



CONSENT CALENDAR



DRAFT MINUTES

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
 MEETING OF THE BOARD OF DIRECTORS
 July 23, 2015 – 2:00 p.m.
 San Carlos Library Conference Room A/B

Call To Order: 2:01 PM

1. Roll Call

Agency	Present	Absent	Agency	Present	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 District	X	

2. Adjourn to Closed Session – Pursuant to Government Code Section 54954.5: Public Employee Performance Evaluation: Executive Director

Regular Session Call To Order: 2:58 PM

Agency	Present	Absent	Agency	Present	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 District	X	

3. Report from Closed Session

Chair Widmer noted that the Board gave direction to the Chair and the Vice Chair to meet with the Executive Director to go over the Boards response.

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. Executive Director's Report

Executive Director McCarthy noted that he would be hiking the Sierras for three weeks, and noted that he would send an email about who to contact while different members of the JPA staff are on vacation.

Executive Director McCarthy also presented Marshall Moran with a plaque and recognition in honor of his retirement.

Chair Widmer asked for an update on the hiring of a new Recycling Outreach and Sustainability Manager.

Executive Director McCarthy answered that he had received about 10 resumes so far, and some screening interviews of 3 candidates would take place next week, and in September a committee that includes TAC Member Murray from San Mateo, and Tammy Del Bene from Recology along with staff will conduct the final interviews.

6. 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. Approve the June 25, 2015 BOD Meeting Minutes
- B. Resolution Approving Agreement with S. Groner Associates, Inc. for Public Education and Outreach Collateral and Campaign Development and Social Media Services

Member Brownrigg made a motion to approve the consent items.

Member Stone seconded the motion

Voice Vote: All in favor, Foster City Abstained from 6A due to absence at the June 2015 meeting

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		X(6A)		County of San Mateo				X
Hillsborough				X	West Bay Sanitary Dist.	X			

7. Administration and Finance:

- A. Staff Update on 2016 Contractor Compensation Adjustment Applications (Discussion item)

Staff Feldman gave an overview of the staff report which was meant to give a high level update and review of the compensation application review process. He also noted the due dates listed in the staff report.

Member Olbert asked why some of the cost factors in table 3 went up by around 2%, while a number of them didn't change at all or went down.

Staff Moran answered that both contractor's contracts are adjusted by the same index, but they have a different weight of the various cost components. He gave the example that Recology is much more affected by fuel index which went down 18%, and has much larger depreciation expense which has no change so it helped to flatten Recology's adjustment compared to SBR.

B. Review of Unrestricted Cash Reserve Policy (Discussion item)

Executive Director McCarthy noted that at the request of the Board, staff looked at the 3 reserve categories to answer questions raised around reserving the right amount and why the reserve policy doesn't have a minimum. He noted that two particular reserve categories have raised these questions, the rate stabilization reserve, and the emergency reserve. Both are funded based on a percentage of operating expense. He added that the conclusion that staff drew during this review is that 10% of operating expenses has historically given the right amount of money, and it's probably not the right way to determine the reserve amount. He noted that the rate stabilization reserve is largely about commodity revenue impacts, reserve levels should be around looking at historical trends in the commodity prices. He added that there seems to be an opportunity to lower what is reserved in the rate stabilization reserve if it is based on these historical trends. He also noted that more research would need to be done around what a minimum reserve level would be. He then noted that 10% of operating expense is probably a fair way to calculate the emergency reserve fund. He added that the most likely scenario where those funds would be needed would be a seismic event, and that staff will continue to do modeling around what the impact of a seismic event would be.

Member Olbert asked if there was hypothetically another crash in commodity prices in the middle of a fiscal year what would be the JPA's obligations to SBR.

Executive Director McCarthy gave background that SBR has a commodity revenue guarantee of \$5.5M. He explained that when SBR sells the commodities the money is wired to the JPA, until SBR meets the \$5.5M guarantee; they don't get any share in the commodity revenue, above that they get a 28% share in the revenue. He noted that SBR has always met the guarantee, but that the timing issue is crucial depending on whether or not the \$5.5M guarantee had been met. He added that in the 4th quarter of 2008 was the last time the JPA experienced a commodity price crash, and the fiscal year had a \$3.56M drop. He also noted that it could also be a timing issue with meeting the bond covenant requirements, so there are a lot of variables in place.

Member Olbert commented that he was glad to hear staff was looking into getting information on seismic insurance.

Executive Director McCarthy noted that the MRF building and part of the transfer station are brand new, and commented that part of the building that is of concern in an earthquake is the tunnels and columns where the trash is processed and if there was a collapse there we need to determine what those capitol repairs might look like.

Member Brownrigg asked for clarification if the rate stabilization reserve fund and emergency reserve fund were balances being held and don't have an impact on the budget unless there was an adjustment, but the equipment replacement fund is an annual charge to the budget, and the undesignated fund is a general fund.

Executive Director McCarthy answered yes, but only if the funds are used for capitol repairs, and the undesignated reserve is the excess above what the Board designates as the reserve level needed.

Member Brownrigg noted that he would not recommend reducing the reserve balances because in the case of the rate stabilization fund, as the Agencies move toward a renegotiation of contracts, having a healthy reserve could be valuable in a future scenario where rates could jump, and secondly having a reserve that already exists and maintaining it so that if the Agency wanted to invest in future technologies to achieve future goals would be useful.

Chair Widmer commented that he thought a minimum balance should be maintained, and the Board should identify what that would be especially in an emergency situation. He thought the minimum should be revisited after the staff does the seismic research to have a better understanding of what the minimum reserve levels should be.

Member Olbert asked what scenarios would trigger board decision in an emergency if there was no rate stabilization fund.

Executive Director McCarthy answered the real world situation is the commodity prices, because it is the most volatile part of the business, but noted that commodity revenue is only about 25% of the total revenue. He also noted that the current adopted budget just meets the bond covenant test requirement, so if there was a shock to commodity prices a transfer from the reserve would be required. He also noted that with the current contracts there is a lot of protection around cost containment, but certainly with future contracts it's an open issue.

Member Olbert commented that he supported going forward with consideration of decreasing the rate stabilization fund.

Member Bonilla commented that he would like to maintain current levels because in cases when it needs to be dealt with swiftly the SBWMA could act quickly.

Chair Widmer commented that the rate stabilization fund is a buffer against the commodity prices, which is different from each Member Agency setting up a fund to protect themselves from the Recology costs.

Executive Director McCarthy added that historically before the Recology contracts there were years when tipping fees went up \$6 to \$8 or dropped \$3 to \$4. Because there was a cost plus contract, so there was a see sawing of rates.

Executive Director McCarthy also commented regarding a seismic event that there could be costs associated with huge amounts of material from damage that are not budgeted and who pays for that effort, and he thought county wide it was something all the communities need to think more about, and do some more planning on what that might look like.

Member Brownrigg commented that he found the average commodity price chart to be interesting, and noted that he would like to see an axis on income added to that chart, and he thought that would help Board Members understand the relevance of commodity prices.

8. Collection and Recycling Program Support and Compliance:

A. No items

9. Shoreway Operations and Contract Management:

A. Update on SBR Compliance with Terms and Conditions Associated with Board Approval of Consent to Assignment of Majority Interest in South Bay Recycling, LLC to Recology, Inc. (Discussion item)

Executive Director McCarthy gave an introduction of the item and introduced Dan Domonoske from SBR and asked him to give an overview of the attachment to the staff report.

Member Abrica now absent 3:29PM

Dan Domonoske summarized the letter and attachment giving background that for the first three years of SBR's contract the VRS program worked pretty well, but there were times when the program was unable to supply sufficient workers, and during the contract's renegotiation some conditions were added to the contract including liquidated damages for failure to deliver the right number of workers, and increasing the rate of pay for the VRS workers. He noted that since that renegotiation, the VRS partnership is greatly improved. He added SBR is here to serve the needs to the Member Agencies, and SBR remains indifferent with respect to the labor that is used in the MRF.

Chair Widmer added that during the negotiations with the County VRS program it was pointed out that there is a substantial amount of overhead cost associated with the VRS contract, so the Board asked SBR to fully explore what other local low cost labor sources are available.

Dan Domonoske commented that there was a shared disappointment in the inability to achieve some conditions that were hoped for, and therefore there is an ongoing interest in keeping options open to meet the needs of the Member Agencies.

Member Bronitsky asked what the next steps would be.

Chair Widmer noted that it was just an update and SBR will continue to research any alternative available, and if your Agency has a group that might be interested in providing labor they would be interested in exploring that possibility, but noted that it needs to be a low cost labor force.

10. Informational Items Only (no action required)

- A. 2015 Finance and Rate Setting Calendar
- B. Check Register for June 2015
- C. Technical Consulting Contracts for 2nd Quarter 2015
- D. Potential Future Board Agenda Items

Vice Chair Dehn noted that during Staff Feldman's presentation he noted a special meeting in September, but that it the agenda item was listed in September and she asked for clarification if there would be a special meeting in September.

Executive Director McCarthy answered that last year there was a special meeting to discuss the compensation adjustments, but currently there is not a special meeting planned, it would be discussed at the September TAC meeting.

11. Board Member Comments

Member Brownrigg noted that he was appreciative of the Board's support of an adhoc group on future zero landfill, and would like to work with Executive Director McCarthy to set up a meeting schedule. He asked if the group had been comprised at this point.

Executive Director McCarthy noted that he had 5 board members interested in joining the committee - Member Brownrigg, Bill Widmer, Fran Dehn, Charles Stone and Rick Bonilla - and he noted the calendaring process could be started in his absence.

Member Brownrigg noted that he would connect with Executive Director McCarthy upon his return and discuss what he would like to see accomplished in the first few meetings.

Chair Widmer asked if Member Brownrigg would be the chair of the adhoc subcommittee.

Member Brownrigg answered yes, he would be the chair.

12. Adjourn 3:39PM



STAFF REPORT

To: SBWMA Board Members
From: Kevin McCarthy, Executive Director
Date: September 24, 2015 Board of Director's Meeting
Subject: Resolution Approving Agreement with OneWorld Communications for Public Education and Outreach Collateral and Campaign Development for RethinkWaste Programs and Services

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No. 2015-22 attached hereto authorizing the following action:

Authorizing the Executive Director to execute a contract with OneWorld Communications to provide Public Education and Outreach Collateral and Campaign Development for RethinkWaste programs and services for FY1516 with a not to exceed budget of \$109,000.

Analysis

RethinkWaste is primarily charged with developing and implementing a variety of public education and public awareness activities to support the programs and services provided to residents and businesses in the service area to increase program awareness, participation and diversion. As of 2013, RethinkWaste also became primarily responsible for developing and implementing the public education activities associated with the Franchise Agreements.

While staff is responsible for public outreach and education efforts, RethinkWaste does not have the resources or the capabilities, such as various design software and commercial printers, to design and produce the required materials. As such, RethinkWaste is seeking to contract with OneWorld to assist with designing and producing such collateral as newsletters, bill inserts, brochures and advertisements, among others, for the residential sector as detailed in the scope of services (**Exhibit A.**) OneWorld will also support specific projects including our Long Range Plan every other week collection pilot, development of truck signs and ongoing public education materials such as our Annual Report and annual service notice.

Staff will work with OneWorld to develop and implement strategies to measure the effectiveness of RethinkWaste public education and outreach efforts. Staff will also continue to work collaboratively with the adhoc Public Education Subcommittee and Recology San Mateo County in developing outreach materials and efforts.

Background

OneWorld was previously selected through a Request for Qualifications (RFQ) process conducted in late 2013/early 2014 in which 8 firms submitted proposals. In July 2014, the Board approved a FY1415 contract for \$150,000 with OneWorld. This past fiscal year OneWorld was successful in developing a refreshed Annual Report and a new CartSMART residential collection program guide and accompanying postcard.

RethinkWaste has historically used outside firms to assist with its public education and outreach efforts, including developing strategies and campaigns, designing and producing collateral materials due to a lack of the necessary in-house resources and tools. The previous Request for Proposals for public education and outreach services was issued in April 2009 in preparation for the roll out of new services in January 2011.

Fiscal Impact

The SBWMA FY1516 budget includes \$185,000 for Commercial Programs, \$80,000 for the HHW program, and \$240,000 for Residential Programs. The contract with OneWorld Communications for a not-to-exceed amount of \$109,000 for FY1516 will be paid with these funds.

Attachments:

Resolution 2015-22

Exhibit A – OneWorld Communications Scope of Services



RESOLUTION NO. 2015-22

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH ONEWORLD COMMUNICATIONS FOR PUBLIC EDUCATION AND OUTREACH COLLATERAL AND CAMPAIGN DEVELOPMENT FOR RETHINKWASTE PROGRAMS AND SERVICES

WHEREAS, the South Bayside Waste Management Authority (SBWMA) Board of Directors has considered entering into an agreement with OneWorld Communications for the purpose of providing the following services:

Public Education and Outreach Services as attached hereto as **Exhibit A**.

NOW, THEREFORE BE IT RESOLVED that the South Bayside Waste Management Authority hereby authorizes the Executive Director to execute a contract with OneWorld Communications with a not-to-exceed budget of \$109,000.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 24th day of September, 2015, 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. 2015-22 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 24, 2015.

ATTEST:

Bill Widmer, Chairperson of SBWMA

Cyndi Urman, Board Secretary



AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into as of the **25th day of September, 2015** by and between the **South Bayside Waste Management Authority** hereinafter "SBWMA", and **OneWorld Communications** hereinafter "Consultant".

RECITALS

This Agreement is entered into with reference to the following facts and circumstances:

- A. That SBWMA desires to engage Consultant to render certain professional services in the SBWMA jurisdictions;
- B. That Consultant is qualified to provide such services to the SBWMA; and
- C. That SBWMA has elected to engage the services of Consultant upon the terms and conditions as hereinafter set forth.

TERMS AND CONDITIONS

1. Services

The services to be performed by Consultant under this Agreement shall be to provide **Public Education and Outreach Collateral and Campaign Development** as outlined in Exhibit A.

Performance of the work specified above is hereby made an obligation of Consultant under this Agreement, subject to any changes that may be made subsequently hereto upon the mutual written agreement of said Parties.

2. Term of Agreement

Said services shall commence on execution and shall continue for completion of tasks within one year (12 month period). The term of the Agreement may be extended upon written agreement by both parties. Agreement can be terminated by either party with written thirty (30) day notice.

3. Compensation

Payment under this Agreement shall be as per Exhibit A, not to exceed **\$ 109,000.00.** Invoices for payment shall be submitted monthly to SBWMA and shall contain the information shown in Exhibit B hereto.

4. Authorization and Termination

This Agreement becomes effective when endorsed by both Parties in the space provided below.

5. Reliance of Professional Skill of Consultant

Consultant represents that it has the necessary professional skills to perform the services required and SBWMA shall rely on such skills of the Consultant to do and perform the work.

6. Relationship to Parties

It is understood that the relationship of Consultant to SBWMA is that of an independent contractor and all persons working for or under the direction of Consultant are its agents or employees and not agents or employees of the SBWMA.

7. Nonassignment

This Agreement is not assignable either in whole or in part.

8. Amendments

This Agreement may be amended or modified only by written agreement signed by both Parties.

9. Validity

The invalidity, in whole or in part, of any provisions of this Agreement shall not void or affect the validity of any other provisions of this Agreement.

10. Government Law/Litigation

This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California. In the event of litigation between the Parties hereto over the terms or performance of this agreement the prevailing party shall be entitled to reasonable attorneys fees and costs..

11. Mediation

Should any dispute arise out of this Agreement, the Parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither Party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the Parties. If a mediated settlement is reached, neither Party shall be deemed the prevailing party for purposes of the settlement, and each Party shall bear its own legal costs. Mediation shall occur within 30 days of notice by either party, and if it does not occur within that period of time a legal action shall be permitted to be filed.

12. Entire Agreement

This Agreement, including Exhibit A, and B comprises the entire Agreement.

13. Indemnity

Consultant shall defend, indemnify and hold SBWMA and its officers, employees and agents harmless from any and all claims, damages, losses and expenses related to or as a result of intentional or negligent acts for which Consultant or its agents and employees are responsible.

14. Insurance

Consultant shall not commence work under this Agreement until all insurance required under this Paragraph has been obtained. Consultant shall furnish SBWMA with certificates of insurance evidencing the required coverage. The insurance shall be with a carrier that is licensed and in good standing in the State of California, and has an A.M. Best Co. rating of A/5 or better. The SBWMA will be named as additional insured in the policy. These certificates shall specify or be endorsed to provide that thirty (30) days notice must be given, in writing, to the SBWMA office of any pending change in the limits of liability or of any cancellation or modification of the policy.

a. Worker's Compensation and Employer's Liability Insurance

Consultant shall have in effect during the entire life of this Agreement Worker's Compensation and Employer's Liability Insurance providing full statutory coverage. In signing this Agreement, Consultant makes the following certification, required by Section 1861 of the California Labor Code:

I am aware of the provisions of Section 37900 of the California Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this Agreement.

b. Liability Insurance

Consultant shall take out and maintain during the life of this Agreement such bodily injury and property damage liability insurance as shall insure the Consultant and SBWMA, its employees, officers and member entities while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all claims due to consultant's negligence or willful misconduct for property damage which may arise from Consultant's work under this Agreement, whether such work be by Consultant or by any subcontractor or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be One Million and no/100 Dollars (\$1,000,000.00) combined single limit bodily injury and property damage for each occurrence.

15. Ownership of Materials

All materials developed by the Consultant or any other person engaged directly or indirectly by the Consultant to perform the services required hereunder shall be and remain the property of the SBWMA without restriction or limitation upon their use.

16. Notice

All notices required by this Agreement shall be given to SBWMA and Consultant in writing, by email or by first class mail, postage prepaid, addressed as follows:

SBWMA: **Kevin McCarthy, Executive Director**
South Bayside Waste Management Authority
610 Elm Street, Suite 202
San Carlos, CA 94070
Phone: (650) 802-3500
Fax: (650) 802-3501

Consultant: **OneWorld Communications**
Jonathan Villet
2001 Harrison Street,
San Francisco CA 94110
Phone: 415.355.1935
FAX: 415.355.1930
jonathan.villet@owcom.com

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the date first written by their respective officers duly authorized in that behalf.

SBWMA

BY: _____
Kevin McCarthy, EXECUTIVE DIRECTOR

DATED: _____, 2015

APPROVED AS TO FORM:

Robert J. Lanzone, SBWMA ATTORNEY

DATED: _____, 2015

CONSULTANT:

BY: _____
Jonathan Villet, AGENCY PRESIDENT

DATED: _____, 2015

NOTICE TO PROCEED

BY: _____
Cyndi Urman, Board Secretary

DATED: _____, 2015



EXHIBIT A – Scope of Services for FY1516

- a. Newsletters** **\$31,000**
Development of the content for three newsletters. This includes print costs for two newsletters.
Budget Line Item: 520604 QLN01 & QNLMP
- b. Bill Inserts** **\$6,000**
Develop and produce a minimum of two additional bill inserts. This includes print costs.
Budget Line Item: 520604 RES01 & COE01
- c. Signs/Posters/Banners** **\$3,000**
Develop and produce signs, posters or banners as needed for display at meetings and events throughout the term of the contract.
Budget Line Item: 520604 RES01 & COE01
- d. Advertising** **\$4,000**
Develop and produce artwork for electronic and print media as needed. This does not include actual costs for media buy.
Budget Line Item: 520604 RES01 & COE01
- e. Brochures/Collateral/Other Marketing Materials** **\$37,500**
Develop and produce brochures, collateral and other marketing materials as needed; and update existing marketing materials as needed. These may include, but are not limited to the CartSMART and BizSMART programs. Specific projects may include development of public education materials to support three collection program pilots (every other week collection, co-collection vehicles, and truck signs).
Budget Line Item: 520604 RES01 & COE01
- f. CartSMART Annual Service Notice** **\$12,000**
Develop and produce the annual CartSMART Service Notice. This includes print costs.
Budget Line Item: 520604 RES01
- g. Annual Report** **\$5,000**
Develop and produce the RethinkWaste Annual Report. This includes print costs.
Budget Line Item: 520341
- h. Website** **\$2,500**
Develop and produce content as needed for the RethinkWaste website.
Budget Line Item: 520604 RES01 & COE1
- i. Account Management** **\$8,000**
All of the Consultant's day-to-day management of the account, interfacing with RethinkWaste and the Consultant's art department, managing vender relationships, media planning and execution, billing and negotiations, travel expenses, electronic fees, and other related expenses.
Budget Line Item: 520604 RES01 & COE1

Total Amount Not to Exceed: \$109,000

OneWorld Communications

Market Price List for South Bayside Waste Management Autf

Labor Category		Year 15	Year 16
		8/14/14 thru 8/13/15	8/14/15 thru 8/13/16
AD 1	Adm Supp Svces I	75.38	78.61
AD 2	Adm Supp Svces II	46.21	48.19
CD 1	Creative Direction I	316.13	329.66
CD 2	Creative Direction II	243.19	253.61
CD 3	Creative Direction III	162.92	169.89
CW 1	Copywriting/Scripting I	316.13	329.66
CW 2	Copywriting/Scripting II	243.19	253.61
CW 3	Copywriting/Scripting III	194.53	202.86
CW 4	Copywriting/Scripting IV	162.92	169.89
EAC	Extra Accountancy	121.58	126.79
GD 1	Graphic Design I	267.48	278.93
GD 2	Graphic Design II	182.39	190.20
GD 3	Graphic Design III	126.47	131.88
MB 1	Media Buying I	316.13	329.66
MB 2	Media Buying II	126.47	131.88
MB 3	Media Buying III	99.71	103.98
MP 1	Marketing Planning I	364.75	380.37
MP 2	Marketing Planning II	303.97	316.99
MP 3	Marketing Planning III	126.47	131.88
MPR 1	Media Production I	316.13	329.66
MPR 2	Media Production II	218.86	228.23
MPR 3	Media Production III	162.92	169.89
MPR 4	Media Production IV	126.47	131.88
MR 1	Media Research I	243.19	253.61
MR 2	Media Research II	218.86	228.23
MR 3	Media Research III	158.05	164.83
MR 4	Media Research IV	99.71	103.98
PE	Photo Editing	158.05	164.83
PH 1	Photography I	243.19	253.61
PH 2	Photography II	170.23	177.51
PM 1	Proj Mgmt I	364.75	380.37
PM 2	Proj Mgmt II	218.86	228.23
PM 3	Proj Mgmt III	126.47	131.88
PM 4	Proj Mgmt IV	85.12	88.77

9/4/2015

OneWorld Communications

Market Price List for South Bayside Waste Management Autf

Labor Category		Year 15	Year 16
		8/14/14 thru 8/13/15	8/14/15 thru 8/13/16
PR 1	PR/Media Relations I	218.86	228.23
PR 2	PR/Media Relations II	182.39	190.20
PR 3	PR/Media Relations III	126.47	131.88
QR 1	Qual/Quan Research I	364.75	380.37
QR 2	Qual/Quan Research II	303.97	316.99
QR 3	Qual/Quan Research III	194.53	202.86
QR 4	Qual/Quan Research IV	99.71	103.98
Media Studio			
	B&W Copies - Letter	0.10	0.10
	B&W Copies - Tabloid	1.13	1.18
	Color Copies - Letter	1.22	1.27
	Color Copies - Tabloid	2.42	2.52
	Digital/Audio Recording Studio	352.59	367.69
	Music/Art Selection	389.09	405.75
	Narration	320.99	334.74
	Video Editing w/Avid Equipment I	389.09	405.74
	Video Editing w/Final Cut	255.32	266.25
	Video Graphics/Animation	335.57	349.93

9/4/2015

EXHIBIT B (Sample Invoice)

Items highlighted yellow must be included on the invoice for approval format of invoice is just a sample

INVOICE

Your Company Name
 Address
 City State Zip
 Phone Number

Date:
 Project Number:
 Invoice Number:

RethinkWaste
 Attn: Project Manager
 610 Elm Street, Suite 202
 San Carlos, CA 94070

SBWMA Project: Project Title Purchase Order Number: PO Number
 Invoice for Professional Services from 1/1/15 to 1/31/15

TASK 1 TITLE/Description

Professional Personnel:	Hours:	Rate:	Amount:
John Doe	1.5	\$200.00	\$300.00
Jane Smith	1.0	\$100.00	\$100.00
TOTALS:	2.0		\$400.00

TOTAL THIS TASK: \$400

TASK 2 TITLE/Description

Professional Personnel:	Hours:	Rate:	Amount:
John Doe	3.0	\$200.00	\$600.00
TOTALS:	3.0		\$600.00

TOTAL THIS TASK: \$600.00

TOTAL THIS INVOICE \$1,000.00

BILLING LIMITS:

Total Contract Amount		\$10,000.00
Prior Invoices	0%	\$0.00
Current Contract Balance	100%	\$10,000.00
This Invoice	10%	\$1,000.00
Contract Balance	90%	\$9,000.00





STAFF REPORT

To: SBWMA Board Members
From: Robert J. Lanzone, SBWMA Legal Counsel
Date: September 24, 2015 Board of Director's Meeting
Subject: Resolution Approving Fifth Amendment to the Executive Director's Employment Agreement

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No. 2015-23 attached hereto authorizing the following action:

Approval of Fifth Amendment to the Executive Director's Employment Agreement (the Agreement).

Analysis

Attached hereto is a fifth Amendment to the Agreement which reflects the Board's direction from its July 23, 2015 closed session. The following changes are to be made and are reflected in the Resolution attached to this report:

1. Section 1, "Salary" is modified changing the Executive Director's salary to \$196,730 effective July 1, 2015.

Background

On August 10, 2006 the SBWMA entered into an agreement with Regional Government Services (RGS), a joint powers authority, for the services of Kevin McCarthy as Executive Director. That agreement was amended once in May 2007 to increase Mr. McCarthy's salary from \$158,000 per year to \$174,000 per year. As of October 1, 2008, as a result of converting employees from RGS/ LGS contract employees to being directly employed by SBWMA, the Executive Director had an employment agreement approved by the Board, with his salary remaining at the same level. The Agreement was amended for a first time in 2009, increasing the Executive Director's salary five percent (5%) to \$182,700 effective July 1, 2009. It was amended a third time in 2012, increasing the Executive Director's salary one and half percent (1.5%) to \$185,441 effective July 1, 2012. It was amended a fourth time in 2013 increasing the salary by 3.5% to \$191,932 effective October 24, 2013.

Attached as Exhibit A is a copy of the Executive Director Agreement dated October 1, 2008 (the Agreement).

Fiscal Impact

The increase in the Executive Director's salary by 2.5% was not included in the Administrative Staff line item in the adopted FY1516 budget. The budget impact is an increase to the Administrative Staff line item of \$4,798.

Attachments:

Resolution 2015-23 and Fifth Amendment to Employment Agreement
Exhibit A – Executive Director's Agreement



RESOLUTION NO. 2015-23

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
APPROVING THE FIFTH AMENDMENT TO THE EMPLOYMENT
AGREEMENT FOR THE EXECUTIVE DIRECTOR

WHEREAS, the Authority has completed its annual performance review of the Executive Director and determined to amend the Employment Agreement of the Executive Director (the Agreement);

NOW, THEREFORE, BE IT RESOLVED that the Employment Agreement, **Exhibit A** hereto, is modified as follows:

1. Section 1 "Salary" is amended to change the salary for the Executive Director to \$196,730 commencing July 1, 2015.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on this 24th day of September, 2015, 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 District				

I HEREBY CERTIFY that the foregoing Resolution No. 2015-23 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 24, 2015.

ATTEST:

Bill Widmer, Chairperson of SBWMA

Cyndi Urman, Board Secretary

**FIFTH AMENDMENT TO THE
EMPLOYMENT AGREEMENT- EXECUTIVE DIRECTOR**

This is the Fifth Amendment to the Executive Director Employment Agreement (the Agreement) by and between the South Bayside Waste Management Authority (SBWMA) and Kevin McCarthy (Executive Director), a joint powers authority, collectively the Parties.

RECITALS

- A. The Agreement was entered by the Parties on or about October 1, 2008, and provides for the services of Kevin McCarthy as the Executive Director of the SBWMA. The Agreement has been amended on July 1, 2009, September 22, 2011, October 25, 2012, and October 24, 2013.
- B. The SBWMA Board has met and reviewed the performance of the Executive Director.
- C. The Parties desire to make certain changes to the Agreement effective July 1, 2015.

TERMS AND CONDITIONS

- 1. Section 1, of Exhibit A to the Agreement Salary as contained in the Agreement is amended to provide that the salary of the Executive Director shall be increased by two and a half percent (2.5%) from \$191,932 per annum to \$196,730 effective July 1, 2015.
- 2. All other terms and conditions of the Agreement shall remain the same.

Dated: _____, 2015

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY

By: _____
Bill Widmer, Chair of the Board of Directors

Dated: _____, 2015

EMPLOYEE

By: _____
Kevin McCarthy, Executive Director

APPROVED AS TO FORM:

Robert Lanzone, SBWMA Counsel

Dated: _____, 2015



STAFF REPORT

To: SBWMA Board Members
From: Farouk Fakira, Finance Manager
Date: September 24, 2015 Board of Director's Meeting
Subject: Approval of Quarterly Investment Report for the Quarter Ended June 30, 2015

Recommendation

It is recommended that the SBWMA Board review and accept the Quarterly Investment Report.

Analysis

The primary objective of the Investment Policy for the SBWMA is safety of principal, while meeting the cash flow needs of the Authority, through prudent investment of unexpended cash. As of June 30, 2015, the investment portfolio was in compliance with the Investment Policy. The portfolio contains sufficient liquidity to meet the next six months of expected expenditures by the Authority as well as by other third parties.

Fiscal Impact

The attached Investment Portfolio Summary indicates that as of June 30, 2015, funds in the amount of \$19,986,362 were invested producing a weighted average yield of 0.33%. Below is a summary of the changes from the last quarter.

	Qtr Ended 6/30/15	Qtr Ended 3/31/15	Increase (Decrease)
Total Portfolio	\$ 19,986,362	\$ 21,829,734	\$ (1,843,372)
Weighted Average Yield	0.33%	0.37%	-0.04%
Interest Earnings	\$ 17,026	\$ 16,555	\$ 471
Lehman Recovery Payment	\$ 10,087	-	\$ 10,087

The overall portfolio balance decreased by \$1,843,372, primarily due to timing of disbursement of \$1.5 million made to SBR that hit early due to having an extra check run and \$175K payment for compensation to SBR for the port of Oakland delays. Although total portfolio balance decreases and the weighted average yield is slightly lower than the previous quarter, the interest earnings in this quarter is better mainly because of higher interest earnings from the County Investment Pool.

In March 2015, the County Treasurer provided an update on the remaining Lehman litigation against Ernst & Young. A mediator's proposal of \$6.5 million was accepted by Ernst & Young. In May 2015, SBWMA received \$10,087 from the County Treasurer for the Authority's share of the settlement. Of the total Lehman investment loss of \$382,898 in 2009, \$175,506 or 45.8% has been recovered. Based on the information from the County Treasurer's Office, there are no further settlements pending.

A table comparison of the portfolio components is provided below:

	6/30/2015 Balance	% of Total	3/31/2015 Balance	% of Total	Change over Prior Quarter
SM County Pool	\$ 5,719,002	29%	\$ 5,700,859	26%	\$ 18,143
LAIF	7,971,342	40%	10,864,026	50%	(2,892,684)
Bond Account	6,296,018	31%	5,264,849	24%	1,031,169
Total Portfolio	\$ 19,986,362	100%	\$ 21,829,734	100%	\$ (1,843,372)

Note: There may be minor differences in totals as individual amounts are rounded to the nearest dollar

Due to arbitrage restrictions, bond investments are not included in our LAIF rate or investment pool comparison. As of June 30, 2015, the bond reserve and payment accounts of approximately \$6.3 million were invested with the trustee in short-term investments.

After the SBWMA Board approved its Audit Committee recommendation to increase the investment balance in the County Investment Pool to no less than 30% of the total investment pools in January, \$3.1 million was transferred to the County Investment Pool to meet the requirement. As of June 30, 2015, investments in the County Investment Pool totaled 42% of SBWMA's funds available for investment pools (see Attachment 1).

The average yield of the portfolio in the quarter excluding the bond proceeds was 0.45%. LAIF is used as a benchmark and the average LAIF yield for the quarter ending June 30, 2015, was 0.28%. The San Mateo County Pool average yield for the quarter was 0.68%.

The Investment Advisory Committee, consisting of Jeff Maltbie, City Manager of San Carlos; Michael Galvin, City Treasurer for San Carlos; and Rebecca Mendenhall, Administrative Services Director of San Carlos, have reviewed this report before presentation to the Board.

Attachments

- A – Summary of All Investments for Quarter Ending June 30, 2015
- B – Investment Portfolio 6/30/2015 - Chart
- C – Historical Summary of Investment Portfolio

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY

SUMMARY OF ALL INVESTMENTS

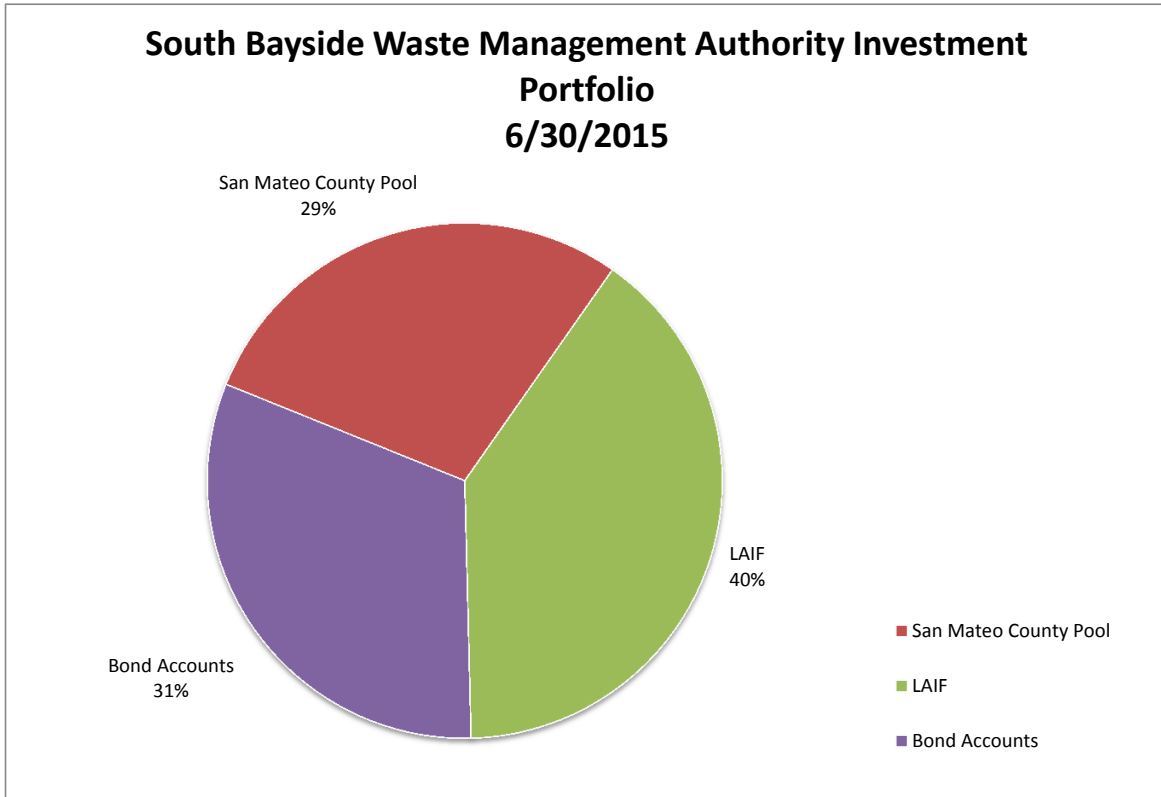
For Quarter Ending June 30, 2015

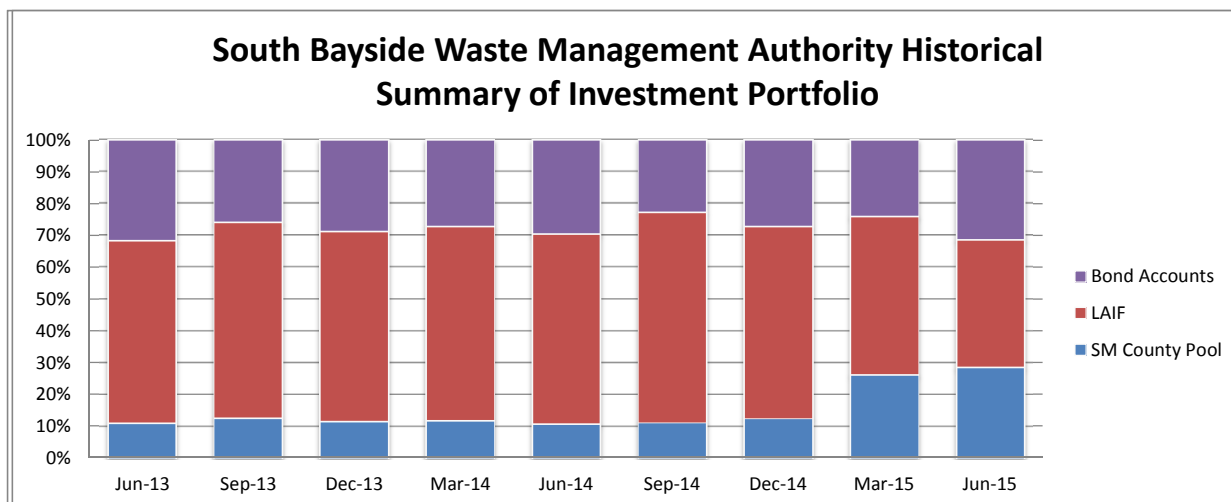
Category	Weighted Average Interest Rate	Historical Book Value	% of Portfolio	GASB 31 ADJ Market Value	Interest Earned
Liquid Investments:					
San Mateo County Investment Pool (COPOOL)	0.68%	\$ 5,719,002	42%	5,718,430	9,745
Local Agency Investment Fund (LAIF)	0.28%	7,971,342	58%	7,974,339	6,827
Total - Investments	0.45%	13,690,344	100.00%	13,692,769	16,572
Bond Accounts - Cash with Fiscal Agents					
BNY Western Trust - Certificates of Deposit 2009A Reserve Fund Account	0.40%	1,240,000		1,240,000	454
BNY Western Trust - Dreyfus Cash Mgmt 670 Inv 2009A Reserve Fund Account	0.00%	3,014,661		3,014,661	-
BNY Western Trust - Dreyfus Cash Mgmt 670 Inv 2009A Payment Fund Account	0.00%	2,041,357		2,041,357	-
Total - Bond Accounts	0.08%	6,296,018		6,296,018	454
GRAND TOTAL OF PORTFOLIO	0.33%	19,986,362		19,988,787	17,026
Total Interest Earned This Quarter				17,026	
Total Interest Earned Fiscal Year-to-Date				60,072	

Note: SBWMA Board approved the following investment mix at its January 22, 2015 meeting:

LAIF - 50% to 70%

COPOOL - 30% to 50%





South Bayside Waste Management Authority Portfolio

	Jun-13	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15
SM County Pool	2,167,040	2,265,903	2,269,668	2,286,013	2,289,604	2,293,037	2,596,754	5,700,859	5,719,002
LAIF	11,313,693	10,921,027	11,628,111	11,584,976	12,591,585	13,448,147	12,456,035	10,864,026	7,971,342
Bond Accounts	6,223,842	4,619,074	5,653,984	5,226,893	6,257,859	4,628,312	5,659,274	5,264,849	6,296,018
Grand Total	\$ 19,704,575	\$ 17,806,004	\$ 19,551,763	\$ 19,097,882	\$ 21,139,048	\$ 20,369,496	\$ 20,712,063	\$ 21,829,734	\$ 19,986,362



STAFF REPORT

To: SBWMA Board Members
From: Farouk Fakira, Finance Manager
Date: September 24, 2015 Board of Director's Meeting
Subject: Resolution Authorizing Update to 401(a) Retirement Plan Trustees

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No. 2015-27 attached hereto authorizing the following action:

Appointing Kevin McCarthy and Farouk Fakira as Trustees of the 401(a) Plan.

Analysis

Upon the retirement of Marshall Moran, one of the two Trustees for the 401(a) Plan, it became incumbent to appoint a new Trustee for the 401(a) Plan. Farouk Fakira is the new Finance Manager and he will execute all the functions that Marshall did.

Duties of The Trustee:

Under section 10.02 of Article 10 Trust Fund, In general. The Trustee is not a party to, and has no duties or responsibilities under the plan other than those that may be expressly contained in this Article. The Trustee shall have no duties, responsibilities or liability with respect to the acts or omissions of any prior trustee. The Trustee shall discharge its assigned duties and responsibilities under this Article and the Plan with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

Fiscal Impact

There is no fiscal impact associated with the retirement plan Trustee change.

Attachments:

Resolution No. 2015-27



RESOLUTION NO. 2015-27

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA) BOARD OF DIRECTORS APPOINTING TRUSTEES FOR THE SBWMA 401(a) PLAN

WHEREAS, on September 25, 2008, the SBWMA Board of Directors adopted a 401(a) Plan by Resolution No. 2008-08 (the "401(a) Plan"); and

WHEREAS, Marshall Moran has retired and the Board wishes to appoint a new Trustee for the 401(a) Plan.

NOW, THEREFORE, BE IT RESOLVED that the SBWMA Board of Directors hereby appoints Kevin McCarthy and Farouk Fakira as Trustees of the 401(a) Plan and that the Trustees for the 401(a) Plan hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable law.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 24th day of September, 2015, 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 San. District				

I HEREBY CERTIFY that the foregoing Resolution No. 2015-27 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 24, 2015.

ATTEST:

Bill Widmer, Chairperson of SBWMA

Cyndi Urman, Board Secretary