he supported the resolution, he thought most people are committed and make a good faith effort to attend, but things come up and when a member can't attend it shouldn't preclude the committee from moving forward.

Member Bonilla agreed that all of the above approach, 50% minimum, making sure the date is right with everyone, and an attendance tracker.

Motion/Second: Royce/Bonilla

Roll Call Vote: 8-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
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			
Menlo Park	X								

B. Approval of a Resolution Amending Resolution 2021-09 to fill vacant Board Member position on the Zero Waste Committee

Executive Director La Mariana gave background of why there was a need to fill a vacancy on the Zero Waste Committee.

Member Groom volunteered to fill the vacancy.

Motion/Second: Groom

Roll Call Vote: 8-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
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			
Menlo Park	X								

C. Annual Retreat Feedback (verbal report only)

Chair Aguirre asked the Board and TAC Members for feedback on the Board/TAC retreat in February, things they thought went well, or adjustments that need to be made.

Member Groom commented that she enjoyed having a little extra time to talk about issues and giving more people an opportunity to speak.

Member Royce thought it was especially valuable for new members, and a feel for the long-term plan, and he was struck by the renewed focus on plastics.

Vice Chair Bonilla enjoyed this discussion especially in a more relaxed setting. He commended Chair Aguirre for her direction in making it both short and not too time consuming, but valuable.

Member Royce asked staff to follow up on the action item from the retreat for staff to come up with a summary of SBWMA goals that could be embedded into the member agencies climate action plans.

6. Collection and Recycling Program Support and Compliance

No Items

7. Shoreway Operations and Contract Management

- A. Resolution Approving a Contract with South Bay Recycling for \$68,208 to conduct mandatory SB 1383 Sampling Services on a quarterly basis.

Staff Carter gave the background and overview of the contract for required quarterly material sampling to comply with SB 1383 through the end of SBR’s contract in December 2023.

Executive Director La Mariana thanked Dwight Herring General Manager of SBR for his leadership skills on this and efforts on this project, as well as Staff Carter on getting this work completed.

Member Rak asked if this work would be built into the next contract that is currently out for RFP.

Executive Director La Mariana answered yes, it will be embedded into the next Operations Agreement Contract that will begin in January 2024 and, with this item’s approval today, these mandated services will extend through the current contract period which ends in December 2023.

Motion/Second: Rak/Groom

Roll Call Vote: 8-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
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			
Menlo Park	X								

- B. Resolution Approving Contract with SCS Engineers not-to-exceed for \$169,816 to develop a Site and Optimization Study and Design Development starting point in FY2022

Executive Director La Mariana gave an overview of the staff report and the SCS team members who will lead the project. This project will be the starting point of the formal process to optimize the Shoreway site at its highest and best use.

Motion/Second: Bonilla/Dehn

Roll Call Vote: 8-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
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			
Menlo Park	X								

C. Resolution Authorizing the Executive Director to Enter into Contracts for MRF Wall Repair on an Emergency Basis for an Amount Not-to-Exceed \$375,000 without Further Competitive Bidding

Staff Southworth gave background and overview of the staff report. He noted that the Board has discussed this item many times because of the notice of violation from the LEA, and the fact that when this was originally put out to bid no bids were received. This approval is a worst-case scenario approval for the total cost of the project at \$375,000. \$250,000 was approved by the Board in January, but it has become clear that the cost will exceed the \$250,000, in part due to the fact that the work has to be completed off hours so the facility can continue to operate.

Member Bonilla noted that he looked at the plans, and he thinks it will be a functional solution and will prevent having this same problem again the future.

Member McCune noted that he would like to see photographs and diagrams in the packet and staff report to help the board envision where this is at the site.

Motion/Second: Bonilla/McCune

Roll Call Vote: 8-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
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			
Menlo Park	X								

D. Resolution Approving Release of Bid Documents for Shoreway Truck Maintenance Building Roof Replacement

Staff Gans gave an overview of the staff report. He noted that due to the revised purchasing policies that were approved in February projects that exceed \$200,000 require the board has to approve going out to bid. The estimate for this project is \$250,000 to \$350,000. The contract award for the low bidder will be on the June agenda and will allow for the roofing work to be completed before any rains.

Executive Director La Mariana noted that there are two simultaneous roof repair projects, a section of the MRF also needs to be replaced, but staff doesn't anticipate that project being over \$200,000. Staff anticipates that both contracts will be on the June agenda for approval.

Member Bonilla asked what type of material would be used, and would it be a prevailing wage project.

Staff Gans answered 26 gauge galvanized steel, and yes it's prevailing wage.

Motion/Second: Groom/Bonilla

Roll Call Vote: 8-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
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			
Menlo Park	X								

8. Public Education Outreach and Legislation

A. Resolution Approving a Letter of Support for AB 1944

Staff Au gave background noting that staff recommends agency support of AB1944 which would mandate a permanent remote option for public meetings. This item was recommended to be brought to the full board by the Legislative Committee, they recommended that the board meet in person at least once a year and staff has identified 3 possible annual meetings to be held in person which are listed in the staff report.

Member Royce commented that there are two bills on this matter being introduced, and what is the difference between the two.

Counsel Savaree noted that this is the bill she has been tracking and it would apply to the SBWMA, but that she would do some checking to see if there is a second bill that would affect the SBWMA and report out by way of memo.

Member McCune commented that some of the options clarify the difference between remote meetings and hybrid meetings and noted that hybrid meetings while they complicate the technology slightly offer the most options for participation.

Member Rak noted he preferred the hybrid option for interaction between the board members and requested staff look into hybrid options.

Member Bonilla commented that at least in San Mateo more public attend via Zoom, but hybrid is the way to go.

Chair Aguirre noted most agencies are going to the hybrid option.

Executive Director La Mariana noted that, even if the meetings are remote, staff is recommending 3 meetings per year in person (the annual Board retreat (February); the annual budget and CIP review work session (October) and the final meeting of each year (November).

Vice Chair Bonilla noted that the other bill that is similar but not quite the same is AB 2449.

Member Dehn noted that at the Legislative Committee meeting we discussed that if there are mostly remote meetings there is a minimum requirement that one meeting a year be in person.

Member Rak requested an update at June meeting on equipment requirements for hybrid meetings at the June Board meeting, and that he was in support of more hybrid meetings than remote only meetings.

Motion/Second: Bonilla/Rak

Roll Call Vote: 8-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
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			
Menlo Park	X								

B. Review of SBWMA 2021 Annual Report

Staff Au noted that this is an informational item giving the Board a first look at the 2021 Annual Report. She thanked all staff for their input on the annual report especially Joanna Rosales-Jose who worked with the graphic designer on the project. She gave highlights of 2021 included in the annual report.

Member Royce commented that he would like to have a hard copy for handouts to the member agency councils. He thought that it documents that the Agency is doing a fabulous job, and it doesn't hurt to remind fellow council members of what they're paying for and what they're getting.

Staff Au answered that the agency hasn't printed a physical copy in many years to save on costs, it is always posted on our website, but if the board wanted to consider a physical option staff could do that.

Vice Chair Bonilla commented that he thought it was best to push it out electronically to council members, because most people will read it once and then toss it.

Chair Aguirre suggested a compromise of putting on the website and print it for those that request it even if it's not the full glossy copy.

Member Royce commented that the compromise would be fine, and that he brought it up because the document demonstrates the value of the Agency and if the Agency wants to expand it's a good way to attract new members.

Chair Aguirre thought that adding the "here's what you get for your money" to the website was a good idea.

9. Informational Items Only (no action required)

- A. Legislative Session Update
- B. 2022 Finance and Rate Setting Calenda
- C. Check Register Detail for January, February & March 2022
- D. Update on Technical Consulting Contracts issued November 2021- March 20222022 Meeting Planning Guide

10. Board Member Comments

11. Adjourn 3:22PM