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1 BEFORE THE

2 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

3

4

5 IN THE MATTER OF THE:

6 REGULAR MONTHLY)

7 BUSINESS MEETING)

8 _____

9

10 DATE AND TIME: TUESDAY, DECEMBER 15, 1998

11 8800 CAL CENTER DRIVE

12 SACRAMENTO, CALIFORNIA 95826

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25 REPORTER: DEANNE MEINBERG

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1

2 APPEARANCES

3 DANIEL G. PENNINGTON, CHAIRMAN

4 ROBERT C. FRAZEE, VICE CHAIRMAN

5 DAN EATON, BOARD MEMBER

6 STEVEN R. JONES, BOARD MEMBER

7 DAVID A. ROBERTI, BOARD MEMBER

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1 AGENDA ITEM I: CALL TO ORDER

2 CHAIRMAN PENNINGTON: GOOD MORNING AND

3 WELCOME TO THE DECEMBER 15TH MEETING OF THE

4 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.

5 BEFORE WE GET STARTED I'D LIKE TO

6 INTRODUCE OUR NEWEST BOARD MEMBER, SENATOR

7 ROBERTI, WHO HAS JOINED THE BOARD AS THE

8 SENATE APPOINTEE, REPLACING MR. CHESBRO. AS

9 I'M SURE ALL OF YOU KNOW, SENATOR ROBERTI HAS

10 HAD A LONG, DISTINGUISHED CAREER IN THE

11 LEGISLATURE, AND SERVED AS THE PRESIDENT OF THE

12 SENATE FOR 13 YEARS. AND HE WAS A MAJOR

13 ADVOCATE OF ENVIRONMENTAL LEGISLATION, HE WAS

14 THE SENATE LEADER FOR THE AB 939.

15 I REMEMBER SENATOR ROBERTI AS WELL

16 FROM MY DAYS IN HOUSING, WHERE HE IS A VERY

17 STRONG

18 SUPPORTER OF LOW INCOME HOUSING.

19 IN FACT, I THINK JUST RECENTLY YOU

20 WERE NAMED THE HOUSING MAN OF THE YEAR BY THE --

21 WHAT WAS IT, THE EAST L.A. HOUSING --

22 SENATOR ROBERTI: NO, SOUTHERN

23 CALIFORNIA-24

24 CHAIRMAN PENNINGTON: SOUTHERN

25 CALIFORNIA, OKAY.

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1 SENATOR ROBERTI: -- ASSOCIATION OF
2 NONPROFIT HOUSING.
3 CHAIRMAN PENNINGTON: GOOD, OKAY. SO,
4 WELCOME, SENATOR.
5 SENATOR ROBERTI: THANK YOU.
6 CHAIRMAN PENNINGTON: AND IT'S NICE TO
7 HAVE YOU ON THE BOARD WITH US.
8 AGENDA ITEM II: ROLL CALL AND DECLARATION OF
9 QUORUM
10 CHAIRMAN PENNINGTON: WILL THE
11 SECRETARY CALL THE ROLL PLEASE?
12 THE SECRETARY: BOARD MEMBER EATON?
13 MEMBER EATON: HERE.
14 THE SECRETARY: FRAZEE?
15 MEMBER FRAZEE: HERE.
16 THE SECRETARY: JONES?
17 MEMBER JONES: HERE.
18 THE SECRETARY: RHOADS?
19 MEMBER RHOADS: HERE.
20 THE SECRETARY: ROBERTI?
21 MEMBER ROBERTI: HERE.
22 THE SECRETARY: CHAIRMAN PENNINGTON?
23 CHAIRMAN PENNINGTON: HERE.
24 WE HAVE A QUORUM.
25 AGENDA ITEM III: OPENING REMARKS

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CHAIRMAN PENNINGTON: EX PARTE COMMUNICATIONS. WE'LL START WITH MR. EATON.

MEMBER EATON: I JUST HAVE ONE OTHER THAN WHAT'S ALREADY BEEN INPUTTED, MR. CHAIR. I JUST HAD A BRIEF CONVERSATION WITH MR. GEORGE GOUGH, WHO IS THE NEW HEAD OF THE GOVERNMENTAL RELATIONS FOR THE CALIFORNIA CATTLEMEN'S ASSOCIATION THIS MORNING, JUST A BRIEF GREETING.

CHAIRMAN PENNINGTON: OKAY. THANK YOU. MR. JONES?

MEMBER JONES: MR. CHAIRMAN, ONE NEW REPORT FROM JERRY JAMGOTCHIAN FROM -- A RESIDENT OF THE CITY OF HAWTHORNE. I ALSO MET GEORGE GOUGH JUST A COUPLE OF MINUTES AGO AND HAD A -- DIDN'T REALLY HAVE A DISCUSSION, JUST MET HIM. AND ALSO HAD A QUICK EX PARTE WITH EVAN EDGAR ON AB 739 AND BIENNIAL REVIEWS. AND THAT'S IT.

CHAIRMAN PENNINGTON: VERY GOOD. SENATOR ROBERTI?

MEMBER ROBERTI: YES. NO EX PARTES THIS MORNING.

CHAIRMAN PENNINGTON: OKAY. THANK YOU. MR. RHOADS?

1 MEMBER RHOADS: NO, I HAVEN'T HAD ANY.

2 CHAIRMAN PENNINGTON: OKAY. AND MR.

3 FRAZEE?

4 MEMBER FRAZEE: MINE ARE ALL RECORDED

5 IN THE RECORD.

6 CHAIRMAN PENNINGTON: OKAY. AND I JUST

7 HAVE TWO. I HAVE A DECEMBER 14TH LETTER FROM

8 BOB DECOMIER, CITY OF HAWTHORNE, AND FROM

9 JERRY JAMGOTCHIAN CONCERNING THE CITY OF

10 HAWTHORNE MATTER, AS WELL.

11 THERE ARE SPEAKER SLIPS AT THE

12 TABLE IN THE BACK. IF ANYBODY WISHES TO ADDRESS

13 ANY ITEM BEFORE THE BOARD TODAY, PLEASE FILL OUT

14 A SPEAKER REQUEST FORM AND GET IT TO MARLENE

15 KELLY, WHO WILL GET IT TO ME, AND WE'LL MAKE

16 SURE THAT YOU GET AN OPPORTUNITY TO SPEAK.

17 DUE TO THE NUMBER OF AGENDA ITEMS

18 TO BE PRESENTED TO THE BOARD DURING THIS

19 MEETING, I ASK ALL PERSONS PROVIDING TESTIMONY

20 TODAY TO BE AS CONCISE AND BRIEF AS POSSIBLE.

21 IF NECESSARY, I WILL LIMIT PUBLIC TESTIMONY TO

22 A MAXIMUM OF FIVE MINUTES.

23 OTHER ANNOUNCEMENTS. WE DO NOT

24 HAVE ANY AGENDA ITEMS TO BE HEARD UNDER THE

25 CONTINUING BUSINESS AGENDA ITEM OR THE CONSENT

CALENDAR.

THE FOLLOWING ITEMS HAVE BEEN PULLED FROM TODAY'S AGENDA: THE CITY OF WATERFORD FROM ITEM NUMBER ONE; THE CITY OF FRESNO FROM ITEM NUMBER EIGHT; AND THE COMPLETE AGENDA ITEMS NUMBERED 13, 17, 21, AND 22.

AGENDA ITEM 14, THE UPDATE ON THE STATEWIDE DISPOSAL CHARACTERIZATION STUDY WILL BE HEARD AT APPROXIMATELY 2:00 P.M. TODAY.

AGENDA ITEM 19, THE CONSIDERATION OF THE RMDZ LOAN PROGRAM APPLICATIONS, WILL BE HEARD AT APPROXIMATELY 3:00 TODAY. THE ADDENDUM AND AGENDA ITEM 20 WILL BE HEARD TOMORROW.

AGENDA ITEM IV: REPORTS AND PRESENTATIONS

CHAIRMAN PENNINGTON: DO ANY OF THE BOARD MEMBERS HAVE ANY REPORTS THAT THEY'D LIKE TO BRING UP THIS MORNING?

MEMBER EATON: I JUST HAVE A COUPLE OF BRIEF COMMENTS, AS WELL.

CHAIRMAN PENNINGTON: MR. EATON.

MEMBER EATON: FIRST OFF, I'D LIKE TO ALSO WELCOME SENATOR ROBERTI TO THE BOARD. AND IT'S NICE TO SEE THAT ONCE, AT LEAST IN MY TENURE HERE, I BELIEVE WE A FULL COMPLEMENT OF MEMBERS, AND THAT'S ALWAYS SOMETHING TO SEE.

AND AT THE RISK OF KNOWING SENATOR ROBERTI FOR A NUMBER OF YEARS, I WILL MAKE MY REMARKS BRIEF BECAUSE HE'S A -- IN ADDITION TO BEING A TREMENDOUS PROBLEM-SOLVER, HE'S ALSO A VERY MODEST AND HUMBLE PERSON, AND I THINK WORKS BEST IN HIS OWN MANNER, AND I DON'T PRETEND TO SPEAK FOR HIM. BUT, I WELCOME YOU, AND I LOOK FORWARD TO MANY YEARS OF YOUR INTELLECT AND YOUR ABILITY TO SOLVE PROBLEMS FOR THE STATE OF CALIFORNIA. AND, SO WELCOME.

MEMBER ROBERTI: THANK YOU VERY MUCH, MR. EATON.

MEMBER EATON: TWO, WITH REGARD TO THE 21ST CENTURY, BEFORE YOU GET TO IT, MR. CHAIR, WHICH IS -- ALWAYS SEEMS TO START OFF THESE MEETINGS, I'LL BEAT YOU TO THE PUNCH TODAY A LITTLE BIT, AND LET YOU KNOW THAT I AM PLEASE TO ANNOUNCE THAT WE HAVE CONFIRMED BOTH SENATOR SHER AS WELL AS RAY ANDERSON FOR THAT CONFERENCE AS OUR SPEAKERS.

IN ADDITION, YOU WILL BE HAPPY TO KNOW THAT WITH REGARD TO THE SPECIAL INVITATIONS THAT WENT OUT, I WOULD SAY THAT WE ARE NEARLY 70 TO 80 PERCENT CONFIRMED, JUST OUT OF THE BOX, IN THE FIRST WEEK OR TWO. SO THE

INTEREST IS QUITE HIGH. AND I THINK AS WE MOVE CLOSER TO THAT DATE, WE'LL HAVE MORE AND MORE INTEREST THAN HAS ALREADY BEEN EXPRESSED. SO, I THINK THINGS ARE PROGRESSING VERY WELL, LOGISTICS ARE WORKING QUITE WELL AS WE MOVE DOWN. AND I THINK PEOPLE ARE VERY MUCH INTERESTED, LOOKING AT THE AGENDA THAT HAS BEEN PROPOSED, THE PEOPLE WHO WILL BE PARTICIPATING, AND THE KINDS OF THINGS WE'LL BE DISCUSSING. SO I THINK NEXT MONTH WE'LL HAVE A REALLY GOOD CONFERENCE, AND I APPRECIATE THE CONFIDENCE THAT OUR FELLOW BOARD MEMBERS HAVE PUT IN MR. JONES AND MYSELF TO TRY AND BRING THIS TO AHEAD.

CHAIRMAN PENNINGTON: VERY GOOD. MR. JONES, DID YOU WANT TO MAKE A PRESENTATION AT THIS POINT?

MEMBER JONES: I DID. I'VE GOT A COUPLE OF THINGS, MR. CHAIRMAN. FIRST I WANT TO -- ON THE AMERICA RECYCLES DAY EVENTS THAT WENT ON, THE -- FOR THOSE OF YOU IN THE AUDIENCE THAT KNOW, THE BOARD WAS ONE OF THE SPONSORS OF THE SECOND ANNUAL AMERICA RECYCLES DAY EVENT. WE'VE GOTTEN IN A LOT OF THE INFORMATION AS TO THE SUCCESS.

1 WE'VE ACTUALLY DOUBLED THE AMOUNT
2 OF EVENTS THAT HAPPENED STATEWIDE IN THE STATE
3 OF CALIFORNIA, WHICH WAS -- EXCEEDED OUR GOAL.
4 WE ALSO MORE THAN DOUBLED THE
5 AMOUNT OF HITS ON THE WEB PAGES. PEOPLE WERE
6 ACTIVELY INVOLVED. AND I JUST, AGAIN, WANT TO
7 THANK ALL THE BOARD MEMBERS AND ALL THE STAFF
8 THAT WORKED SO HARD ON PUTTING THOSE
9 CERTIFICATES TOGETHER, AND ALL THE PEOPLE THAT
10 PARTICIPATED AS SPONSORS.
11 THEY'RE ACTUALLY HAVING THE LAST
12 MEETING OF AMERICA RECYCLES DAY FOR THIS YEAR
13 IN I THINK JANUARY 28TH, AND THEY'LL SET THE
14 AGENDA FOR NEXT YEAR.
15 I DO THINK, THOUGH, MR. CHAIRMAN,
16 BECAUSE WE HAD PUT THE CERTIFICATES -- WE WERE
17 GOING TO GIVE OUT CERTIFICATES FOR THOSE CITIES
18 AND COUNTIES THAT HAD MET THE FIRST PART OF THE
19 MANDATE AND AWARD THOSE AT THOSE EVENTS, THAT
20 MAYBE FOR THE NEXT MEETING WE COULD HAVE A
21 DISCUSSION ON HOW WE WANT TO DEAL WITH THE REST
22 OF THOSE PLAQUES.
23 IT WAS CRITICAL THAT WE TIED THOSE
24 TO EVENTS SO THAT PEOPLE -- THE MESSAGE GOT OUT
25 TO THE PEOPLE THAT WERE PARTICIPATING, NOT JUST

1 A CITY COUNCIL CHAMBER THAT MAYBE HAD FIVE

2 COUNCIL MEMBERS AND SOME STAFF, AND TWO OR

3 THREE CONCERNED CITIZENS. SO, I THINK WE

4 REALLY NEED TO THINK ABOUT PROMOTING THE

5 MESSAGE THROUGH THOSE CERTIFICATES. AND MAYBE

6 IN NEXT MONTH'S -- ONE OF NEXT MONTH'S AGENDAS

7 WE COULD HAVE A DISCUSSION ON THAT, SINCE WE'VE

8 GOT QUITE A FEW PLAQUES NOW THAT HAVE BEEN

9 CREATED THAT WE NEED TO GET OUT, AND WE NEED TO

10 FIGURE OUT WHAT MAKES SENSE.

11 THERE ARE 536 CITIES AND COUNTIES,

12 AND I DON'T THINK WE WANT TO MAKE VISITS TO ALL

13 OF THOSE. SO, WE NEED TO FIGURE SOMETHING OUT.

14 AND THEN, MR. CHAIRMAN, I DO HAVE A

15 PRESENTATION THAT I NEED TO MAKE TO YOU.

16 JUVENILE DIABETES FOUNDATION, WHICH THE BOARD

17 ALSO -- BOARD STAFF HAVE BEEN BIG SUPPORTERS

18 OF, AND BIG WALKERS....

19 WE RECEIVED A SILVER-LEVEL

20 ACHIEVEMENT AWARD FOR RAISING ALMOST $3500 FOR

21 THE ONE-DAY EVENT. AND I WANT TO THANK THE

22 TEAM LEADERS, CAREN TRGOVCICH, KARIN FISH,

23 SELMA LINDRUD, BOB ANDERSON, MIKE KEFFER,

24 BRENDA NIEMEYER, KAY WILSON, TABATHA WILMAN,

25 AND HEATHER BENTLEY, JEANNINE BAKULICH, WHO

DID A LOT OF THE COORDINATION FROM MY OFFICE.
I WANT TO THANK THOSE FOLKS.
AND, MR. CHAIRMAN, I'D LIKE TO
PRESENT THIS PLAQUE FROM THE JUVENILE DIABETES
FOUNDATION WALK TO CURE DIABETES SEVERAL
SILVER-LEVEL ACHIEVEMENT AWARD TO THE
CALIFORNIA WASTE MANAGEMENT BOARD, SACRAMENTO
VALLEY CHAPTER, FOR OUTSTANDING TEAM
PERFORMANCE IN THE WALK TO CURE DIABETES.

CHAIRMAN PENNINGTON: THANK YOU.

MEMBER JONES: SO, I THINK EVERYBODY
NEEDS TO CONGRATULATE -- (APPLAUSE).

CHAIRMAN PENNINGTON: ON BEHALF OF THE
BOARD I THANK YOU. AND I WANT TO TELL YOU THAT
YOUR TEAM DID AN OUTSTANDING JOB IN
COORDINATING THIS AND BRINGING IT TO FRUITION.
AS WELL AS THE EFFORTS THAT YOU DID
ON AMERICA'S RECYCLING DAY AND THAT EFFORT,
WHICH WAS REALLY A HERCULEAN EFFORT, SINCE
THERE WERE SO MANY JURISDICTIONS INVOLVED.
AND THERE'S A LOT OF PEOPLE LEAVING
GOVERNMENT, MAYBE WE COULD SEND THEM OUT BACK
HOME WITH SUPPLIES. BUT, THANK YOU.

MEMBER JONES: THANK YOU.

MEMBER RHOADS: MR. CHAIRMAN, I HAVE AN

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ANNOUNCEMENT.

CHAIRMAN PENNINGTON: YES, MR. RHOADS.

MEMBER RHOADS: FIRST, I TOO WOULD LIKE TO SEND MY WELCOMES TO SENATOR ROBERTI. I WORKED NOT WITH HIM, BUT KIND OF ON THE OTHER SIDE OF THE AISLE DURING THE BUDGET NEGOTIATIONS FOR MANY, MANY YEARS IN THE LEGISLATURE, AND IT WAS ALWAYS A PLEASURE DEALING WITH THE SENATOR.

I THINK STAFF HERE WILL FIND THE SENATOR TO BE A VERY, VERY GOOD BOARD MEMBER.

AND, I HAVE ALREADY HEARD COMPLIMENTS FROM STAFF ABOUT THE QUESTIONS AND THE CONCERNS THAT YOU HAVE ALREADY EXPRESSED. SO, I JUST WANT TO SEND MY CONGRATULATIONS.

ON ANOTHER MATTER, I'D LIKE TO REPORT ABOUT A VISIT THAT I MADE TO TULARE COUNTY WITH CARA MORGAN, DIANE - I MAY PRONOUNCE HER NAME.

DON'T HELP ME, PAT -- SHIMIZU, AND HEIDI SANBORN. WE VISITED ALL -- MANY, MANY OF THE FACILITIES AND THE COUNTY GOVERNMENTS, SUCH AS DINUBA, EXETER, TULARE CITY --

MEMBER EATON: DINUBA.

MEMBER RHOADS: THANK YOU.

1 MEMBER EATON: SINCE YOU'RE GOING TO SEND
2 ME THERE, MR. RHOADS, I'M GOING TO --
3 MEMBER RHOADS: I'LL GET TO THAT IN A
4 MINUTE --
5 MEMBER RHOADS: I LITERALLY
6 MISPRONOUNCED THAT --
7 MEMBER EATON: I'VE BEEN PRACTICING.
8 MEMBER RHOADS: AND A CHROME RUBBER
9 FACILITY, THE SOLID WASTE TECHNICAL ADVISORY
10 COMMITTEE, THE JPA, AND MANY, MANY OTHER
11 PLACES.
12 IT WAS GREAT TO SEE THE STAFF GET
13 OUT THERE, PROVIDE SERVICES TO A TARGETED AREA
14 LIKE TULARE COUNTY, AND THE RECEPTION THAT WE
15 RECEIVED FROM THE VARIOUS PEOPLE IN THE FIELD
16 WAS VERY, VERY GREAT, AND VERY, VERY
17 APPRECIATIVE. I HAVE THIS LITTLE MEMO THAT
18 DESCRIBES THE TRIP AND TALKS ABOUT THE VARIOUS
19 PEOPLE WE SAW.
20 AND ONE OF THE THINGS WE EMPHASIZED
21 WAS THE TEAM APPROACH. WE NOT ONLY HAD PEOPLE
22 FROM THE TARGETED ASSISTANCE GROUP, WE HAD
23 PEOPLE FROM THE RMDZ, PEOPLE FROM ORGANICS,
24 PEOPLE FROM PUBLIC EDUCATION, PEOPLE FROM THE
25 PUBLIC INFORMATION AREA, AND PEOPLE FROM THE

1 PERMITTING AND ENFORCEMENT PROGRAM.

2 SO, AND I THINK IT WAS VERY, VERY

3 NICE THAT A BOARD MEMBER WAS ALSO ABLE TO BE

4 THERE, BECAUSE IT WAS KIND OF A TOTAL TEAM

5 REPRESENTING THE TOTAL BOARD IN PROVIDING

6 SERVICES AND HELP TO AN AREA THAT WE'RE

7 CONCERNED ABOUT, THEIR MEETING THEIR 2000 YEAR

8 GOALS. AND THE STAFF, I MIGHT ADD, JUST DID AN

9 EXCELLENT JOB AND WAS VERY, VERY WELL RECEIVED

10 BY THE LOCAL COMMUNITY.

11 AND I DID TELL THEM THAT DAN EATON

12 HAS A REAL SOFT SPOT IN HIS HEART FOR TULARE

13 COUNTY, SINCE HE USED TO WORK FOR CRUZ

14 BUSTAMONTE AND -- AND WHO CAME FROM -- LET'S

15 SEE. CAN YOU PRONOUNCE THIS AGAIN FOR ME, MR.

16 EATON?

17 MEMBER EATON: TULARE.

18 MEMBER RHOADS: NO, NO, NO.

19 MEMBER EATON: DINUBA, WHICH IS JUST A

20 LITTLE WEST OF TRANQUILITY, CALIFORNIA.

21 MEMBER RHOADS: AND I ALSO OFFERED ALL

22 THESE PLAQUES THAT WE HAVE MADE UP THAT STEVE

23 JONES WAS MENTIONING, THAT WE'D BE VERY, VERY

24 GLAD TO HAVE ANY TYPE OF PRESS EVENTS THAT THEY

25 WOULD WANT.

AND SO DINUBA SAID, ON THE 26TH OF JANUARY, THAT A PRESENTATION TO THE CITY COUNCIL WOULD BE MOST APPROPRIATE, ON THE FACT THAT THEY EXCEEDED THEIR 25 PERCENT, 1995. AND I WAS NOT TOO SURE I WAS GOING TO BE HERE ON THE 26TH, BUT JUST IN CASE I'M NOT, I DID OFFER DAN EATON TO FILL IN FOR ME AND GIVE THAT PRESENTATION. SO -- AND HE'S OBVIOUSLY VERY THRILLED TO DO THAT.

50, I ALSO WANT TO ADD THAT -- AND I LISTED IN THE MEMO -- THAT IN THE MONTH OF JANUARY THERE ARE VISITATIONS TO ORANGE COUNTY, AND TO MONTEREY AND TO SANTA CRUZ. AND I WOULD URGE THE BOARD MEMBERS THAT THEY MIGHT WANT TO THINK ABOUT GOING OUT WITH THE GROUP, BECAUSE IT IS REALLY A GREAT EXPERIENCE, AND A GREAT LEARNING EXPERIENCE FOR US.

THE STAFF WILL BE SELECTING NEW TARGETED AREAS IN THE MONTH OF JANUARY, AND THEY WILL LET US KNOW WHAT THE SCHEDULE IS FOR FEBRUARY. AND I THINK IF WE CAN GET OUT THERE, SUPPORT THE STAFF, AND SUPPORT THE LOCAL COMMUNITIES, IT'S REALLY A PLUS FOR THE COMMISSION. THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU, MR.

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1 RHOADS.

2 ANY OTHER COMMENTS?

3 MEMBER FRAZEE: YES, IF I COULD, MR.

4 CHAIRMAN?

5 CHAIRMAN PENNINGTON: MR. FRAZEE.

6 MEMBER FRAZEE: YES, MR. CHAIRMAN. I,

7 TOO, WANTED TO WELCOME SENATOR ROBERTI TO THIS

8 BODY. THERE IS GOING TO BE A BRIEF OVERLAP

9 WITH HIS COMING ON THE BOARD AND MY RETIREMENT.

10 SO THAT'S A BIT OF A PLEASURE FOR ME TO HAVE

11 AT LEAST A COUPLE OF MONTHS AGAIN TO SERVE WITH

12 SENATOR ROBERTI.

13 I SERVED IN THE LEGISLATURE DURING

14 HIS TENURE AS PRESIDENT PRO TEM OF THE SENATE,

15 AND HAVE ALWAYS KNOWN HIM TO BE A GENTLEMAN, AN

16 EVEN-HANDED, THOUGHTFUL INDIVIDUAL, AND I'M

17 SURE HE'S GOING TO BRING THAT FORWARD TO THE

18 BOARD.

19 SENATOR, IF YOU CAN OVERCOME THE

20 CHEAP SHOTS BY THOSE IN THE MEDIA WHO INDICATE

21 THAT THIS IS A PLACE FOR RETIRED LEGISLATURES

22 TO REST AND RELAX BEFORE THEY REALLY GO INTO

23 RETIREMENT, LET ME REASSURE YOU THAT'S NOT THE

24 CASE. THAT I WORKED-

25 SENATOR ROBERTI: I'M USED TO CHEAP

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1 SHOTS.

2 MEMBER FRAZEE: YEAH, RIGHT. I THINK

3 THAT I HAVE WORKED AS HARD, IF NOT HARDER, IN

4 THIS JOB THAN I DID DURING MY 16 YEARS IN THE

5 LEGISLATURE. AND IT'S A FULL-TIME JOB IN SPITE

6 OF THE -- AGAIN, THE CHEAP SHOTS THAT SAY

7 PRETTY GOOD PAY FOR A BOARD THAT MEETS ONCE A

8 MONTH.

9 AND LET ME -- IF YOU HAVEN'T

10 ALREADY FOUND OUT, IT'S A LOT MORE THAN ONCE A

11 MONTH, AND IT REQUIRES A GREAT DEAL OF STUDY

12 AND WORK, AND SITE VISITS, AND WORKING WITH

13 THIS GREAT STAFF THAT WE HAVE. I THINK THAT'S

14 ONE OF THE PLEASURES OF THIS JOB, IS THIS

15 ABSOLUTELY FANTASTIC STAFF THAT WE HAVE THAT

16 ARE DEDICATED. SO, I LOOK FORWARD TO AT LEAST

17 MY TWO MONTHS WITH YOU.

18 SENATOR ROBERTI: THANK YOU.

19 CHAIRMAN PENNINGTON: OKAY. NEXT WE'LL

20 MOVE TO THE REPORT FROM THE EXECUTIVE DIRECTOR,

21 MR. CHANDLER.

22 MR. CHANDLER: THANK YOU, MR. CHAIRMAN,

23 AND GOOD MORNING MEMBERS. AND A HAPPY HOLIDAY

24 SEASON TO ALL OF YOU. AND CERTAINLY ON BEHALF

25 OF THE STAFF, SENATOR ROBERTI, I ALSO WANT TO

1 WELCOME YOU TO THE BOARD.

2 THIS MORNING I WOULD LIKE TO REPORT

3 ON SEVERAL ITEMS, STARTING WITH A COUPLE OF

4 IMPORTANT TIRE-RELATED ISSUES.

5 FIRST OF ALL, I'D LIKE TO UPDATE

6 YOU ON THE IMPLEMENTATION OF SOME OF THE

7 BOARD'S TIRE MARKET DEVELOPMENT PROGRAMS. THE

8 BOARD HAS RECEIVED 18 SCRAP TIRE AMNESTY DAY

9 GRANT APPLICATIONS TOTALING IN EXCESS OF

10 $207,000, AND 51 PLAYGROUND COVER GRANT

11 APPLICATIONS TOTALING IN EXCESS OF $1 MILLION.

12 AS YOU'LL RECALL, THE BOARD ALLOCATED 150,000

13 FOR THE AMNESTY DAY PROGRAM, AND 300,000 FOR

14 THE PLAYGROUND COVER PROGRAM. APPLICATION

15 REVIEW PANELS ARE NOW BEING ORGANIZED BY STAFF

16 TO BEGIN THE EVALUATION AND RANKING PROCESS.

17 ALSO ON THE SUBJECT OF TIRES, THE

18 FIRST PHASE OF PREPARING FOR THE AB 117 REPORT

19 TO THE LEGISLATURE HAS BEEN COMPLETED. STAFF

20 PROVIDED STAKEHOLDERS WITH A NUMBER OF WAYS TO

21 GIVE INPUT INTO THE PROCESS, CULMINATING WITH

22 MAJOR PUBLIC WORKSHOPS ON DECEMBER 8TH AND

23 10TH. BOARD MEMBER JONES AND BOARD MEMBER

24 RHOADS ATTENDED THE DECEMBER 8TH WORKSHOP IN

25 DIAMOND BAR, AND MEMBERS PENNINGTON AND JONES

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1 ATTENDED THE DECEMBER 10TH WORKSHOP HERE AT THE
2 BOARD.
3 THE EFFORT SO FAR HAS RECEIVED
4 SUPPORT FROM THE PUBLIC AND PARTICIPATION FROM
5 ALL STAKEHOLDER AREAS. THE STRONGEST MESSAGE
6 WE'VE RECEIVED TO DATE IS THE NEED FOR A STRONG
7 ENFORCEMENT PROGRAM. NUMEROUS OTHER ISSUES AND
8 CONCERNS HAVE BEEN NOTED AND WILL BE ADDRESSED
9 IN THE DRAFT REPORT.
10 THE NEXT PHASE OF THE PROCESS WILL
11 BE TO COMPLETE THE EVALUATION OF CURRENT BOARD
12 PROGRAMS, AND THE REVIEW OF PROGRAMS FROM OTHER
13 STATES. THE DRAFT REPORT SHOULD BE READY BY
14 LATE FEBRUARY AND WILL INCLUDE RECOMMENDATIONS
15 BASED ON PUBLIC INPUT, EVALUATION OF CURRENT
16 PROGRAMS, AND LESSONS LEARNED IN OTHER STATES.
17 AND ANOTHER IMPORTANT AREA, A
18 NUMBER OF BILLS WERE INTRODUCED LAST WEEK AS
19 THE LEGISLATURE BEGAN ITS NEW SESSION.
20 ONE IN PARTICULAR I'D LIKE TO BRING
21 TO YOUR ATTENTION IS SUBPOENA 46 BY SENATOR
22 SHEARER. THIS BILL IS AN URGENCY MEASURE THAT,
23 IF ENACTED, WOULD REQUIRE THAT FROM NOW ON ONE
24 OF THE TWO PUBLIC MEMBERS APPOINTED BY THE
25 GOVERNOR HAVE A BACKGROUND IN LOCAL GOVERNMENT

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IN THE SAME WAY AS THE ENVIRONMENTAL AND INDUSTRY APPOINTEES CURRENTLY HAVE. THE BILL WOULD REQUIRE THIS LOCAL GOVERNMENT MEMBER TO HAVE SERVED AS AN ELECTED MEMBER OF A CITY COUNCIL OR A COUNTY BOARD OF SUPERVISORS, OR AS A MAYOR FOR AT LEAST ONE TERM WITHIN TWO YEARS OF HIS OR HER APPOINTMENT TO THE BOARD.

THE BILL WOULD ALSO REQUIRE THE BOARD TO DEVELOP A REVISED MODEL SOURCE REDUCTION AND RECYCLING ELEMENT BY JULY 1ST OF NEXT YEAR. OUR LEGISLATIVE AND EXTERNAL AFFAIRS OFFICE WILL FOLLOW THE PROGRESS OF THIS BILL AND KEEP YOU CLOSELY INFORMED.

MY LAST AREA WAS TO SPEAK BRIEFLY TO THE TULARE COUNTY WORK. I THINK MEMBER RHOADS HAS DONE AN EXCELLENT JOB OF THAT OVERVIEW. HOWEVER, I WOULD LIKE TO ADD THAT AS PART OF THE TRIP STAFF ALSO FINISHED THE SITE VISITS WITH THE TULARE JPA, WHICH REPRESENTED THE CITIES OF DINUBA, VISALIA, PORTERVILLE, LINDSEY AND TULARE.

STAFF LEARNED THAT THE JPA WAS PLANNING ON GOING OUT TO BID FOR AN ASSESSMENT OF ITS WASTE MANAGEMENT PROGRAM, AND RECEIVED

1 RECOMMENDATIONS FOR REACHING ITS DIVERSION

2 GOALS. INSTEAD, OUR TARGETED ASSISTANT TEAM

3 OFFERED TO CONDUCT THE NEEDS ASSESSMENT AND

4 PROVIDE BOARD TECHNICAL ASSISTANCE TO HELP

5 ACHIEVE THESE RESULTS, WHICH WILL SAVE THE

6 TULARE JPA THOUSANDS OF DOLLARS.

7 THIS IS THE KIND OF RESULTS WE ARE

8 TRYING TO ACHIEVE IN HELPING OUR PARTNERS AT

9 THE LOCAL LEVEL TO HELP MEET AND EXCEED THEIR

10 WASTE DIVERSION MANDATES. AND I'M PLEASED TO

11 SHARE THIS SUCCESS STORY WITH YOU.

12 THAT CONCLUDES MY REPORT. AND, ID

13 BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

14 CHAIRMAN PENNINGTON: QUESTIONS?

15 MEMBER JONES: MR. CHAIRMAN?

16 CHAIRMAN PENNINGTON: YES, MR. JONES.

17 MR. CHANDLER: THERE IS SOMETHING

18 I FORGOT TO ADD IN MY TALK ABOUT

19 THE TULARE COUNTY. THERE WAS ONE THING THAT WE

20 DID THAT WAS MISSING, AND THAT WAS VISITING THE

21 LOCAL LEGISLATORS' DISTRICT OFFICES AND INFORM

22 THEM OF THE WORK THAT WE WERE DOING THERE AND

23 THE REASON THAT WE WERE COMING.

24 AND, ALSO, WHEN THERE ARE POTENTIAL

25 PROBLEMS. AND THERE WAS ONE AREA THAT WE WERE

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1 CONCERNED ABOUT IN THE COUNTY THAT WOULD HAVE
2 BEEN VERY, VERY APPROPRIATE TO INFORM THE
3 LEGISLATURE OF THOSE DIFFICULTIES.
4 AND RALPH HAS TAKEN IT UPON HIMSELF
5 TO MAKE SURE THAT, IN FUTURE MEETINGS, WHEN WE
6 GO VISIT TARGETED AREAS AND OFFER THEIR SUPPORT,
7 THAT WE INFORM THE SACRAMENTO OFFICES
8 AND SPEAK TO THE LEGISLATURES, LET THEM KNOW
9 WHAT WE'RE DOING.
10 AND THEN I--AND, ALSO, WHEN OUR
11 TEAMS GO OUT THERE, TO MAKE A POINT OF VISITING
12 THE DISTRICT OFFICES, AND LETTING THEM KNOW THE
13 VARIOUS FUNCTIONS AND THE THINGS THAT WE'RE
14 DOING, AND THE SUPPORT THAT WE'RE GIVING. AND
15 THERE'S MANY, MANY WAYS THAT THEY CAN ALSO AID
16 AND HELP US. SO, I'D JUST LIKE TO ADD THAT
17 PARTICULAR POINT.
18 CHAIRMAN PENNINGTON: VERY GOOD, THANK
19 YOU.
20 MEMBER JONES: MR. CHAIRMAN?
• 21 CHAIRMAN PENNINGTON: YES, MR. JONES.
22 MEMBER JONES: ON MR. CHANDLER'S
23 SHARING THAT INFORMATION, THAT ON THE TIRE
24 AMNESTY DAYS THERE WERE, WHAT 200 AND --
25 MR. CHANDLER: TWO HUNDRED AND SEVEN

1 THOUSAND IN APPLICATIONS, 150 ALLOCATED, AND IN
2 EXCESS OF A MILLION ON THE PLAYGROUND
3 APPLICATIONS WITH, I THINK, 300,000 ALLOCATED.
4 MEMBER JONES: ON THE TIRE AMNESTY DAY
5 PART OF THAT, WHILE WE’RE PUTTING MONEY OUT TO
6 TRY TO GET ABANDONED TIRES TO OUR SITE, TO
7 COLLECTION SITES, OUR LAW SAYS THAT YOU CAN
8 ONLY HAUL FIVE TIRES AT A TIME. SO, I THINK
9 THAT WE NEED TO -- AND THAT’S BY STATUTE.
10 SO, I THINK WE NEED TO PROBABLY
11 WORK OUT WHATEVER REMEDY WE’RE GOING TO HAVE.
12 AND I DON’T THINK VARIANCE IS A REMEDY,
13 PERSONALLY, I THINK WE NEED TO GET A PLACARD OR
14 SOMETHING SO THE HIGHWAY PATROL CAN CONTINUE TO
15 ENFORCE THOSE LAWS.
16 BUT, I THINK WE NEED TO MOVE THAT
17 QUICKLY. WE’RE GOING TO HAVE MONEY TO GIVE
18 OUT, BUT WE’RE GOING TO LIMIT PEOPLE TO FIVE
19 TIRES PER TRIP AND THAT MAY NOT ACHIEVE WHAT WE
20 WANT TO ACHIEVE. SO, BECAUSE IT’S IN STATUTE, I
21 THINK IT’S GOING TO TAKE SOME TIME TO CHANGE.
22 BUT, I THINK WE’VE GOT TO GET IT TO THE TOP OF
23 THE PAGE.
24 AND THEN, IF YOU’LL JUST INDULGE ME
25 FOR A SECOND, SENATOR ROBERTI? I’M GLAD YOU’RE

1 HERE, TOO, BELIEVE ME. YOU AND I HAD HAD A

2 BRIEF CONVERSATION, BUT I WAS DOING

3 MY THINGS, AND I WANTED YOU TO KNOW HOW HAPPY I

4 AM THAT YOU'RE GOING TO BE PART OF THIS BOARD.

5 AND EVERYTHING THAT MY COLLEAGUES HAVE SAID,

6 AND EVERYTHING WE'VE HEARD, THAT I THINK IT'S

7 GOING TO BE A GREAT ADDITION TO THIS BOARD, SO.

8 MEMBER EATON: MR. CHAIR? WHEN WILL THE

9 AMNESTY DAYS -- HAVE THEY BEEN SET YET,

10 TIMING-WISE? AND IF THEY HAVEN'T, THAT'S FINE TOO. I

11 WAS JUST....

12 MR. CHANDLER: I DON'T HAVE IT IN FRONT

13 OF ME TODAY, SO --

14 MEMBER EATON: THEY'RE SOMETIME IN THE

15 SPRING, THOUGH, AREN'T THEY?

16 MR. CHANDLER: -- BUT I'M SURE....

17 PERHAPS, CAREN TRGOVCACH, WHEN YOU

18 COME FORWARD LATER IN THESE TWO DAYS OF BOARD

19 MEETING ACTIVITIES, COULD YOU JUST MAYBE BRING

20 FORWARD A QUICK NOTE ON WHEN WE'RE GOING TO

21 ACTUALLY BE DELIVERING THESE GRANT APPLICATIONS

22 AND START THE CYCLE?

23 50, WE'LL GET THAT TO YOU --

24 MEMBER EATON: THE ONE REASON TO FOLLOW UP

25 ON MR. JONES' COMMENT, I THINK ANY TIME WE'VE

HAD THESE SITUATIONS ARISE, WHERE THERE IS A LITERAL MEANING TO A PARTICULAR STATUTE, AND THEN SOME KIND OF AMNESTY DAY OR WHAT HAVE YOU, THE LOCAL AND STATE LAW ENFORCEMENT AGENCIES, IF YOU KIND OF GIVE THEM AN IDEA AND WORK WITH THEM AHEAD OF TIME, THEY WILL DO THE KINDS OF THINGS -- AS YOU SAID, EITHER A PLACARD OR SOMETHING LIKE THAT, THAT WE CAN PUT OUT. AND FOR THOSE DAYS THEY SORT OF SUSPEND THE ENFORCEMENT, AS LONG AS THERE IS A RELATIONSHIP TO WHAT THE OTHER GOVERNMENT AGENCY IS DOING. SO, PERHAPS MAYBE EITHER UNDER YOUR DIRECTION, THAT WE CAN TALK TO THE CHP OFFICE, AND WHEN THOSE DATES ARE SET. AND SOMETIMES COMMUNICATION SOLVES THE PROBLEMS, INSTEAD OF HAVING TO GO PASS ANOTHER BILL OR ANOTHER REGULATION.

MR. CHANDLER: WE'LL DO THAT. VERY GOOD. THANK YOU.

CHAIRMAN PENNINGTON: OKAY? VERY GOOD. AGENDA ITEMS V AND VI: CONTINUED BUSINESS AGENDA ITEMS AND CONSENT AGENDA, RESPECTIVELY. OKAY. NEXT WE HAVE -- WAIT A MINUTE -- OKAY. NEXT IS ITEMS 27 AND 28 ON THE FARM AND RANCH CLEANUP, SOLID

1 WASTE DISPOSAL CLEANUP. THE ORIGINAL NOTICE OF --

2 I'M SORRY.

3 WE'RE NOT COVERING ITEMS 27 AND 28.

4 OKAY. THE ORIGINAL NOTICE OF

5 PROPOSED RULEMAKING ISSUE IN OCTOBER, 1998, FOR

6 REGULATIONS PERTAINING TO THE FARM AND RANCH

7 SOLID WASTE CLEANUP PROGRAM AND THE SOLID

8 WASTE DISPOSAL CLEANUP PROGRAM ANNOUNCED THAT

9 THE PUBLIC HEARING ON THESE REGULATIONS WOULD

10 BEGIN TODAY. GIVEN THE NUMBER OF ITEMS BEING

11 HEARD BY THE BOARD AT OUR MEETING THIS MONTH,

12 THESE TWO ITEMS ARE SCHEDULED TO BE HEARD

13 TOMORROW. HOWEVER, WE WILL GIVE INDIVIDUALS AN

14 OPPORTUNITY TO PROVIDE TESTIMONY TODAY IF THEY

15 SO DESIRE.

16 IS THERE ANYONE WHO IS HERE TO

17 TESTIFY ON THE FARM, RANCH AND CLEANUP SOLID

18 WASTE DISPOSAL CLEANUP PROGRAM? IF YOU'RE HERE

19 TODAY AND YOU CAN'T COME TOMORROW, WE'LL BE

20 GLAD TO HEAR FROM YOU NOW. IF NOT, WE WILL

21 BRING THIS IS SUE UP TOMORROW. OKAY, THEN WE'LL

22 BRING IT UP TOMORROW.

23 AGENDA ITEM 1

24 CHAIRMAN PENNINGTON: OKAY. ITEM

25 NUMBER ONE, CONSIDERATION OF STAFF

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1 RECOMMENDATION ON THE BIENNIAL REVIEW FINDINGS
2 FOR THE SOURCE REDUCTION AND RECYCLING ELEMENT
3 FOR VARIOUS JURISDICTIONS. JUDY FRIEDMAN.
4 MS. FRIEDMAN: GOOD MORNING MR.
5 CHAIRMAN, BOARD MEMBERS. THIS MORNING, STAFF
6 WILL BE PRESENTING RECOMMENDATIONS CONCERNING
7 LOCAL JURISDICTIONS' PROGRESS TOWARDS MEETING
8 THE MANDATES OF THE INTEGRATED WASTE
9 MANAGEMENT ACT.
10 BEFORE I TURN THE PRESENTATION OVER
11 TO STAFF, I HAVE A LITTLE BIT OF BACKGROUND I'D
12 LIKE TO PROVIDE FOR YOU.
13 THE BOARD IS REQUIRED AT LEAST
14 EVERY TWO YEARS TO REVIEW IMPLEMENTATION OF
15 EACH JURISDICTION'S SOURCE REDUCTION RECYCLING
16 ELEMENT AND HOUSEHOLD HAZARDOUS WASTE ELEMENT.
17 THIS BIENNIAL REVIEW IS THE BOARD'S INDEPENDENT
18 EVALUATION OF A JURISDICTION'S PROGRESS IN
19 IMPLEMENTING THE SELECTED PROGRAMS DESCRIBED IN
20 THEIR SOURCE REDUCTION RECYCLING ELEMENT, OR
21 SRRE, AND HOUSEHOLD HAZARDOUS WASTE ELEMENT, OR
22 HHWE, IN REACHING THEIR DIVERSION GOAL.
23 IN OCTOBER OF 1997, THE BOARD
24 ADOPTED A PROCESS TO REVIEW REPORTS SUBMITTED
25 BY LOCAL JURISDICTIONS. THIS PROCESS INCLUDED

1 MAKING THE DETERMINATION OF GOOD-FAITH EFFORTS
2 AND OTHER STATUTORY RELIEF CONSIDERATION DURING
3 THE STAFF REVIEW AND RECOMMENDATION PHASE OF
4 REVIEW. THROUGH THIS PROCESS, THE BOARD HAS
5 APPROVED APPROXIMATELY 170 BIENNIAL REVIEWS TO
6 DATE, NOT INCLUDING THE REVIEWS BEFORE YOU
7 TODAY, AND THAT'S SOME 73.
8 STAFF IS ON SCHEDULE TO HAVE THE
9 APPROXIMATELY 450 BIENNIAL REVIEWS COMPLETED BY
10 LATE SPRING, 1999. THE BIENNIAL REVIEW PROCESS
11 IS OUTLINED IN THE FLOW CHART ON THE MONITOR.
12 THE COUNTYWIDE INTEGRATED WASTE
13 MANAGEMENT PLAN ENFORCEMENT POLICY, OR WHAT WE
14 CALL CIWMP ENFORCEMENT POLICY, APPROVED BY THE
15 BOARD IN FEBRUARY OF 1995, DESIGNATES SCENARIOS
16 TO DETERMINE JURISDICTIONS' IMPLEMENTATION OF
17 PROGRAMS AND ATTAINMENT OF THE DIVERSION
18 REQUIREMENTS.
19 THE FOUR SCENARIOS ARE:
20 JURISDICTIONS THAT ARE FULLY IMPLEMENTING
21 PROGRAMS AND MEETING THEIR DIVERSION
22 REQUIREMENTS; JURISDICTIONS THAT DO NOT HAVE
23 FULL PROGRAM IMPLEMENTATION, BUT ARE MEETING
24 THE DIVERSION GOALS; JURISDICTIONS THAT HAVE
25 PARTIAL TO FULL PROGRAM IMPLEMENTATION BUT ARE

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1 EITHER NOT MEETING THE REQUIREMENTS, OR A
2 DETERMINATION OF WHETHER THEY ARE MEETING
3 DIVERSION REQUIREMENTS CANNOT BE MADE; AND
4 JURISDICTIONS THAT ARE NOT IMPLEMENTING
5 DIVERSION PROGRAMS AND ARE NOT MEETING THE
6 DIVERSION REQUIREMENTS.
7 ITEMS ONE AND THREE TODAY REQUEST
8 YOUR CONSIDERATION OF THE BIENNIAL REVIEW FOR
9 JURISDICTIONS THAT FALL INTO SCENARIOS ONE AND
10 TWO. IN OTHER WORDS, THEY HAVE IMPLEMENTED
11 THEIR PLANS AND HAVE REACHED THEIR DIVERSION
12 GOALS AS APPROVED BY THE BOARD. SO LOOKING AT
13 THE FLOW CHART, THESE ITEMS FOLLOW THE PATH,
14 IMPLEMENTATION, NUMBERS OKAY.
15 ITEM TWO CONCERNS JURISDICTIONS
16 THAT DID NOT MEET THE DIVERSION REQUIREMENT IN
17 THE GOAL YEAR, BUT HAVE IMPLEMENTED THEIR PLANS
18 AND ARE MAKING A GOOD-FAITH EFFORT TO MEET THE
19 REQUIREMENTS. SO ON THE FLOW CHART, THIS ITEM
20 FOLLOWS THE PATH IMPLEMENTATION, NUMBER
21 PROBLEMS, AND OKAY STATUTORY RELIEF.
22 ITEMS FOUR THROUGH SIX REPRESENT
23 THREE JURISDICTIONS WHO, ACCORDING TO THE
24 DOCUMENTATION RECEIVED TO DATE, FALL INTO THE
25 FOURTH SCENARIO. THAT IS, THOSE THAT ARE NOT

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1 IMPLEMENTING DIVERSION PROGRAMS AS DESCRIBED IN
2 THEIR SRRES, AND ARE NOT MEETING THE DIVERSION
3 REQUIREMENT. SO, BACK TO THE FLOW CHART, THESE
4 ITEMS FOLLOW THE PATH IMPLEMENTATION, NUMBER
5 PROBLEMS, AND COMPLIANCE ORDER AND SCHEDULE.
6 ITEMS FOUR THROUGH SIX TODAY ASK
7 BOARD CONSIDERATION OF ISSUING COMPLIANCE
8 ORDERS TO THESE JURISDICTIONS BECAUSE IT IS THE
9 FIRST TIME WE ARE DOING A TWO-PART PROCESS,
10 WHERE WE ARE COMING TO THE BOARD TO GET
11 DIRECTION TO PREPARE THE COMPLIANCE ORDER.
12 AN ORDER OF COMPLIANCE CONTAINS A
13 TIME SCHEDULE WHICH IS INTENDED TO FOCUS THE
14 JURISDICTION’S EFFORTS ON A PLAN OF ACTION TO
15 IMPLEMENT THE SOURCE REDUCTION RECYCLING
16 ELEMENT AND/OR ACHIEVE THE DIVERSION
17 REQUIREMENT. JURISDICTIONS FAILING TO MEET THE
18 PROVISIONS OF THE COMPLIANCE ORDER MAY BE
19 SUBJECT TO FINES OF UP TO $10,000 PER DAY.
20 THIS IS THE FIRST TIME THAT THE BOARD HAS HEARD
21 ITEMS DEALING WITH JURISDICTIONS THAT FALL INTO
22 THIS SCENARIO.
23 AND, THE FLOW CHART IS DIRECTLY
24 FROM THE OCTOBER 1997 BOARD ITEM THAT ADOPTED
25 THE PROCESS FOR BIENNIAL REVIEW.

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1 WITH THAT, I WILL NOW INTRODUCE

2 TREVOR O'SHAUGHNESSY, WHO WILL PRESENT ITEMS

3 ONE, TWO, AND THREE.

4 MR. O'SHAUGHNESSY: GOOD MORNING

5 CHAIRMAN PENNINGTON AND BOARD MEMBERS. I AM

6 TREVOR O'SHAUGHNESSY WITH THE OFFICE OF LOCAL

7 ASSISTANCE, DIVERSION PLANNING AND LOCAL

8 ASSISTANCE DIVISION.

9 I AM HAPPY TO PRESENT TO YOU TODAY

10 50 MORE JURISDICTIONS FROM 16 COUNTIES THAT

11 HAVE DEMONSTRATED MEETING OR EXCEEDING THE 1995

12 GOAL OF 25 PERCENT IN BOTH '95 AND '96. THESE

13 FINDINGS ARE THE RESULT OF BOARD STAFF'S REVIEW

14 AND ANALYSIS OF THESE JURISDICTIONS' SOURCE

15 REDUCTION AND RECYCLING ELEMENTS, AND '95 AND

16 1996 ANNUAL REPORTS.

17 CLARIFICATION AND VERIFICATION OF

18 PROGRAM IMPLEMENTATION WAS CONDUCTED BY

19 NUMEROUS PHONE CALLS AND CORRESPONDENCES WITH

20 THE JURISDICTIONS, AND CHECKING PERTINENT

21 DIVERSION FACILITY DATABASES IN-HOUSE AND

22 EXTERNALLY.

23 THESE JURISDICTIONS HAVE IMPLEMENTED

24 AND CONTINUE TO IMPLEMENT NUMEROUS

25 SOURCE REDUCTION, RECYCLING, COMPOSTING,

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SPECIAL WASTE, AND EDUCATION PROGRAMS TO HELP THEM REACH THE 25 AND 50 PERCENT GOALS. THEIR SUCCESS IS THE RESULT OF COOPERATIVE EFFORTS BY THE CITIES AND COUNTIES, THE RESIDENTS, SCHOOLS, AND COMMERCIAL SECTORS, AND WASTE MANAGEMENT INDUSTRY AND RECYCLING INDUSTRIES. I WOULD NOW LIKE TO ACKNOWLEDGE EACH JURISDICTION BY READING EACH INTO THE RECORD.

ALPINE COUNTY: ALPINE COUNTY UNINCORPORATED.

AMADOR COUNTY: AMADOR CITY, AMADOR COUNTY UNINCORPORATED, IONE, JACKSON, PLYMOUTH, SUTTER CREEK.

CONTRA COSTA COUNTY: WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY.

FRESNO COUNTY: KINGSBURG, SANGER.

KERN COUNTY: ARVIN.

LOS ANGELES COUNTY: BRADBURY, CULVER CITY, DOWNEY, LOS ANGELES COUNTY UNINCORPORATED, PALMDALE, REDONDO BEACH.

MADERA COUNTY: MADERA COUNTY UNINCORPORATED.

MERCED COUNTY: MERCED REGIONAL AGENCY.

1 NEVADA COUNTY: GRASS VALLEY,

2 NEVADA COUNTY UNINCORPORATED.

3 ORANGE COUNTY: HUNTINGTON BEACH,

4 LA HABRA, VILLA PARK.

5 SAN BERNARDINO COUNTY: CHINO

6 HILLS, GRAND TERRACE, RANCHO CUCAMONGA,

7 REDLANDS, RIALTO.

8 SAN DIEGO COUNTY: OCEANSIDE,

9 POWAY, SAN DIEGO, SAN MARC OS, SOLANA BEACH,

10 VISTA.

11 SAN JOAQUIN COUNTY: TRACY.

12 SAN LUIS OBISPO COUNTY: EL PASO DE

13 ROBLES, GROVER BEACH, MORRO BAY, PISMO BEACH,

14 SAN LUIS OBISPO.

15 SANTA CRUZ COUNTY: WATSONVILLE.

16 STANISLAUS COUNTY: CERES, HUGHSON,

17 OAKDALE, PATTERSON, RIVERBANK, STANISLAUS

18 COUNTY UNINCORPORATED, TURLOCK, AND WATERFORD.

19 THAT CONCLUDES MY PRESENTATION.

20 ILL BE HAPPY TO ANSWER ANY QUESTIONS.

21 CHAIRMAN PENNINGTON: QUESTIONS?

22 OKAY. WE HAVE ONE PUBLIC MEMBER

23 WHO WISHES TO ADDRESS US. ROBERT EPLER.

24 MR. EPLER: CHAIRMAN PENNINGTON,

25 MEMBERS OF THE BOARD, MY NAME IS ROBERT EPLER.

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1 I'M THE ASSISTANT DIRECTOR OF ENVIRONMENTAL
2 SERVICES FOR THE CITY OF SAN DIEGO.
3 IN THE CITY OF SAN DIEGO WASTE
4 MANAGEMENT AND RECYCLING ARE TWO OF THE MOST
5 IMPORTANT SERVICES THAT THE CITY PROVIDES TO
6 ITS CITIZENS.
7 WE'RE VERY PLEASED WITH OUR
8 DIVERSION RATES AS THEY WERE REPORTED TODAY.
9 THAT WAS 35 PERCENT IN 1995 AND 45 PERCENT IN
10 1996. AND WE CONSIDER THOSE TO BEA
11 SIGNIFICANT ACCOMPLISHMENT FOR A LARGE CITY
12 SUCH AS OURS THAT HAS SUCH A HIGHLY MOBILE
13 POPULATION, AND THAT IS SO HEAVILY IMPACTED BY
14 THE MILITARY.
15 WE GOT INTO THIS BUSINESS WHEN OUR
16 CITY COUNCIL APPROVED A WASTE REDUCTION AND
17 RECYCLING PROGRAM IN SEPTEMBER 1988, A FULL
18 YEAR BEFORE AB 939 WAS ENACTED.
19 WE'VE IMPLEMENTED MANY PROGRAMS TO
20 REACH THE LEVEL OF SUCCESS THAT WE HAVE, BUT
21 WE'RE STILL CONCERNED WITH THAT LAST FIVE
22 PERCENT. WE'RE CONCERNED WITH IT BECAUSE TOO
23 MANY GENERATORS ARE NOT SUBJECT TO AB 939.
24 THOSE ARE PRIMARILY STATE AGENCIES,
25 UNIVERSITIES, FEDERAL AGENCIES, AND THE

1 MILITARY.

2 IN SAN DIEGO, NAVY CONSTRUCTION AND

3 DEBRIS MATERIAL HAS VIRTUALLY DOUBLED SINCE ITS

4 1990 LEVELS. MUCH OF THAT, ADMITTEDLY, IS DUE

5 TO THE BASE REALIGNMENT AND CLOSURE PROCESS,

6 BUT WE’RE STILL CONCERNED WITH THE IMPACTS OF

7 THAT AS WE TRY AND ACHIEVE THE LAST FIVE

8 PERCENT OF REACHING THE AB 939 MANDATES.

9 WE’RE VERY PLEASED WITH THE BILL

10 THAT WAS JUST INTRODUCED IN THE NEW LEGISLATURE

11 TO REQUIRE STATE AGENCIES TO PARTICIPATE

12 EQUALLY IN 939 ACTIVITIES. AND, MUCH AS WE

13 LOVED GOVERNOR WILSON AS A SAN DIEGAN, WE’VE

14 BEEN VERY DISPLEASED THAT HE HAS NOT SUPPORTED

15 THESE TYPE OF BILLS IN THE PAST. AND WE HOPE,

16 WITH THE NEW ADMINISTRATION, THAT IT WILL BE

17 ENACTED THIS YEAR.

18 ONE OF THE THINGS THAT WE’RE DOING

19 THAT’S VERY INNOVATIVE IS THAT OUR CITY COUNCIL

20 JUST APPROVED US PUTTING $50,000 OF SEED MONEY

21 INTO A DECONSTRUCTION PROJECT OF 39 BUILDINGS

22 AT THE JUST-CLOSED NAVAL TRAINING CENTER IN SAN

23 DIEGO. THE NAVY OTHERWISE WAS SIMPLY GOING TO

24 DEMOLISH THEM, TRUCK THEM TO THE LANDFILL.

25 WE’RE GOING TO SPONSOR THE

DECONSTRUCTION AND RECYCLING, AND HOPE TO REACH AN 80 OR 90 PERCENT DIVERSION RATE ON THIS MATERIAL, WHICH IS 3,000 TONS ON THE BUILDINGS ALONE. BUT, WE GOT THE AGREEMENT FROM THE NAVY THAT ALL OF THE GRINDERS, THE LARGE PARADE GROUNDS, THE STREETS, THE CURBS, THE SIDEWALKS, ARE GOING TO BE RECYCLED INTO THE CONSTRUCTION THAT GOES ON THERE AFTER THIS IS OVER.

ONE OF THE THINGS THAT WE’RE REALLY CONCERNED ABOUT IS GOOD-FAITH EFFORT, AND HOW YOUR BOARD INTERPRETS THAT IN THE FUTURE. WE BELIEVE THAT OUR CITY, AS MANY, MAY CITIES AND COUNTIES THROUGHOUT THE STATE, HAVE PUT A GOOD-FAITH EFFORT INTO ACHIEVING THE GOALS. AND WE HOPE THAT AS THIS LAST FIVE PERCENT, LAST 10 PERCENT COMES UP, THAT YOU WILL CONTINUE TO RECOGNIZE GOOD-FAITH EFFORTS AS YOUR STAFF HAS RECOMMENDED IN THE PAST, AND REFLECT ON THAT AS WE LOOK AT THOSE FINAL NUMBERS.

THANK YOU FOR YOUR TIME.

CHAIRMAN PENNINGTON: THANK YOU.

ANY QUESTIONS? MR. RHOADS.

MEMBER RHOADS: I HAVE A QUESTION. COULD YOU ELABORATE A LITTLE BIT MORE ON THE 50,000 THAT THE CITY’S SETTING ASIDE? WHAT’S IT GOING

TO BE USED FOR, AND WHO ARE THE CONTRACTORS, AND WHAT'S GOING TO BE BUILT THERE AND SO FORTH?

MR. EPLER: OKAY. THE NAVAL TRAINING CENTER IS SOME 222 ACRES OF VERY VALUABLE LAND ON THE BAY FRONT OF SAN DIEGO. THE CITY GAVE IT TO THE FEDERAL GOVERNMENT IN 1922 FOR THE DEVELOPMENT OF THE NAVY TRAINING CENTER, WHICH WAS CLOSED UNDER THE BRAC PROGRAM.

THE NAVY IS RETAINING 50 ACRES OF THE PROPERTY TO BUILD 500 HOUSES, NAVY FAMILY HOUSING UNITS. AND THEIR TRADITIONAL PATTERN IN DOING THIS HAS -- SINCE THEY ARE THE LANDOWNERS OF THE MIRAMAR LANDFILL, AND OUR AGREEMENT WITH THEM IS THAT WE CAN OPERATE THE LANDFILL THERE, AND IN EXCHANGE THE NAVY GETS FREE DISPOSAL. THIS HAS MADE IT VERY DIFFICULT FOR THEM TO MAKE THE SAME ECONOMIC DECISIONS AS OTHER GENERATORS IN HOW THEY DEAL WITH C&D DEBRIS.

SO, WE ARE PUTTING $50,000 OF CASH IN SO THAT WHEN WE HAVE THE DECONSTRUCTORS COME AND BID ON THE DIFFERENT BUILDINGS, IF THEY SAY WE WOULD LOVE TO TAKE THIS BUILDING DOWN, WE CAN USE 80 PERCENT OF IT, BUT IT'S GOING TO

COST $15,000. WE'LL HAVE SOME SEED MONEY TO GET THEM UP TO THE 80 PERCENT LEVEL. AND IF ANOTHER ONE COMES IN AND SAYS THIS IS A GREAT BUILDING, IT'S GOT LOTS OF VALUABLE THINGS IN IT. WE'LL GIVE YOU $10,000 FOR THE RIGHTS TO TAKE THIS BUILDING DOWN. THAT $10,000 ALSO GOES INTO THE POOL.

AND THE GOAL OF THIS IS, IS TO ACHIEVE THE HIGHEST DIVERSION RATE, EVEN IF IT MEANS PAYING SOME MONEY. BECAUSE NOT PUTTING THAT INTO THE LANDFILL SAVES SPACE, SAVES DOLLARS, AND HELPS TOWARDS OUR 939 COMMITMENT.

MEMBER RHOADS: THAT'S A VERY, VERY GOOD PROJECT AND YOU SHOULD BE CONGRATULATED. ARE YOU WORKING WITH THE BUILDERS AT ALL, THE PEOPLE THAT WILL BE PUTTING UP THE NEW BUILDINGS?

MR. EPLER: SINCE THIS IS UNDER A FEDERAL CONTRACT, THEY'RE STILL 12 MONTHS AWAY FROM PUTTING OUT THE BID PACKAGES, SO WE'RE NOT GOING TO HAVE ANY IDEA WHO THE CONTRACTORS ARE. BUT THE NAVY HAS COMMITTED, AS PART OF THEIR BUILDING SPECS, THAT THEY'RE GOING TO REQUIRE ALL OF THE CONCRETE, ASPHALT IN THIS AREA TO BE RECYCLED ON SITE AND USED AS

IN THIS AREA TO BE RECYCLED ON SITE AND USED AS BASE MATERIAL IN THE NEW CONSTRUCTION. IT WILL BE PART OF THE BASE SPECIFICATION.

MEMBER RHAOADS: THANK YOU.

MR. EPLER: THANK YOU.

CHAIRMAN PENNINGTON: ARE THERE ANY QUESTIONS?

MEMBER EATON: MR. CHAIRMAN, I HAVE --

CHAIRMAN PENNINGTON: MR. EATON.

MEMBER EATON: I, TOO, WANT TO COMMEND YOU. AND I THINK THAT IT’S AN EXEMPLARY KIND OF PROJECT, AND ONE THAT SAN DIEGO HAS -- A NUMBER OF BOARD MEMBERS HAVE VISITED, BOTH THE BUILDINGS DOWN THERE, AS WELL.

WHAT IS THE OVERALL COST? YOU’VE PUT IN $50,000 WORTH OF SEED MONEY. DO YOU HAVE ANY KIND OF PRELIMINARY ESTIMATE AS TO WHAT IT WOULD TAKE TO ACTUALLY REACH THE NUMBER THAT YOU’RE SHOOTING AT, THE 80 PERCENT OR SO? IS IT ANOTHER 50, IS IT, YOU KNOW, 150,000 PLUS YOUR 50?

AND, THE REASON WHY I’M ASKING IS PERHAPS, MAYBE WE CAN LOOK INTO SOME OF OUR KINDS OF THINGS FROM TIME TO TIME. AT THE END OF THE YEAR SOME AGENCIES’, FOR ONE REASON OR

1 ANOTHER, WELL-INTENTIONED PLANS FREE UP SOME
2 MONEY LATER ON IN THE YEAR. AND THIS MAY BE A
3 PERFECT OPPORTUNITY TO SORT OF PUT OUR MONEY
4 WHERE OUR MOUTH IS. AND THAT'S WHY I WAS JUST
5 TRYING TO KIND OF GET A SENSE OF WHAT YOU
6 THOUGHT IT MIGHT DO.
7 MR. EPLER: AS WE'VE LOOKED AT IT TO
8 DATE, WE BELIEVE THAT THE VALUE OF THE BUILDING
9 MATERIALS AND THE OTHER STRUCTURES SHOULD BE
10 SUFFICIENT TO CARRY THE PROJECT WITH THIS
11 CONTRIBUTION.
12 HOWEVER, SHOULD OUR CALCULATIONS
13 NOT BE CORRECT, I HOPE THAT'S AN OFFER FOR US
14 TO COME IN WITH A REQUEST TO THE BOARD FOR SOME
15 POSSIBLE SUPPORT IF -- LATER IN THE YEAR.
16 MEMBER EATON: I THINK WE WOULD BE
17 RECEPTIVE TO IT. I CAN'T MAKE AN OFFER WITHOUT
18 A FORMAL BOARD ACTION, BUT I THINK' IT'S
19 SOMETHING THAT WE WOULD LIKE TO PARTICIPATE IN,
20 IN ANY WAY. WE MIGHT BE ABLE TO DO THAT WITH
21 THE RESOURCES, THE BOARD, AND THE BOARD STAFF
22 HAVE AVAILABLE TO YOU.
23 MR. EPLER: THANK YOU.
24 MEMBER JONES: MR. CHAIRMAN?
25 CHAIRMAN PENNINGTON: YES, MR. JONES.

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1 MEMBER JONES: PD LIKE TO MOVE

2 RESOLUTION 98-3 87, THE CONSIDERATION OF THE

3 BIENNIAL REVIEW FINDINGS FOR THOSE CITIES

4 LISTED.

5 MEMBER FRAZEE: I’LL SECOND.

6 CHAIRMAN PENNINGTON: OKAY. IT’S BEEN

7 MOVED BY MR. JONES, SECONDED BY MR. FRAZEE, THE

8 ADOPTION OF RESOLUTION 98-3 87.

9 IF THERE’S NO FURTHER DISCUSSION,

10 WILL THE SECRETARY CALL THE ROLL?

11 THE SECRETARY: BOARD MEMBER EATON?

12 MEMBER EATON: AYE.

13 THE SECRETARY: FRAZEE?

14 MEMBER FRAZEE: AYE.

15 THE SECRETARY: JONES?

16 MEMBER JONES: AYE.

17 THE SECRETARY: RHOADS?

18 MEMBER RHOADS: AYE.

19 THE SECRETARY: ROBERTI?

20 MEMBER ROBERTI: AYE.

21 THE SECRETARY: CHAIRMAN PENNINGTON?

22 CHAIRMAN PENNINGTON: AYE.

23 MOTION CARRIES.

24 WE’LL MOVE TO ITEM NUMBER TWO,

25 CONSIDERATION OF STAFF RECOMMENDATION ON THE

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1 BIENNIAL REVIEW FINDINGS FOR THE SOURCE

2 REDUCTION AND RECYCLING ELEMENT FOR VARIOUS

3 JURISDICTIONS. JUDY FRIEDMAN. TREVOR.

4 MR. O'SHAUGHNESSY: GOOD MORNING

5 CHAIRMAN PENNINGTON, BOARD MEMBERS. AGAIN, I'M

6 TREVOR O'SHAUGHNESSY WITH THE BOARD'S OFFICE OF

7 LOCAL ASSISTANCE, DIVERSION PLANNING AND LOCAL

8 ASSISTANCE DIVISION.

9 TODAY I'M PRESENTING ITEM NUMBER

10 TWO, BIENNIAL REVIEW RESULTS FOR 20

11 JURISDICTIONS FROM NINE COUNTIES. STAFF'S

12 REVIEW INDICATES THAT ALTHOUGH THESE

13 JURISDICTIONS WERE BELOW THE 25 PERCENT GOAL

14 FOR EITHER 1995, 1996, OR BOTH YEARS, THEY ARE

15 MAKING A GOOD-FAITH EFFORT TO IMPLEMENT

16 DIVERSION PROGRAMS.

17 OF THE 20 JURISDICTIONS, 13

18 JURISDICTIONS HAVE INCREASED THEIR DIVERSION TO

19 EXCEED 25 PERCENT DIVERSION, AS INDICATED IN

20 THEIR 1996 ANNUAL REPORTS. THEY INCLUDE

21 ARROYO, BELL, CHINO, LA MIRADA, LINCOLN,

22 ARROYO GRANDE, LOS ALTOS, MONROVIA, MONTEREY,

23 ROCKLIN,

24 ROSEMEAD, SAN MARINO, TUSTIN, AND UPLAND.

25 FIVE HAVE NOT MET THE 25 PERCENT

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1 DIVERSION REQUIREMENT, HOWEVER, THEY HAVE
2 CONTINUED TO INCREASE THEIR DIVERSION. THEY
3 INCLUDE DANA POINT, MONTEREY UNINCORPORATED,
4 SALINAS, SOLVANG, AND VICTORVILLE.
5 AND, FINALLY, TWO HAVE HAD A
6 DECREASE IN THEIR DIVERSION BETWEEN 1995 AND
7 1996. THEY INCLUDE SANTA CRUZ COUNTY
8 UNINCORPORATED AND GILROY.
9 REPRESENTATIVES FROM SEVERAL OF
10 THESE JURISDICTIONS ARE HERE TODAY TO ANSWER
11 ANY QUESTIONS YOU MAY HAVE FOR THEM.
12 IN ALL CASES, THE JURISDICTIONS ARE
13 IMPLEMENTING NUMEROUS SOURCE REDUCTION,
14 RECYCLING, COMPOSTING, SPECIAL WASTE AND
15 EDUCATION PROGRAMS, INCLUDING PROCUREMENT AND
16 C&D-RELATED PROGRAMS, IN THEIR EFFORTS TO REACH
17 25 AND 50 PERCENT GOALS.
18 BASED ON STAFF'S REVIEW, IT IS
19 BELIEVED THAT THE JURISDICTIONS ARE MAKING
20 GOOD-FAITH EFFORT TO IMPLEMENT DIVERSION
21 PROGRAMS, AND RECOMMEND APPROVAL OF THE
22 BIENNIAL REVIEWS.
23 THAT CONCLUDES MY PRESENTATIONS.
24 ARE THERE ANY QUESTIONS?
25 CHAIRMAN PENNINGTON: QUESTIONS OF

1 STAFF?

2 MEMBER JONES: MR. CHAIRMAN?

3 CHAIRMAN PENNINGTON: YES, MR. JONES?

4 MEMBER JONES: I DON’T KNOW IF

5 ANYBODY’S HERE FROM THE CITY OF GILROY, BUT I’M

6 CONCERNED ABOUT -- WHEN I LOOK AT THE PROGRAMS

7 THAT THE CITY OF GILROY HAS DONE, IT’S AN AG

8 COMMUNITY, IT IS A -- OR, A SEMI-AG COMMUNITY.

9 THERE’S NO COMPO STING PROGRAMS AT ALL IN THE

10 CITY OF GILROY LISTED DOWN HERE. AND, IT’S

11 GONE FROM 20 PERCENT DOWN TO 17 PERCENT. AND,

12 IN MY MIND, THAT’S -- THAT DOESN’T FIT THE SAME

13 DEFINITION OF GOOD-FAITH EFFORT THAT MAY HAVE

14 BEEN ENVISIONED.

15 AND MAYBE THAT’S A MISTAKE, BUT I

16 DON’T SEE ANY DOWN HERE. AND THAT IS A WASTE

17 STREAM THAT DEFINITELY HAS LOTS OF GREEN WASTE

18 IN IT, AS WELL AS GARLIC PEELS AND ALL THAT

19 GOOD STUFF.

20 50, I SEE SOMEBODY STANDING, AND

21 I’M ASSUMING THEY ARE FROM THE CITY OF GILROY

22 AND ARE GOING TO ANSWER THAT QUESTION.

23 MR. O’SHAUGHNESSY: BOARD MEMBER JONES,

24 WE DO HAVE A MEMBER FROM GILROY HERE TO SPEAK

25 AND ADDRESS THESE ISSUES.

MEMBER JONES: OKAY. GREAT.

MS. JENSEMA: GOOD MORNING BOARD MEMBERS, MY NAME IS LISA JENSEMA, AND I DO WORK FOR THE CITY OF GILROY. I'M THE ENVIRONMENTAL PROGRAMS COORDINATOR. AND I DID WANT TO ADDRESS YOUR QUESTION, MR. JONES. ALTHOUGH WE DID NOT HAVE A COMPOSTING PROGRAM IN 1995, WE IMPLEMENTED THAT PROGRAM IN JULY OF 1997, AND WE'RE DIVERTING APPROXIMATELY 600 TONS A MONTH OF GREEN WASTE. AND THE AGRICULTURAL WASTE THAT WAS MOSTLY COMING FROM GILROY FOODS IS NOW FULLY BEING COMPOSTED THROUGH THE CO-COMPOSTING PROGRAM WITH GREEN WASTE AND THE FOOD WASTE.

MEMBER JONES: DO THESE NUMBERS REFLECT CREDIT FOR THAT MATERIAL? WAS IT EXCLUDED?

MR. O'SHAUGHNESSY: NO, THEY WOULDN'T INCLUDE IT BECAUSE THE PROGRAM WAS IMPLEMENTED IN 1997, AND THESE NUMBERS REFLECT --

MEMBER JONES: NO, BUT I MEAN--NO, I UNDERSTAND THAT PART. I'M TALKING ABOUT THE HUSKS -- I MEAN, THE STUFF FROM THE GARLIC. THAT HAD BEEN --A LOT OF THAT HAD BEEN ONGOING PROGRAMS.

IS YOUR NEW TREATMENT OF THAT A

1 BRAND-NEW PROGRAM?

2 MS. JENSEMA: NO. I BELIEVE THAT

3 STARTED IN ABOUT 1996.

4 MEMBER JONES: OKAY. AND WHAT DO YOU

5 SEE AS FAR AS THAT DIVERSION?

6 YOU SEE, WHAT MY PROBLEM IS, YOU GO

7 FROM 20 TO 17, AND IF WE DON'T KNOW THAT

8 THERE'S OTHER PROGRAMS THAT ARE GOING TO GET

9 YOU TO 50, YOU KNOW, I HAVE A HARD TIME WITH

10 SAYING THAT'S A GOOD-FAITH EFFORT. SO, YOU'RE

11 ENLIGHTENING ME NOW AS TO WHAT YOU'RE DOING.

12 BUT, THERE WAS AN AWFUL LOT OF

13 PROGRAMS FOR THAT GARLIC WASTE BACK IN '89,

14 '90, '91. ARE THOSE PROGRAMS STILL GOING ON?

15 MS. JENSEMA: YES. ARE YOU TALKING

16 ABOUT FOR THE AGRICULTURAL WASTE? YES.

17 MEMBER JONES: AND WITH THOSE PROGRAMS

18 STILL GOING ON YOU'RE DOWN TO 17 PERCENT?

19 MS. JENSEMA: ARE YOU TALKING ABOUT

20 CURRENTLY?

21 MEMBER JONES: NO, I'M TALKING ABOUT

22 '95 AND '96. WHEN THOSE EXISTING PROGRAMS WERE

23 IN EFFECT, WERE THEY COUNTED IN AS PART OF THE

24 DIVERSION? DO YOU KNOW?

25 MS. JENSEMA: I BELIEVE SO.

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MEMBER JONES: OKAY.

MS. JENSEMA: BUT WE HAVE MADE QUITE A BIT OF EFFORT TO INCREASE THE RECYCLING FOR THE CITY OF GILROY, INCLUDING THE COMPOSTING PROGRAM, A MIXED PAPER PROGRAM, AND A COMMERCIAL CARDBOARD AND MIXED PAPER PROGRAM.

MEMBER JONES: OKAY.

CHAIRMAN PENNINGTON: MR. RHOADS?

MEMBER RHOADS: YOU SEEM TO IMPLY THAT YOU KNOW WHAT THE NUMBERS MIGHT BE FOR ‘97 OR ‘98. DO YOU HAVE ANY FEELS FOR WHAT THOSE NUMBERS MIGHT BE? ARE YOU GOING TO BE ABLE TO GET TO THE 50 PERCENT BY THE YEAR 2000?

MS. JENSEMA: WE BELIEVE THAT WE WILL. WE’RE ACTUALLY WORKING WITH THE STATE TO HAVE THEM CONSIDER AN ADJUSTMENT TO OUR BASE-YEAR, TO ADD IN SLUDGE. WE STARTED A NEW SEWER TREATMENT PLANT, I BELIEVE IT STARTED IN 1995, AND WE’RE GENERATING APPROXIMATELY 12,000 TONS OF SLUDGE PER YEAR, WHICH WAS NOT PART OF OUR BASE-YEAR CALCULATIONS.

MEMBER JONES: STAFF HAVE ANY COMMENTS ON THE EFFORTS THAT GILROY’S BEEN MAKING?

MR. O’SHAUGHNESSY: IT’S OUR UNDERSTANDING THAT SLUDGE WAS NOT BEING

1 DISPOSED OF IN THEIR LANDFILL. THEY STARTED
2 DISPOSING IT RECENTLY, WHICH CAUSED AN INCREASE
3 IN THEIR DISPOSAL. BUT THEY ARE WORKING WITH
4 US TO GET APPROVAL FOR EITHER ALTERNATIVE
5 DAILY COVER OR OTHER USES OF THAT SLUDGE,
6 THROUGH EITHER COMPOSTING OR ALTERNATIVE COVER.
7 MEMBER RHOADS: AND ON MR. JONES'
8 QUESTIONS ON THE COMPOSTING, HAVE YOU LOOKED
9 INTO THE NEW PROGRAMS THAT THEY'RE PROPOSING,
10 OR THEY'RE ENTERING INTO?
11 MR. O'SHAUGHNESSY: WE HAVE NOT
12 REVIEWED THEIR '97 SUBMITTED ANNUAL REPORT AS
13 OF YET BECAUSE WE'VE BEEN WORKING ON THE
14 BIENNIAL REVIEWS TO GET THOSE TO THIS BOARD.
15 SO, AT THIS POINT, NO, WE HAVE NOT REVIEWED
16 THOSE PROGRAMS.
17 MEMBER RHOADS: THANK YOU.
18 CHAIRMAN PENNINGTON: OKAY? OKAY.
19 THANK YOU. BEFORE YOU LEAVE, WOULD YOU FILL
20 OUT A SPEAKER REQUEST FORM AND GET IT TO MS.
21 KELLY. THANK YOU.
22 OKAY. WE ALSO HAVE MARLEN MUNOZ
23 WHO WANTS TO SPEAK TO US.
24 MR. MUNOZ: MY NAME IS MARLEN MUNOZ.
25 I'M WITH THE CITY OF LA MIRADA. AND ON BEHALF

OF THE CITY COUNCIL, I'D LIKE TO THANK THE BOARD FOR CONSIDERING THIS ITEM TODAY.

AS YOU'LL NOTE, WE WORKED ON A NONCOMPLIANCE IN 1995. WE DID COME INTO COMPLIANCE IN 1996, AND THAT WAS DUE TO TWO ITEMS. ONE, THE RESIDENTIAL CURBSIDE RECYCLING PROGRAM AND ALSO PROCESSING OUR COMMERCIAL WASTE MRF. THAT WAS AT A LARGE COST TO OUR RESIDENTS AND BUSINESSES.

AND, FOR YOUR INFORMATION ALSO, OUR FUTURE PLANS ARE, WE ARE FINALIZING AN AGREEMENT WITH CONSOLIDATED WASTE, AND WE WILL -- I'M SORRY, CONSOLIDATED DISPOSAL SERVICE. WE WILL BE IMPLEMENTING AN AUTOMATED SYSTEM FOR OUR RESIDENTS, WHICH WILL INCLUDE A GREEN WASTE PROGRAM AND ALSO AN EXPANDED RECYCLING PROGRAM.

SO, THANK YOU.

CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU. ANY QUESTIONS OF THIS GENTLEMAN?

MEMBER JONES: THAT WORKS.

MEMBER JONES: MR. CHAIRMAN, JUST ONE OTHER QUESTION ON SANTA CRUZ?

CHAIRMAN PENNINGTON: SURE.

MEMBER JONES: DO WE HAVE A -- DOES STAFF

1 HAVE A SENSE THAT - - I MEAN, THEY'VE GONE FROM
2 21 DOWN TO 20. IS THIS A BLIP ON THE SCREEN?
3 DO THEY -- THAT'S A PRETTY ACTIVE COMMUNITY, I
4 THOUGHT, AS FAR AS TRYING TO DEAL WITH THESE
5 THINGS. HAVE THEY JUST HAD SOME KIND OF A --
6 WE'RE GOING TO HEAR.
7 MR. DE GRASSI: GOOD MORNING, CHAIRMAN
8 PENNINGTON, AND BOARD MEMBERS. MY NAME IS DAN
9 DE GRASSI. I'M REPRESENTING THE COUNTY OF SANTA
10 CRUZ.
11 WE HAVE INSTITUTED A NEW FRANCHISE
12 AGREEMENT IN 1997 WHICH HAS BASICALLY
13 QUADRUPLED OUR RESIDENTIAL DIVERSION. AND WE
14 FEEL THAT THAT IS GOING TO CHANGE THE LINE,
15 GOING UP RATHER THAN DOWN.
16 THE DOWNWARD TREND HAS GOT US
17 BAFFLED. WE HAVE EXPERIENCED SOME PROBLEMS
18 WITH DISPOSAL REPORTING. DIFFERENT LANDFILLS
19 IN THE REGION WOULD SAY, YOU KNOW, WHERE IS
20 THIS WASTE COMING FROM? SANTA CRUZ COUNTY.?
21 WELL, IT MAY BE A CITY WITHIN SANTA CRUZ
22 COUNTY. IT -- AND I'M SURE THAT'S NOT AN
23 UNUSUAL PROBLEM.
24 WE ARE GOING TO BE CONDUCTING --
25 PROBABLY STARTING IN FEBRUARY -- A WASTE

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1 CHARACTERIZATION STUDY IN COOPERATION WITH THE
2 BOARD. WE'RE WORKING WITH THE BOARD'S TARGET
3 ASSISTANCE TEAM ON THAT. AND THE PURPOSE,
4 OBVIOUSLY, IS TO FIND OUT WHAT'S STILL GOING
5 INTO THE LANDFILL, WHERE IT'S COMING FROM. AND
6 WITH THAT INFORMATION, WE'LL BE DEVELOPING NEW
7 DIVERSION PROGRAMS.
8 WE ARE ALSO GOING TO BE DOING A
9 DIVERSION INVENTORY. WE FEEL THAT WE HAVE A
10 PROBLEM WITH OUR BASE-YEAR NUMBER, AND WE'RE
11 GOING TO BE ASKING THE BOARD TO WORK WITH US TO
12 LOOK INTO THAT ALSO.
13 YEAH, IT'S GOT US BAFFLED, TOTALLY
14 BAFFLED. I MEAN, WHEN YOU ACTUALLY LOOK AT THE
15 TONNAGES, THE DISPOSAL TONNAGES, THERE WAS AN
16 INCREASE.
17 AND SOME OF IT HAD TO DO WITH
18 RATES. YOU KNOW, OUR LANDFILL'S KIND OF RIGHT
19 ON THE BORDER SO, YOU KNOW, OUR RATES GO UP,
20 YOU KNOW. THE WASTE GOES OVER THERE AND VICE
21 VERSA. SO -- AND YOU'D THINK THE DISPOSAL
22 REPORTING WOULD PICK THAT UP, BUT, YOU KNOW,
23 ALL THAT STUFF IS KIND OF MOOT.
24 WHAT REALLY IS DRIVING IT IS TO GET
25 THE STUFF OUT OF THE LANDFILL. AND WE'VE GOT

1 ABOUT 20 YEARS' OF CAPACITY LEFT. I FIGURE

2 THIS IS GOING TO BE THE LAST -- IT COULD VERY

3 LIKELY BE THE LAST LANDFILL IN OUR COUNTY. SO

4 WE'VE GOT A REAL STRONG INCENTIVE TO MAKE THAT

5 PUBLIC INVESTMENT LAST AS LONG AS WE CAN. SO

6 I APPRECIATE YOUR HELP.

7 CHAIRMAN PENNINGTON: ANY OTHER

8 QUESTIONS?

9 OKAY. THANK YOU. WOULD YOU FILL

10 OUT A SPEAKER'S SLIP THERE ON THE BACK TABLE

11 THERE. THANK YOU.

12 MEMBER EATON: MR. CHAIR, BEFORE WE DO ANY

13 MOTION, I JUST HAVE A COUPLE GENERAL QUESTIONS

14 OF STAFF ON THESE. IF I MAY JUST TAKE A LITTLE

15 BIT OF TIME?

16 HOW MANY OF THESE BIENNIAL REVIEWS

17 LEFT DO WE HAVE TO COMPLETE? ARE WE ALMOST

18 THROUGH THE PROCESS? ROUGHLY? SO I CAN JUST

19 GET SOME SENSE?

20 MS. JENSEMA: WE ROUGHLY HAVE ABOUT

21 200 MORE TO DO.

22 MEMBER EATON: OKAY. SO WE'RE A LITTLE

23 OVER-

24 MS. JENSEMA: A LITTLE OVER HALF.

25 MEMBER EATON: WILL THESE REVIEWS, THEN,

1 FORM THE BASIS FOR GRANTING EXTENSIONS UNDER
2 SP-1066?
3 MS. JENSEMA: I THINK THEY NEED TO BE
4 A BIG FACTOR IN THAT, YES.
5 MEMBER EATON: OKAY. SO TARGETED UNDER
6 YOUR TIMELINE, WHEN DO YOU THINK THEY WILL BE
7 COMPLETED?
8 MS. JENSEMA: I THINK WE ARE
9 PROJECTING MARCH OF NEXT YEAR.
10 MEMBER EATON: SO IF A JURISDICTION WERE TO
11 COME IN, IN NOVEMBER OF THIS YEAR -- ASSUMING
12 WE HAVE ALL OF THE DUCKS LINED UP FOR OUR 1066,
13 YOU KNOW, APPLICATION PROCESS, ET CETERA, ALL
14 OF THOSE KINDS OF THINGS -- IF A JURISDICTION -- WE
15 HAVEN’T COMPLETED THIS REVIEW, HOW WOULD
16 WE FORM THE BASIS BY WHICH TO JUDGE WHETHER OR
17 NOT THEY HAVE ACTUALLY MADE THE EFFORT FOR
18 GOOD-FAITH? OR, IS THERE A WAY THAT WE CAN
19 SPEED THAT UP, OR SOMEHOW GET THAT INFORMATION?
20 BECAUSE, I THINK IN DISCUSSIONS
21 WE’VE ALL HAD, THAT THE 25 PERCENT, OR REACHING
22 THE 25 PERCENT IS A CRITICAL JUNCTURE. OR, YOU
23 KNOW, UNLESS IN THE EXTREME CASES. SO, I’M
24 JUST KIND OF TRYING TO GET SOME SENSE OF THE
25 TIME LINE THAT WE’RE WORKING WITH.

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1 MS. JENSEMA: SURE. WE'RE TAKING
2 EVERY STEP TO SPEED UP THE PROCESS. WE'VE DONE
3 A LOT OF AUTOMATION AND ELIMINATED REDUNDANT
4 PROCESSES. SO, WE'RE ACTUALLY -- IF YOU
5 NOTICED, THE NUMBER OF BIENNIALS THAT WE HAVE
6 ON EACH AGENDA, WHEN WE COME FORWARD, IS
7 ACTUALLY REALLY INCREASING EXPONENTIALLY. SO
8 WE'RE REALLY SHOOTING TO GET ALL OF THESE
9 THINGS DONE, YOU KNOW, BY MARCH OF NEXT YEAR.
10 IF SOMEBODY WERE TO COME IN EARLIER
11 THAN THAT, WE WOULD HAVE TO TAKE A LOOK AT --
12 FIRST OF ALL, WE WOULD NEED TO GET THE POLICY
13 IN PLACE.
14 AND, OF COURSE, WE'RE WORKING
15 DILIGENTLY TO DO THAT, AS WELL. AS YOU'RE ALL
16 AWARE, WE HAD THE WORKSHOPS EARLIER THIS YEAR.
17 WE WOULD TAKE A LOOK AT, YOU KNOW, WHATEVER
18 RELEVANT INFORMATION WE HAD AVAILABLE TO US.
19 AND, EVEN IF WE HADN'T COMPLETED THE BIENNIAL
20 REVIEW, WE WOULD PROBABLY START LOOKING AT THAT
21 MATERIAL AS QUICKLY AS POSSIBLE.
22 BUT, IT'S OUR HOPE TO HAVE THESE
23 ALL DONE SO THAT WHEN WE FINALLY GET
24 JURISDICTIONS IN, WE'LL HAVE THAT BASIS THAT
25 YOU'RE LOOKING FOR.

1 MEMBER EATON: BECAUSE –I MEAN, AND I
2 APPRECIATE THAT. OUR CONCERN IS, AS WE APPROVE
3 SOME OF THESE WITH GOOD-FAITH EFFORTS, DO THEY
4 COME BACK TO HAUNT US IN THE FUTURE AS WE LOOK
5 AT THE WHOLE SITUATION.
6 IT'S KIND OF A -- THE CATCH-22
7 HERE, AND I THINK IF WE'RE ALL KIND OF JUST
8 AWARE OF THAT SITUATION AND INTEGRATE IT INTO
9 SOME OF THE OTHER ACTIVITIES THAT WE'RE DOING
10 THAT FIT INTO THIS, WE'LL BE A LOT BETTER OFF.
11 MS. JENSEMA: IF I MAY? THE OTHER
12 THING IS, WE'RE TRYING TO PROVIDE A REASONABLE
13 BALANCE BETWEEN PROVIDING THE TARGET AND THE
14 IMPLEMENTATION ASSISTANCE THAT YOU'RE ALL
15 TALKING ABOUT, AND ARE -- SEEM TO BE PLEASED
16 WITH, AS WELL AS MEETING THIS -- YOU KNOW, THE
17 DEADLINE ON GETTING THE BIENNIAL REVIEWS.
18 YOU'LL SEE THAT AS A THEME THAT WILL CONTINUE
19 TO PUSH BOTH THOSE AREAS.
20 IT'S A BIG PART OF THE LOCAL
21 GOVERNMENT DIVERSION ASSISTANCE TEAM PRIORITY
22 PLAN WORK. NEXT MONTH WE'LL BE COMING TO THE
23 BOARD WITH AN UPDATE ON THAT PLAN.
24 THOSE ARE THE TWO AREAS THAT YOU'LL
25 CONTINUE TO SEE US PUSHING AND PUSHING ON IN

1 TRYING TO MEET DEADLINES AND MAKING SURE WE GET

2 -- YOU KNOW, DO FULL SERVICE HERE.

3 MEMBER JONES: MR. CHAIRMAN?

4 CHAIRMAN PENNINGTON: MR. JONES.

5 MEMBER JONES: MR. CHAIRMAN, I'M GOING

6 TO MAKE A MOTION.

7 BUT, I ALSO WANT TO -- BEFORE I DO

8 THAT, I JUST WANT TO SAY THAT I'M VERY

9 COMFORTABLE WITH MAKING THIS MOTION BASED ON

10 THE TESTIMONY OF THOSE THREE JURISDICTIONS,

11 BECAUSE I THINK THAT PART OF GOOD FAITH IS

12 INCREASING PROGRAMS TO TRY TO DEAL WITH YOUR

13 WASTE STREAM. AND, I THINK SHORT OF THAT, THEN

14 I HAVE A HARD TIME DEALING WITH ANYTHING AS

15 GOOD FAITH IF WE'RE NOT GOING TO KEEP MOVING.

16 AND I THINK THAT WAS WHAT THIS LAW

17 WAS WRITTEN FOR. NOT SO MUCH THE NUMBERS, BUT

18 FOR THE MANAGEMENT OF THE WASTE STREAM AND

19 DEALING WITH THOSE THINGS.

20 50, I WOULD LIKE STAFF -- AND I

21 KNOW YOU WILL, AND I HAVE NO REASON TO THINK

22 THAT'S NOT GOING TO HAPPEN -- BUT, I THINK, IN

23 WORKING WITH SANTA CRUZ AND WORKING WITH

24 GILROY AND WORKING WITH THESE OTHER CITIES, AS

25 YOU ALWAYS DO, AND TRY TO HELP THEM WHEREVER WE

1 CAN.

2 BUT I'M GLAD THAT ALL OF THEM HAVE

3 -- ARE IMPLEMENTING PROGRAMS TO GET US THERE.

4 BECAUSE, THEY'RE STILL A LONG WAY FROM 50. AND

5 YOU DON'T GET THERE BY JUST PLAYING WITH THE

6 NUMBERS.

7 I MEAN, IT IS OBVIOUS THAT IF YOU

8 ADDED A SEWER TREATMENT PLANT TO THAT WASTE

9 STREAM THAT THESE NUMBERS ARE GOING TO GO DOWN.

10 AND THAT COMPLETELY ANSWERED ALL MY QUESTIONS

11 OF WHY THAT NUMBER WENT DOWN, AND THAT MAKES

12 SENSE.

13 SO, WITH THAT, I WOULD LIKE TO MOVE

14 RESOLUTION 98-388 FOR THE BIENNIAL REVIEW FOR

15 THESE JURISDICTIONS.

16 MEMBER FRAZEE: I'LL SECOND.

17 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

18 MOVED BY MR. JONES, AND SECONDED BY MR. FRAZEE,

19 THE ADOPTION OF RESOLUTION 98-388.

20 IF THERE'S NO FURTHER DISCUSSION,

21 WILL THE SECRETARY CALL THE ROLL?

22 THE SECRETARY: BOARD MEMBER EATON?

23 MEMBER EATON: AYE.

24 THE SECRETARY: FRAZEE?

25 MEMBER FRAZEE: AYE.

1 THE SECRETARY: JONES?

2 MEMBER JONES: AYE.

3 THE SECRETARY: RHOADS?

4 MEMBER RHOADS: AYE.

5 THE SECRETARY: ROBERTI?

6 MEMBER ROBERTI: AYE.

7 THE SECRETARY: CHAIRMAN PENNINGTON?

8 CHAIRMAN PENNINGTON: AYE.

9 MOTION CARRIES.

10 WE'LL MOVE TO ITEM NUMBER THREE,

11 CONSIDERATION OF STAFF RECOMMENDATION ON THE

12 BIENNIAL REVIEW FINDINGS FOR THE HOUSEHOLD

13 HAZARDOUS WASTE ELEMENT FOR VARIOUS

14 JURISDICTIONS. TREVOR.

15 MR. O'SHAUGHNESSY: THANK YOU, CHAIRMAN

16 PENNINGTON, BOARD MEMBERS. TREVOR

17 O'SHAUGHNESSY WITH THE OFFICE OF LOCAL

18 ASSISTANCE, DIVERSION PLANNING AND LOCAL

19 ASSISTANCE DIVISION.

20 I'M HAPPY TO PRESENT TO YOU TODAY

21 62 MORE JURISDICTIONS FROM 18 COUNTIES THAT

22 HAVE ADEQUATELY IMPLEMENTED THEIR HOUSEHOLD

23 HAZARDOUS WASTE ELEMENT.

24 THESE FINDINGS ARE THE RESULT OF

25 BOARD STAFF'S REVIEW AND ANALYSIS OF THESE

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1 JURISDICTIONS' HOUSEHOLD HAZARDOUS WASTE
2 ELEMENTS IN 1995 AND '96 ANNUAL REPORTS.
3 CLARIFICATION AND VERIFICATION OF PROGRAM
4 IMPLEMENTATION WAS CONDUCTED BY NUMEROUS PHONE
5 CALLS AND CORRESPONDENCES WITH THE
6 JURISDICTIONS.
7 THESE JURISDICTIONS HAVE
8 IMPLEMENTED, AND CONTINUE TO IMPLEMENT,
9 NUMEROUS PROGRAMS TO HELP THEM REACH THEIR
10 GOALS. THEIR SUCCESS IS THE RESULT OF
11 COOPERATIVE EFFORTS BY THE CITIES AND COUNTIES,
12 THEIR RESIDENTS, SCHOOLS, AND COMMERCIAL
13 SECTORS, AND WASTE MANAGEMENT AND RECYCLING
14 INDUSTRIES.
15 I WOULD LIKE TO MAKE ONE
16 MODIFICATION TO THE AGENDA ITEM, AND THAT IS BY
17 PULLING WATERFORD AS ONE OF THE COMMUNITIES
18 THAT WAS ON THE LIST. AND THIS ITEM WILL BE
19 ADDRESSED DURING THE JANUARY BOARD MEETING.
20 THAT CONCLUDES MY PRESENTATION.
21 I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY
22 HAVE.
23 CHAIRMAN PENNINGTON: I MIGHT ADD THAT
24 MY NOTES WERE INCORRECT. I HAD SAID THAT
25 WATERFORD WAS PULLED FROM ITEM NUMBER ONE. IT

1 ACTUALLY WAS NUMBER THREE THAT IT WAS PULLED

2 FROM.

3 MR. O'SHAUGHNESSY: THAT'S CORRECT.

4 CHAIRMAN PENNINGTON: QUESTIONS FOR

5 STAFF?

6 AND THERE DOESN'T SEEM TO BE

7 ANYBODY WHO WISHES TO ADDRESS THIS ITEM, SO

8 I'LL ENTERTAIN A MOTION.

9 MEMBER FRAZEE: MR. CHAIRMAN, I'LL MOVE

10 ADOPTION OF RESOLUTION 98-3 89.

11 MEMBER EATON: AND I'LL SECOND THE

12 MOTION.

13 CHAIRMAN PENNINGTON: IT'S BEEN MOVED

14 BY MR. FRAZEE AND SECONDED BY MR. EATON, THE

15 ADOPTION OF RESOLUTION 98-3 89.

16 IF THERE'S NO FURTHER DISCUSSION,

17 WILL THE SECRETARY CALL THE ROLL?

18 THE SECRETARY: BOARD MEMBER EATON?

19 MEMBER EATON: AYE.

20 THE SECRETARY: FRAZEE?

21 MEMBER FRAZEE: AYE.

22 THE SECRETARY: JONES?

23 MEMBER JONES: AYE.

24 THE SECRETARY: RHOADS?

25 MEMBER RHOADS: AYE.

1 THE SECRETARY: ROBERTI?

2 MEMBER ROBERTI: AYE.

3 THE SECRETARY: CHAIRMAN PENNINGTON?

4 CHAIRMAN PENNINGTON: AYE.

5 MOTION CARRIES.

6 WE'LL MOVE TO ITEM NUMBER FOUR,

7 CONSIDERATION OF STAFF RECOMMENDATION ON THE

8 BIENNIAL REVIEW FINDINGS FOR THE SOURCE

9 REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF

10 HAWAIIAN GARDENS IN LOS ANGELES COUNTY. JUDY

11 FRIEDMAN.

12 MS. FRIEDMAN: YES. GOOD MORNING,

13 AGAIN, BOARD MEMBERS.

14 AS I MENTIONED TO YOU IN MY BRIEF

15 INTRODUCTION, ITEMS FOUR, FIVE, AND SIX ARE

16 ITEMS WHERE THE BOARD IS GOING TO BE

17 CONSIDERING COMPLIANCE ACTIVITIES FOR THE FIRST

18 TIME, IN TERMS OF IMPLEMENTATION FOR THESE

19 JURISDICTIONS.

20 AND, WITH THAT, I WILL TURN THE

21 PRESENTATION OVER TO CHRIS SCHMIDLE AND GARY

22 COLLORD WITH THE OFFICE OF LOCAL ASSISTANCE.

23 MR. SCHMIDLE: CHAIRMAN

24 PENNINGTON, BOARD MEMBERS, THE THREE ITEMS THAT

25 YOU'RE GOING TO SEE COMING UP NEXT ARE ALL

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1 RELATED, AND I'D LIKE TO GIVE YOU JUST A LITTLE
2 BIT OF CONTEXT BEFORE WE START ON THEM. AGENDA
3 ITEMS FOUR, FIVE, AND SIX RELATE TO BIENNIAL
4 REVIEW FOR JURISDICTIONS THAT ARE IN
5 NONCOMPLIANCE STATUS.
6 AS YOU'RE AWARE, THE BIENNIAL
7 REVIEW IS BASED ON PUBLIC RESOURCES CODE 41825,
8 AND THAT'S THE STATUTE THAT WE'VE BEEN WORKING
9 OFF ON THE PREVIOUS THREE ITEMS. IN ADDITION,
10 THE ENFORCEMENT THAT WE MAY BE DISCUSSING NOW
11 IS BASED ON PUBLIC RESOURCES CODE 41850.
12 THE BIENNIAL REVIEW ISSUES
13 BASICALLY ARE IMPLEMENTATION OF THE SRRE AND
14 HHWE PROGRAMS, ACHIEVEMENT OF THE 25 PERCENT
15 GOAL, AND SHOULD A JURISDICTION HAVE A PROBLEM
16 WITH EITHER OF THOSE, WHETHER OR NOT THEY ARE
17 MAKING A GOOD-FAITH EFFORT.
18 IF A JURISDICTION FAILS TO
19 IMPLEMENT THEIR SRRE, THEN THE BOARD MAY ISSUE
20 AN ORDER OF COMPLIANCE WITH A SPECIFIC SCHEDULE
21 AND CONDITIONS FOR ACHIEVING COMPLIANCE OF THE
22 SRRE GOALS. AND, UNDER ENFORCEMENT, IF A
23 JURISDICTION FAILS TO MEET THEIR COMPLIANCE
24 SCHEDULE, THEN THE BOARD MAY CONSIDER IMPOSING
25 PENALTIES OF UP TO $10,000 PER DAY.

TO GIVE YOU A BRIEF HISTORY,
INCLUDING TODAY, UP TILL TODAY, WE HAVE HAD
ABOUT 244 REVIEWS COMPLETED STATEWIDE, AND ALL
OF THE JURISDICTIONS REVIEWED SO FAR ARE OVER
25 PERCENT IN IMPLEMENTING PROGRAMS, OR MAKING
A GOOD-FAITH EFFORT.
I'D NOW LIKE TO INTRODUCE GARY
COLLORD OF THE LOS ANGELES STAFF, WHO WILL BE
DISCUSSING THE NEXT THREE AGENDA ITEMS, AND
HE'S GOING TO START WITH HAWAIIAN GARDENS.
MR. COLLORD: GOOD MORNING, CHAIRMAN
PENNINGTON, AND MEMBERS OF THE BOARD. MY NAME
IS GARY COLLORD WITH THE OFFICE OF LOCAL
ASSISTANCE.
AGENDA ITEM NUMBER FOUR IS THE
BIENNIAL REVIEW FOR THE CITY OF HAWAIIAN
GARDENS. ACCORDING TO THE CITY'S ANNUAL
REPORTS, NONE OF THE SRRE- SELECTED PROGRAMS
WERE IMPLEMENTED DURING THE ENVIRONMENT REVIEW
PERIOD AS ORIGINALLY PLANNED. THE CITY IS WELL
BELOW THE 25 PERCENT WASTE DIVERSION GOAL FOR
BOTH 1995 AND '96. THE CITY'S REPORTED
DIVERSION RATES FOR THESE YEARS ARE ZERO AND
SIX PERCENT, RESPECTIVELY.
THE CITY IDENTIFIED SEVERE AND

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1 ADVERSE BUDGETARY CONDITIONS AS THE REASON FOR
2 NOT IMPLEMENTING ITS SRRE DURING THIS PERIOD.
3 STAFF CONSIDERED THIS EXPLANATION IN
4 EVALUATING WHETHER THE CITY HAD MADE A
5 GOOD-FAITH EFFORT IMPLEMENTING ITS SRRE.
6 HOWEVER, SINCE THE CITY DID NOT IMPLEMENT ANY OF
7 THE LOW-COST PROGRAMS IDENTIFIED IN THE SRRE FOR
8 IMPLEMENTATION OR SEEK TECHNICAL ASSISTANCE FROM
9 BOARD STAFF IN HELPING THEM TO DEVELOP AND
10 IMPLEMENT THEIR DIVERSION PROGRAMS, STAFF CANNOT
11 FIND THAT THE CITY HAS MADE A REASONABLE AND
12 GOOD-FAITH EFFORT TO IMPLEMENT THE SRRE.
13 THE CITY WAS RESPONSIVE TO STAFF'S INQUIRIES
14 ABOUT THE STATUS OF THEIR DIVERSION PROGRAMS.
15 STAFF DISCUSSED WITH HAWAIIAN GARDENS THE OPTION
16 OF PROVIDING TECHNICAL ASSISTANCE TO HELP THE
17 CITY DEVELOP AND IMPLEMENT PROGRAMS.
18 THE CITY EXPRESSED SOME INTEREST IN THIS, BUT CHOSE
19 TO AWAIT THE OUTCOME OF THE BIENNIAL REVIEW
20 BECAUSE THE CITY OF HAWAIIAN GARDENS HAS
21 NOT IMPLEMENTED ITS SRRE AND HAS NOT ISSUED
22 ITS 1995 DIVERSION REQUIREMENTS, STAFF
23 RECOMMENDS THE BOARD FIND THAT HAWAIIAN
24 GARDENS HAS NOT ADEQUATELY IMPLEMENTED ITS
25 SRRE AND DIRECTS STAFF TO DRAFT AN ORDER OF

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1 COMPLIANCE FOR REVIEW BY THE BOARD IN JANUARY.

2 STAFF RECOMMENDS THAT THE COMPLIANCE ORDER

3 INCLUDE THE FOLLOWING CONDITIONS: NUMBER ONE, CITY

4 SHALL IMPLEMENT ALL OF ITS SRRE-SELECTED PROGRAMS

5 OR SUITABLE ALTERNATE PROGRAMS BY THE YEAR 2000;

6 THE CITY SHALL SUBMIT QUARTERLY REPORTS TO THE

7 BOARD WHICH DOCUMENT ITS PROGRESS, IMPLEMENTING

8 PROGRAMS, AND MEETING THE DIVERSION REQUIREMENTS,

9 AND, THREE, THE CITY SHALL WORK WITH THE BOARD'S

10 TARGETED ASSISTANCE IMPLEMENTATION STAFF TO

11 INCREASE AND IMPROVE ITS DIVERSION PROGRAMS.

12 THIS CONCLUDES OUR REPORT AND

13 RECOMMENDATIONS. ARE THERE ANY QUESTIONS FROM

14 STAFF?

15 CHAIRMAN PENNINGTON: QUESTIONS FOR STAFF? MR.

16 RHOADS? SENATOR ROBERTI?

17 MEMBER ROBERTI: YOU HAD INDICATED THAT YOU

18 HAD NOT IMPLEMENTED

19 LOW COST DUE TO THE LOW COST OF THE PROGRAM.

20 COULD YOU TELL ME WHAT THOSE ARE?

21 MR. COLLORD: YES. THEY ARE OUTLINED IN THAT

22 AGENDA ITEM. EXAMPLES INCLUDE GOVERNMENT SOURCE

23 REDUCTION, A RESIDENTIAL DROP-OFF PROGRAM FOR

24 RECYCLABLE MATERIALS, SELF-HAUL PROGRAM FOR

25 RESIDENTIAL GREEN WASTE, A SCHOOL CURRICULUM

PROGRAM, AND LAND USAGE INCENTIVES FOR XERISCAPE.

MEMBER ROBERTI: DO WE HAVE ANY IDEA WHAT THE COST IS ON ALL OF THAT? WHAT WOULD THE MINIMAL COST BE? HAVE YOU DONE AN ANALYSIS?

MR. COLLORD: WE REALLY HAVEN'T, NO.

MEMBER ROBERTI: I'LL WAIT FOR THE CITY TO COMMENT.

CHAIRMAN PENNINGTON: OKAY. ANY FURTHER QUESTIONS? WE HAVE DAVE AULT.

MR. AULT: GOOD MORNING, MR. CHAIRMAN, BOARD MEMBERS, DAVE AULT, CHAIRMAN OF TAORMINA INDUSTRIES, MERGED WITH REPUBLIC, REPUBLIC OFFICER AND PURCHASED CONSOLIDATED DISPOSAL, AND CONSOLIDATED FRANCHISE ADMINISTRATOR. I'M MORE CONFUSING THAN WHAT I'M GOING TO TALK ABOUT NOW. I APPRECIATE THE STAFF'S REPORT, AND IT'S VERY DIFFICULT FOR ME AT TIMES TO COME FORWARD BECAUSE I WOULD AGREE ENTIRELY WITH WHAT GARY HAS SAID HERE ON THE FIRST TWO YEARS OF HAWAIIAN GARDENS. JUST TAKE A COUPLE MINUTES OF YOUR TIME. IN 1995, THE FIRST YEAR OF OUR ANNUAL REVIEW FOR HAWAIIAN GARDENS, THE CITY HAD GONE THROUGH THREE CITY MANAGERS WHO WERE TERMINATED. HAWAIIAN GARDENS IS PROBABLY ONE OF, IF NOT THE POOREST COMMUNITY IN THE STATE OF CALIFORNIA.

1 THEY HAD REALLY NO ANNUAL REPORT, AND THE
2 ONLY RECYCLING PROGRAMS IN HAWAIIAN GARDENS AT
3 THE TIME WERE SELF-RECYCLING BY INDIVIDUALS FOR
4 MONETARY REASONS, BOTTLES AND CANS. THE HAULER
5 AT THE TIME HAD NO PROGRAMS IMPLEMENTED, AND, IN
6 DEED, THE CITY WAS IN NONCOMPLIANCE.
7 IN 1996, THE FINANCIAL CONDITION OF THE
8 HAWAIIAN GARDENS DID NOT CHANGE, NOR REALLY DID
9 THE ATTITUDE OF THE ADMINISTRATORS OF THE CITY. AT
10 THE END OF 1996, WE PURCHASED CONSOLIDATED
11 DISPOSAL AND PUT INTO PLACE A COMMERCIAL
12 RECYCLING PROGRAM IN DECEMBER OF THAT YEAR. WE
13 UNDERWROTE THE COST OF THAT PROGRAM.
14 IF WE WERE TO END THE PRESENTATION AT THIS
15 TIME, I WOULD TOTALLY AGREE WITH STAFF'S
16 RECOMMENDATION REPORT THAT WE WERE NOT IN
17 COMPLIANCE. BUT I THINK AS BOARD MEMBER EATON HAD
18 MENTIONED EARLIER, THE TIMING OF THE GOOD-FAITH
19 EFFORT IS VERY IMPORTANT. I WOULD LIKE TO SPEND
20 MAYBE ONE OR TWO MINUTES ON THAT.
21 IN 1997, WE HAD A NEW COUNSIL AND A NEW CITY
22 MANAGER WHICH GAVE DIRECTION AND A FEELING OF A
23 HIGHER PRIORITY TO THE WASTE ISSUE. UNTIL THAT TIME,
24 IT WAS A SURVIVAL MODE IN HAWAIIAN GARDENS.
25 WORKING WITH THE FRANCHISE HAULER

1 CONSOLIDATED DISPOSAL, THEY IMPLEMENTED IN 1997 A
2 CURBSIDE RECYCLING PROGRAM, A CURBSIDE
3 GREEN WASTE PROGRAM -- A YARD WASTE PROGRAM, AND
4 WENT CITYWIDE WITH COMMERCIAL AND INDUSTRIAL
5 RECYCLING. THEY PUT BASICALLY A TAX OR A FEE UPON
6 THEMSELVES COMPLYING IN GOOD FAITH WITH AB 939.
7 THEY INCREASED THE RESIDENTIAL RATE BY OVER 30
8 PERCENT TO MEET THEIR MANDATES. THIS IS A CITY THAT
9 IS VERY POOR AND MAKING A GOOD-FAITH EFFORT.
10 I WANT TO ADD, BASICALLY, WE HAVE REPRESENTED
11 OVER 25 JURISDICTIONS TO WHO HAVE ALREADY BEEN
12 APPROVED ON THE BIENNIAL REVIEWS. I KNOW OF NO
13 JURISDICTION THAT'S WORKED HARDER AND HAS GIVEN UP
14 MORE THAN HAWAIIAN GARDENS TO GET TO THIS GOAL.
15 YOU KNOW, IT'S EASY FOR VILLA PARK TODAY TO
16 HAVE A 60 PERCENT DIVERSION. THEY'RE HALF-ACRE
17 ESTATES. HAWAIIAN GARDENS IS A VERY POOR
18 COMMUNITY.
19 NOW, WHEN WE LOOK AT OUR 1997 REPORT, WHICH
20 WAS COMPLETELY REDONE AND GIVEN TO STAFF TODAY,
21 IT REPRESENTS A 51 PERCENT WASTE DIVERSION FOR THAT
22 COMMUNITY. NOW, IN ALL HONESTY, THAT REFLECTS THE
23 COUNTY OF THE LOS ANGELES REALLOCATION OF THEIR
24 NRP OF TONNAGE. PRIOR TO THAT REALLOCATION, THE
25 DIVERSION INCREASED FROM 0 TO 6 TO 30 PERCENT IN THE

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1 LAST THREE YEARS, AND IT'S STILL CONTINUING TO
2 INCREASE.
3 I WOULD RESPECTFULLY REQUEST THAT THE BOARD
4 LOOK AT THIS BEYOND THE 1995, '96 WINDOW. IF WE WANT
5 TO SEND A MESSAGE TO A COMMUNITY THAT HAS STEPPED
6 FORWARD AND MADE A GREAT-FAITH EFFORT, IT WOULD
7 BE HAWAIIAN GARDENS. AND I'M SAYING THIS, NOT
8 REPRESENTING HAWAIIAN GARDENS, BUT REPRESENTING A
9 NUMBER OF JURISDICTIONS THROUGHOUT SOUTHERN
10 CALIFORNIA.
11 THIS GRAPHICALLY SHOWS EXACTLY WHAT THE
12 STAFF IS REPORTING: THE 0 PERCENT IN 1995, 6 PERCENT
13 IN 1996, AND 51 PERCENT IN 1997. THAT 51 PERCENT IS AN
14 APPROVED NUMBER BY THE STATE BOARD FOR DIVERSION
15 FOR HAWAIIAN GARDENS. AGAIN, THAT REPRESENTS THE
16 NEW ALLOCATED TONNAGE FROM THE COUNTY OF LOS
17 ANGELES, WHICH WAS JUST RECENTLY RECALCULATED.
18 BUT EVEN PRIOR TO THAT, WE WERE RIGHT AROUND 30
19 PERCENT DIVERSION.
20 AND, FINALLY, BOARD MEMBER JONES HAS SAID
21 MANY TIMES THAT NUMBERS ARE ONE THING AND
22 PROGRAMS ARE AN ENTIRELY DIFFERENT THING. AND IT'S
23 IMPORTANT THAT WE GET THESE DIVERSION LEVELS WITH
24 PROGRAMS, NOT JUST NUMBERS.
25 THIS PICTURE WAS TAKEN FRIDAY OUTSIDE OF A

HOME IN HAWAIIAN GARDENS. AND YOU CAN SEE THEY HAVE A FULL, THREE-CAN OPERATION. THEY HAVE TRASH. THEY HAVE A YARD-WASTE PROGRAM, AND THEY HAVE A RECYCLING PROGRAM. WE ALSO HAVE A 100 PERCENT PARTICIPATION IN THE COMMERCIAL/INDUSTRIAL RECYCLING.

THAT CONCLUDES MY SHORT PRESENTATION TO YOU. I DO WANT TO ADD THAT A NUMBER OF THE COMMENTS MADE ABOUT THE INEXPENSIVE PROGRAMS ARE BEING IMPLEMENTED AT OUR COST. WE’VE GONE INTO THE SCHOOL SYSTEMS WITH A RECYCLE PROGRAM FOR THE ELEMENTARY SCHOOLS. WE CALL THEM OUR RECYCLING LOUNGE LIZARDS FOR LOS ANGELES. VERY SUCCESSFUL. WE’VE STARTED THE PROGRAM ON A RECYCLING PROGRAM BUYING RECYCLED PAPER. BUT I WANT YOU TO UNDERSTAND THE CITY OF HAWAIIAN GARDENS ISN’T EVEN REPRESENTING THEMSELVES HERE TODAY BECAUSE THEIR STAFF HAS BEEN SO DEPLENISHED BY THEIR ECONOMIC CONCERNS AND PROBLEMS. IT WOULD BE LIKE ASKING YOUR WASTE STAFF TO DO ALL OF THESE ANNUAL REVIEWS WITH ONE INDIVIDUAL. I’M WORKING FOR THEM AND HELPING THEM, AND IT TAKES HOURS TO GET A RETURN TELEPHONE CALL TO ME.

50, AGAIN, WE’RE DOING THE BEST WE CAN IN SUPPORTING THE CITY. I THINK THE MESSAGE THAT I

1 WOULD LIKE TO SEND TO THEM, AND RESPECTFULLY, IS
2 THAT THEY MADE A GREAT-FAITH EFFORT IN THE LAST
3 YEAR OR SO.
4 THANK YOU. I'D BE GLAD TO ANSWER ANY
5 QUESTIONS YOU MAY HAVE.
6 CHAIRMAN PENNINGTON: QUESTIONS? MR. EATON.
7 MEMBER EATON: YES. I'M INTERESTED IN YOUR
8 CALCULATIONS THAT YOU MENTIONED IN REGARDS TO LOS
9 ANGLES COUNTY. MY UNDERSTANDING IS THAT WAS IN
10 THE UNINCORPORATED AREA OF THE CITY OF HAWAIIAN
11 GARDENS AND THE CITY IS INCORPORATED?
12 MR. AULT: THAT WAS WHAT WE'VE BEEN GIVEN
13 THROUGH THE WORKSHOP AND THE NUMBERS RELEASED
14 BY STAFF, IS THEY ALLOCATED THE COUNTIES
15 THROUGHOUT THE COUNTY OF LOS ANGELES, AND THE
16 COUNTY OF LOS ANGELES -- THE COUNTY AREAS, NOT THE
17 CITY, I BELIEVE. CORRECT? THE EXECUTIVE DIRECTOR
18 WOULD PROBABLY KNOW MORE THAN I WOULD ON THAT
19 ISSUE.
20 EXECUTIVE DIRECTOR CHANDLER: JUDY, YOU'RE
21 GOING TO HAVE TO HELP THEM AND GO THROUGH THE
22 ALLOCATION AND UNALLOCATION TONNAGE FOR STAFF
23 MEMBER.
24 MS. FRIEDMAN: OKAY. I'LL DO THE BEST I CAN, AND
25 THEN I'LL ASK MY STAFF TO JUMP IN AS WELL.

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1 YOU RECALL THAT WE HAD AN ITEM THAT CAME
2 BEFORE THE BOARD THAT DEALT WITH LOS ANGELES
3 UNINCORPORATED COUNTY, AND HAD A METHOD --
4 MEMBER EATON: 3.8?
5 MS. FRIEDMAN: CORRECT. THERE WAS A CERTAIN
6 AMOUNT OF TONNAGE.
7 MEMBER EATON: AND WOULD THE CITY WITHIN THE
8 COUNTY BE ELIGIBLE FOR THE ALLOCATION OF 3.8?
9 MS. FRIEDMAN: WHAT WE DESCRIBED IN THAT
10 PARTICULAR ITEM WAS THAT THE 3.8 WAS THE TOTAL
11 TONNAGE, AND ONCE THE BOARD ADOPTED THAT
12 PARTICULAR THING FOR LOS ANGELES UNINCORPORATED,
13 THEN OTHER JURISDICTIONS COULD COME IN AND ASK FOR
14 THEIR SHARE OF THAT 3.8.
15 WE HAD A WORKSHOP WITH THE JURISDICTIONS IN
16 LOS ANGELES TO DESCRIBE THAT PROCESS WHEREBY THEY
17 COULD COME IN AND ASK FOR THAT SHARE USING THAT
18 METHOD. AT THIS POINT, TO DATE, HAWAIIAN GARDENS
19 HAS NOT BEEN HEARD BY THE BOARD OR COME IN FOR
20 THAT BASE-YEAR ADJUSTMENT. THERE WAS A WORKSHOP.
21 IT WAS DISCUSSED, BUT THAT HAS NOT HAD INITIAL
22 BOARD ACTION AT THIS POINT.
23 MEMBER EATON: AND WAS THAT LIMITED TO SOUTH
24 POL (SIC) OR PART OF THE SOUTH POL THE 3.8? DO YOU
25 REMEMBER?

1 MS. FRIEDMAN: SOUTH POL.

2 MEMBER EATON: SOUTH POL ONLY. SO HOW MANY,

3 IF YOU HAVEN'T COME IN HERE AND GOTTEN THAT

4 CALCULATION, DID YOU INCORPORATE IN YOUR OWN

5 CALCULATION?

6 MR. AULT: THESE WERE THE NUMBERS THAT WERE

7 GIVEN TO US AT THE WORKSHOP WHICH WERE ALLOCATED

8 FOR HAWAIIAN GARDENS BY THE CALIFORNIA WASTE

9 MANAGEMENT BOARD. SO, AGAIN, WITHOUT THOSE

10 NUMBERS, WE GET 30 PERCENT. WITH THOSE NUMBERS,

11 WERE AT 51 PERCENT. AND, AGAIN, THE FORMAL

12 PROCEDURE - THAT PROCEDURE, I BELIEVE, WAS HELD

13 ABOUT A WEEK AGO, AND I HAVE NOT FINALIZED HOW WE

14 WOULD ADDRESS THAT ISSUE.

15 AGAIN, WE'RE RESPONDING TO THE IMMEDIATE

16 ACTION HERE UNDER AGENDA ITEM 4. AND EVEN WITHOUT

17 THAT ALLOCATION, WHICH I BELIEVE WILL BE ALLOCATED

18 TO THE CITY BASED UPON THE WORK DONE BY THE STAFF,

19 IT WOULD BE WITHOUT THAT A 30 PERCENT, WHICH WOULD

20 BE WITHIN COMPLIANCE CURRENTLY AND AT 51 PERCENT

21 AFTER THE ALLOCATION.

22 CHAIRMAN PENNINGTON: YES. SENATOR ROBERTI.

23 MEMBER ROBERTI: ONE OF THE PROBLEMS, AS I

24 UNDERSTAND IT, IS HAWAIAAN GARDENS HAS NOT

25 IMPLEMENTED THE PROGRAMS OF THE SRRE DESPITE,

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1 IRRESPECTIVELY, THE 51 PERCENT REDUCTION?

2 MR. AULT: THAT WOULD BE CORRECT FOR 1995 AND

3 LATTER PART - TILL THE LATTER PART OF ‘96.

4 MEMBER ROBERTI: 1997 HAS BEEN IMPLEMENTED?

5 YOU’RE SAYING STAFF IS AWARE OF THIS

6 IMPLEMENTATION?

7 MR. COLLORD: WE’VE JUST BEEN GIVEN THIS DATA

8 ABOUT AN HOUR AGO, AND SO WE REALLY HAVEN’T HAD

9 TIME TO PROPERLY EVALUATE IT. THE ‘94, ‘95, AND ‘96, THE

10 NUMBERS, WE BELIEVE, ARE CORRECT. IT’S 0 AND 6

11 PERCENT.

12 MEMBER ROBERTI: THE BIENNIAL REPORT COVERS

13 WHICH TWO YEARS THEN?

14 MR. COLLORD: 1995 AND 1996.

15 MEMBER ROBERTI: AND MR AULT WAS SAYING 1997 --

16 MR. COLLORD: WELL -

17 MEMBER ROBERTI: ABOUT THIS IMPLEMENTATION

18 TAKING PLACE?

19 MR. COLLORD: YES, I BELIEVE SO. THAT IS CORRECT.

20 MR. AULT: THE 1997 ANNUAL REPORT WHICH REFERS

21 TO THESE PROGRAMS HAS BEEN REVISED TO REFLECT

22 ACTUAL PROGRAMS. I’M NOT MAKING ANY EXCUSES FOR

23 THE CITY. THEY DID A VERY POOR JOB IN REPRESENTING

24 WHAT THEY WERE DOING FOR THE PAST TWO YEARS. BUT I

25 CAN ONLY EXPLAIN THAT THEIR PRIORITY WAS SURVIVAL

1 DURING THAT PERIOD OF TIME, GOING THROUGH SEVEN
2 CITY MANAGERS IN LESS THAN TWO AND A HALF YEARS,
3 AND AT ONE TIME THE CITY WAS GOING TO FOLD UP AND
4 GO INTO THE COUNTY.
5 RIGHTFULLY, WRONGFULLY, THEY DIDN'T ADDRESS
6 THESE ISSUES. WE'VE TAKEN OVER THEIR REPORTING FOR
7 THEM IN THIS PAST YEAR. WE PUT THE PROGRAM IN
8 PLACE. WE'VE TAKEN A VERY PROACTIVE ROLE WITH THE
9 CITY OF HAWAIIAN GARDENS, UNDERSTANDING THAT THEY
10 DON'T HAVE THE RESOURCES TO DO SO.
11 WE HAVE A NUMBER OF CITIES -- WE HAVE, I BELIEVE
12 18 FRANCHISED OPERATIONS IN LOS ANGELES COUNTY. WE
13 ARE FAMILIAR WITH THE OPERATIONS THERE, AND WE ARE
14 WORKING WITH GARY AND THE WASTE STAFF.
15 IT IS A VERY UNIQUE SITUATION, BUT I FEEL THAT
16 THE EFFORT MADE BY THE CITY IN THE PAST YEAR AND A
17 HALF REALLY WARRANTS A POSITIVE REACTION AS
18 OPPOSED TO A NEGATIVE ONE.
19 CHAIRMAN PENNINGTON: MR. FRAZEE.
20 MEMBER FRAZEE: MR CHAIRMAN, I THINK WE FIND
21 OURSELVES IN A BIT OF A QUANDARY HERE BECAUSE
22 WHAT WE'RE CONSIDERING IS CONSIDERATION IN THE
23 ARREARS, AND REALLY CAN'T TECHNICALLY OR LEGALLY
24 LOOK AT THE GOOD-FAITH EFFORTS IN 1997.
25 I THINK THE RESOLUTION THAT WAS DRAFTED

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1 LEAVES ROOM FOR THAT AND TO RECOGNIZE THAT IN THE
2 NEXT REVIEW, AND ITS GOOD TO HEAR, BUT I THINK THE
3 RESOLUTION IS SOFT ENOUGH IN ITS COMPLIANCE OF
4 PROCEDURES TO ACCOMMODATE THIS, AND WE CAN ADOPT
5 THE RESOLUTION AND GIVE THE CITY A PAT ON THE BACK
6 AT THE SAME TIME.
7 I HOPE THAT EVERYONE WILL UNDERSTAND THAT IT'S
8 NOT A NEGATIVE, THAT WE DO RECOGNIZE THAT THEY
9 MADE A GIANT LEAP FORWARD, AND ARE IN COMPLIANCE
10 NOW, BUT WE ARE FACED WITH THIS SITUATION OF HAVING
11 TO CONSIDER '95 AND '96, AND NOT '97.
12 CHAIRMAN PENNINGTON: OKAY. MR. RHOADS.
13 MEMBER RHOADS: I AGREE WITH MR. FRAZEE. WE'VE
14 HAD A LOT OF OTHER CITIES COME BEFORE US TODAY WHO
15 HAVE DONE THE WORK AND DONE IT ON TIME. AND IT'S
16 CERTAINLY NOT FAIR TO OUR STAFF TO, ALL OF A SUDDEN,
17 TO PRESENT THEM WITH A WHOLE SLEW OF NUMBERS AND
18 FORMS AND EXPECT
19 THEM TO TURN IT AROUND IN ONE HOUR AND COMMENT.
20 WHAT IS THE PROBLEM WITH US ADOPTING THE
21 RESOLUTION BEFORE US? IF YOUR NUMBERS ARE AS GOOD
22 AS THEM CLAIM AND IF YOU HAVE IMPLEMENTED THE
23 PROGRAMS, THEN THAT OUGHT TO BE REFLECTED IN THE
24 COMPLIANCE REPORT THAT THE STAFF IS GOING TO
25 PRESENT TO US IN JANUARY. WHAT IS THE PROBLEM WITH

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THAT FROM YOUR STANDPOINT?

MR. AULT: IF THE STAFF IS COMING BACK WITH A REPORT IN JANUARY, THERE WOULD BE NO PROBLEM AT ALL. THE WAY I READ THE REPORT NOW IS IT'S A QUARTERLY REPORT. WE HAVE ADDITIONAL PAPERWORK FOR THE CITY STAFF TO DO.

AGAIN, WE'LL PROBABLY BE DOING THAT PAPERWORK FOR THEM. WE DON'T MIND DOING THAT. I JUST WANTED TO BE ABLE TO BRING A PICTURE TO YOU MUCH DIFFERENT THAN WHAT YOU RECEIVE IN YOUR STAFF REPORT, AND THAT'S IN RESPECT WITH YOUR STAFF.

I THINK YOUR STAFF IS WONDERFUL, AND THEY DO A GREAT JOB, AND IT'S VERY ACCURATE REPRESENTATION, BUT I WANT TO TAKE IT ONE STEP FURTHER, AND THAT'S WHAT I'M BRINGING TO YOU, BOARD MEMBER, IS THERE'S MORE TO THIS THAN JUST THE INITIAL CURSORY LOOK, AND IT'S AN AREA WHERE YOU HAVE A CITY THAT A NEW COUNSIL POLITICALLY TOOK A CHANCE AND RAISED RATES, PUT PROGRAMS IN,

AND WE KNOW WHAT ACTION YOU'RE TAKING HERE, AND THAT ACTION IS PROBABLY APPROPRIATE. BUT HOW IT'S UNDERSTOOD 300 MILES AWAY IN LOCAL PRESSURE AND LOCAL PRESS AND LOCAL POLITICS, WHICH WE'RE ALL VERY FAMILIAR WITH, HOW DOES THIS PLAY WITH THE PEOPLE WHO PUT THESE PROGRAMS IN WHO ADDRESS

1 THEIR PERSONAL POLITICAL CAREERS IN A VERY

2 DIFFICULT ARENA?

3 I JUST THINK THAT -- AND WHAT YOU'RE SAYING IS

4 ACCURATE. YOU'RE COMMENTS ARE ACCURATE, BUT,

5 AGAIN, IF THERE'S A WAY THAT YOU CAN ADDRESS THIS IN

6 A MATTER, MAYBE EVEN TO ASK STAFF TO COME BACK

7 NEXT MONTH WITH FURTHER ANALYSIS.

8 I'M SORRY YOU JUST GOT THIS INFORMATION TODAY.

9 QUITE FRANKLY, I DIDN'T GET THE INFORMATION TILL THE

10 LATTER OR THE MIDDLE PART OF LAST WEEK. WE PUT IT

11 ALL TOGETHER IN ABOUT FOUR DAYS, THIS INFORMATION.

12 SO, AGAIN, IF IT WOULD BE FAIR IN LOOKING AT IT NEXT

13 MONTH, I'D BE GLAD TO COME BACK UP AND WORK THIS

14 OUT.

15 MEMBER RHOADS: I HAVE NO TROUBLE WITH THE

16 RESOLUTION THE WAY IT IS WRITTEN RIGHT NOW. MY

17 UNDERSTANDING OF THE RESOLUTION IS THAT YOU GUYS

18 WILL COME BACK WITH A COMPLIANCE ORDER IN

19 JANUARY, AND AT THAT TIME, THEY WILL BE ABLE TO

20 COMMENT ON THE PROGRAMS YOU'VE IMPLEMENTED AND

21 COMMENT ON THE FACTS AND THE NUMBERS THAT YOU'VE

22 GIVEN TO THEM. AND, IF IT IS TRUE THAT YOU HAVE

23 ACCOMPLISHED 30 PERCENT OF THE 51 PERCENT

24 REGULATORY SEWER STATS, WHICH WOULD REFLECT THAT

25 IN YOUR COMMENTS TO US IN JANUARY.

1 MR. AULT: IT WOULD BE VERY CLEAR

2 MEMBER RHOADS: BUT, AS OF RIGHT NOW, I HAVE

3 ZERO SUPPORT IN THAT RESOLUTION.

4 MR. AULT: AGAIN, THOSE NUMBERS -- THEY'RE

5 CLARIFIED. THOSE NUMBERS ARE FROM THE BOARD

6 MEMBERS. THOSE AREN'T NUMBERS THAT WE ADJUSTED

7 OR CREATED.

8 I HAVE, AGAIN, NO PROBLEM COMING BACK IN

9 JANUARY AND MEETING WITH STAFF AND COMING -

10 FORWARD. MY CONCERN TODAY WAS THE PRESENTATION

11 OF WHAT HAWAIIAN GARDENS HAS DONE, AND I CLEARLY

12 PRESENT THAT TO YOU.

13 MR RHOADS: THAT'S WHY WE PUT IT ON THE

14 AGENDA.

15 MR. AULT: THANK YOU.

16 CHAIRMAN PENNINGTON: OKAY. MR. FRAZEE:

17 MEMBER FRAZEE: YEAH. IN READING THE

18 RESOLUTION THOROUGHLY, THE RESOLVE CLAUSE

19 NUMBER TWO, I DO HAVE A LITTLE PROBLEM WITH THAT.

20 AND IT INDICATES THE CITY SHALL DOCUMENT ITS

21 PROGRESS IN IMPLEMENTING SELECTED PROGRAMS AND

22 MEETING THE DIVERSION REQUIREMENTS OF 25 PERCENT

23 BY 1995 AND 50 PERCENT BY 2000 IN QUARTERLY REPORTS

24 TO THE BOARD

25 I DON'T -- THAT'S OBVIOUSLY NOT GOING TO HAPPEN.

1 I THINK THAT ONE

2 OUGHT TO BE REWRITTEN IN SUCH A MATTER AS TO

3 INDICATE THE SIGNIFICANT PROGRESS THAT CAN BE MADE

4 OR IS BEING MADE.

5 I THINK IT'S VERY OBVIOUS THERE'S NO WAY THAT

6 THEY'RE GOING TO MEET AGAIN,

7 RETROACTIVELY, THOSE GOALS, NOR DO I THINK THE

8 QUARTERLY REPORTS ARE GOING TO BE READY.

9 MS. FRIEDMAN: MR. CHAIRMAN?

10 CHAIRMAN PENNINGTON: YES.

11 MS. FRIEDMAN: IT'S PART OF OUR REVIEW THAT WE

12 WOULD BE CONDUCTING -- WE

13 WOULD BE ABLE TO TAKE A LOOK AT THAT AND REFLECT

14 THAT WHAT MR. FRAZEE IS TALKING ABOUT IN THE ITEM

15 THAT COMES BEFORE YOU IN JANUARY.

16 CHAIRMAN PENNINGTON: MR. EATON.

17 MEMBER EATON: I CONTINUE TO BE A LITTLE BIT

18 PUZZLED AND SOMEWHAT CONCERNED BY THE

19 IMPLICATION AS HE STARTED DOWN THE ROAD WITH LA

20 COUNTY, AND HOPEFULLY SOME OF MY FELLOW BOARD

21 MEMBERS WILL CORRECT ME IF I AM MISTAKEN, BUT ALL

22 ALONG, THE GAME HAS BEEN PLAYED AS THE

23 UNDERPINNING FOR PRESUMED THE ALLOCATION OF THE

24 INCORPORATED AREAS. THEY WEREN'T OUR FIGURES, AND

25 THEY NEVER WERE, AND THEY NEVER WILL. THOSE ARE

1 FIGURES GENERATED BY CONSULTANTS. NOW, WE'RE
2 BEING TOLD THAT THEY'RE OUR OWN FIGURES.
3 I JUST WANT TO SET THE RECORD, FOR AT LEAST MY
4 IMPRESSION, THOSE RECORDS, SIR, ARE NOT OUR FIGURES.
5 THEY MAY HAVE BEEN CALCULATED BY OUR STAFF, BUT
6 THE PROPER PROCESS IS YOU HAVE TO COME AND SEEK
7 THIS BOARD'S APPROVAL FOR THOSE NUMBERS, HOWEVER
8 YOU CALCULATE THEM, AND THEN THE BOARD AND THIS
9 STAFF WILL CHECK OUT AND SEE IF YOUR FIGURES ARE
10 ACCURATE.
11 SO I DON'T WANT TO MAKE ANY MISTAKE WHEN THAT
12 REPORT COMES. NOW THAT'S MY UNDERSTANDING. NOW I
13 WOULD LIKE ONE OF THE BOARD MEMBERS TO KIND OF GO,
14 BECAUSE I DON'T THINK YOU CAN GET TO THE OTHER
15 POINT UNLESS YOU'VE GONE THROUGH. YOU JUST CAN'T
16 SORT OF BOOTSTRAP IT UP. BUT HELP ME ON THIS. I
17 THINK THAT'S WHAT WE'RE KIND OF TALKING ABOUT.
18 MEMBER FRAZEE: I THINK WITHOUT THE -- EVEN
19 WITHOUT THE ADJUSTMENTS, THEY INDICATE THEY'RE AT
20 31 PERCENT, WHICH PUTS THEM AT --
21 MEMBER EATON: I HAVE NO PROBLEM WITH --
22 MEMBER JONES: I THINK WHAT MR. EATON IS
23 SAYING, THOUGH, THAT WE KEEP TELLING, ESPECIALLY
24 SOUTHERN CALIFORNIA, THAT THESE ARE NOT OUR
25 NUMBERS. WE DIDN'T DEVELOP THEM. WE DIDN'T GIN

1 THEM UP. WE DIDN’T DO ANYTHING. THEY ARE THOSE
2 JURISDICTION’S NUMBERS. SO I THINK FOR STAYING
3 CONSISTENT, IF THE NUMBERS THAT THEY WORKED OUT,
4 AS FAR AS A WORKSHEET GO, WERE PROVIDED BY STAFF TO
5 HELP FIGURE OUT IF THOSE NUMBERS, YOU KNOW, WHERE
6 YOU FALL. I CAN SEE THAT BEING PART OF THE EXERCISE,
7 BUT I THINK THE NUMBERS BELONG TO HAWAIIAN
8 GARDENS.
9 MR. AULT: YES, SIR. I AGREE WITH YOU. I THINK,
10 OTHERWISE, IN THIS ROUND, YOU’VE GOT TO END UP
11 CHANGING THE NUMBERS. THE PROGRAM SPEAKS FOR
12 ITSELF.
13 MR. JONES: MR CHAIRMAN, I HAVE ANOTHER ISSUE
14 ON THIS, AND IT NEVER FAILS WHEN WE HAVE ONE OF
15 THREE, IT JUST NEVER FAILS. I THINK IN THIS
16 RESOLUTION, WE’RE GOING TO DIRECT STAFF TO DRAFT AN
17 ORDER OF COMPLIANCE. MAYBE ON THIS ONE WE OUGHT
18 TO, IN THAT FIRST PART OF THE RESOLUTION WHICH SAYS
19 THE CITY SHALL IMPLEMENT ALL THE PROGRAMS, MAYBE
20 WE NEED THEM TO REPORT ON THE PROGRAMS THEY’RE
21 GOING TO IMPLEMENT AS OPPOSED TO MANDATING THAT
22 THEY DO THE MALL.
23 THE OTHER THING I’D LIKE TO SEE. I’D LIKE TO HAVE
24 MY FELLOW BOARD MEMBERS DISCUSS THIS ITEM,
25 BECAUSE I THINK IT’S IMPORTANT THAT ON EVERY ONE OF

1 THESE COMPLIANCE ORDERS, ON EVERY ONE OF THEM, WE
2 DIRECT STAFF TO -- AS THE FOURTH, FIFTH, SIXTH,
3 SEVENTH, WHATEVER ITEM, THE LAST ITEM THAT AT THE
4 END OF THE COMPLIANCE SCHEDULE, WE WILL HAVE A
5 HEARING TO SAY THAT IT IS EITHER -- YOU COMPLY OR
6 YOU ARE GOING TO BE FINED. YOU'LL HAVE THE HEARING
7 FOR THE FINE.
8 I THINK WE DO OURSELVES A DISSERVICE NOT TO
9 IDENTIFY THE POTENTIAL FOR A $10,000 FINE LEAVING
10 WITHOUT A COMPLIANCE ORDER. I'M NOT SAYING WHAT
11 THE FINE WOULD BE, BUT RESTATING IN LAW, THAT IT IS
12 UP TO $10,000. BECAUSE, TO WALK AWAY WITH A
13 COMPLIANCE PLAN, THAT'S WHAT WE NEED TO DO, AND
14 THAT'S WHAT THE LAW TELLS US TO DO, IS TO WORK WITH
15 THEM, GET A COMPLIANCE PLAN, AND TRY TO WORK IT
16 OUT.
17 IF THEY IGNORE THAT OR DON'T WORK WITHIN THE
18 COMPLIANCE PLAN, THEN WE'RE LOOKING AT ANOTHER
19 THREE OR FOUR MONTHS BEFORE WE HAVE AN ITEM TO
20 DEAL WITH THE HAMMER PART OF THE LAW, AND I DON'T
21 LIKE THAT TIMING. I DON'T WANT TO WORK WITH
22 SOMEBODY OR GIVE THEM A COMPLIANCE PLAN WHICH
23 THEY THINK IS EXACTLY WHAT WE NEED TO DO.
24 IF THEY IGNORE THE COMPLIANCE PLAN THE MONTH
25 FOLLOWING THE LAST DAY, THE COMPLIANCE PLAN LAYS

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1 OUT THAT THERE WILL BE A HEARING TO DETERMINE,
2 NUMBER ONE, YOU'VE COMPLIED, AND NUMBER TWO,
3 WE'RE GOING TO HAVE AN ITEM ON ENFORCEMENT, AND I
4 THINK THAT'S A MESSAGE THAT NEEDS TO BE LOUD AND
5 CLEAR COMING FROM THE ORGANIZATION.
6 MEMBER RHOADS: SO, MR. JONES, WHERE WOULD
7 YOU PROPOSE THAT WE DO THAT?
8 MR. JONES: I THINK WE CREATE A FOURTH
9 CONDITION. I THINK YOU UNDERSTAND WHAT I'M SAYING.
10 I JUST WANT TO IDENTIFY THAT UPON WHEN YOU DRAFT A
11 COMPLIANCE SCHEDULE, YOU'RE GOING TO HAVE A DATE.
12 YOU'RE GOING TO SAY THESE THINGS NEED TO BE DONE BY
13 THIS DATE. I'D LIKE TO SEE THE FOLLOWING MONTH, THAT
14 WEEK, IT COMES BACK TO THE BOARD.
15 WE EITHER GET THE EVIDENCE THAT THEY HAVE
16 COMPLIED OR AT THAT MEETING, WE SET THE TIME FOR
17 THE HEARING.
18 CHAIRMAN PENNINGTON: OKAY. MR. FRAZEE.
19 MEMBER FRAZEE: -- IN PLACE OF THE RESOLVED
20 CLAUSE NUMBER TWO.
21 MEMBER RHOADS: WELL, I WOULD -- THE
22 SUGGESTION I WOULD HAVE IS I WOULD LIKE TO LEAVE
23 TWO IN THERE, BUT TAKE OUT THE MEETING TWO
24 DIVERSION REQUIREMENT OF 25 PERCENT BY 1995. TAKE
25 OUT THAT.

1 MEMBER FRAZEE: OKAY.

2 MEMBER RHOADS: TAKE OUT THAT. BECAUSE I DO

3 THINK IT MAKES SENSE TO REPORT TO THE BOARD ABOUT

4 THEIR PROGRESS OF MEETING 50 PERCENT IN THE YEAR

5 2000.

6 AND THEN ADD A NEW ITEM.

7 MEMBER ROBERTI: ON THE 50 PERCENT --

8 MEMBER RHOADS: MY RECOMMENDATION IS TO

9 LEAVE THE 50 PERCENT, TO LEAVE NUMBER TWO TO READ

10 THAT THE CITY SHOULD DOCUMENT ITS PROGRESS WHEN

11 IMPLEMENTING SELECTED PROGRAMS AND MEETING THE

12 50 PERCENT BY 2000 NOW IN QUARTERLY REPORTS.

13 MEMBER ROBERTI: I'M CONFUSED WITH WHAT THE 50

14 PERCENT REFERRED TO? WHAT COMPUTATIONS ARE WE

15 USING TO GET TO THE 50 PERCENT? UNTIL WE SETTLE

16 WHAT THE NUMBERS ARE, I'D RATHER NOT VOTE ON

17 NUMBER TWO AT ALL, FRANKLY. AND WHY CAN'T THAT

18 NUMBER -- AND I'M JUST THINKING OUT LOUD -- WHY CAN'T

19 THAT WAIT 30 DAYS, THE MEETING ON THE 2 1ST. AND IF

20 THEY'RE NOT IN COMPLIANCE OR IF THEIR NUMBERS ARE

21 SKEWED, WE CAN PICK IT UP AT THAT POINT. BUT I DON'T

22 -- I DON'T KNOW WHAT THE 50 PERCENT REFERS TO, AND

23 FROM WHAT I SENSE, I DON'T THINK ANYBODY IS IN A

24 POSITION TO TELL ME TODAY, BUT MAYBE I'M WRONG.

25 CHAIRMAN PENNINGTON: MR. AULT.

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1 MR. AULT: THANK YOU, MR. CHAIRMAN. IF I COULD
2 BE SO PRESUMPTUOUS AS TO ASK THIS: I'LL BE GLAD TO
3 WORK WITH STAFF AND WORK WITH GARY, AND I THINK
4 WHAT WE'RE DOING IS WE'RE GOING FROM DIFFERENT --
5 WE'RE NOT ALL ON THE SAME STARTING POSITION HERE,
6 AND I WILL SAY THAT 99 PERCENT OF THE PROBLEMS ARE
7 FROM OUR SIDE, AND LESS THAN 1 PERCENT FROM THE
8 BOARD'S SIDE. BUT I THINK I HAVE SOME ANSWERS TO FIX
9 THAT 99 PERCENT ERROR OR LACK OF INFORMATION.
10 COULD IT WORK WITH STAFF AND COME BACK NEXT
11 MONTH FOR YOU WITH A STAFF REPORT WHICH WOULD
12 REFLECT WHAT HAS ACTUALLY HAPPENED, INCLUDING
13 THE 1997 ADJUSTMENT AND ADJUSTED ON THE ACTUAL
14 BOARD MEMBERS AND ELIMINATE WHAT I DID WITH THE
15 ANTICIPATED UNALLOCATED TONNAGE REPORT TO
16 REFLECT WHAT IS, BOARD MEMBER EATON SAID, WAS
17 ACTUALLY IN STATUTE AND HAS BEEN AGREED UPON BY
18 ALL PARTIES, AND BRING THAT BACK ALONG WITH
19 PROGRAMS ANALYSIS OF THE PROGRAMS THAT WAS PUT
20 OUT IN SRRE, AND PUT INTO PLACE IN ASSESSMENTS OF
21 THE PROGRAMS, AND NOT GIVE STAFF A ONE-HOUR NOTICE
22 OF INFORMATION LIKE I DID TODAY, WHICH I APOLOGIZE
23 FOR.
24 BUT, AGAIN, I HAD A FOUR-DAY NOTICE TO PUT THIS
25 TOGETHER. I THINK THAT WOULD BE FAIR TO ALL

1 PARTIES. I WOULDN’T MIND TAKING WHATEVER TIME IT
2 TAKES TO GET THIS CORRECTED, AND MAYBE BY DOING
3 SO, IT WOULD BE EASIER FOR US TO MEET NEXT MONTH
4 WITH A RESOLUTION TO BE BROUGHT BACK TO THE BOARD
5 FOR REVIEW. AND I AGREE WITH BOARD MEMBER JONES
6 THAT WE SHOULD PROBABLY TIE IN ENFORCEMENT PART
7 OF THE DOCUMENT, BECAUSE IF WE DON’T COMPLY, THEN
8 THERE SHOULD BE A HAMMER ON THE OTHER SIDE.
9 SO I REALLY AM IN AGREEMENT TO EVERYTHING
10 YOU’RE SAYING. I WOULD LIKE TO BE A CATALYST TO
11 MAKE IT HAPPEN FOR YOU, AND GIVE MY TIME AND
12 ENERGY TO MAKE IT HAPPEN.
13 CHAIRMAN PENNINGTON: MR. EATON.
14 MEMBER EATON: I DON’T THINK THAT’S GOING TO
15 WORK, QUITE FRANKLY. FROM MY PERSPECTIVE -- AND
16 I’LL TELL YOU WHY. YOU KEEP REFERRING TO OUR
17 NUMBERS, AND I’M NOT GOING TO POUND OUT THE
18 MATTER, BUT THEY’RE NOT OUR NUMBERS.
19 THE PROPER PROCEDURES THAT MIGHT SOLVE THE
20 PROBLEM HERE, BECAUSE THERE ARE A NUMBER OF ISSUES
21 THAT WERE RAISED BY A NUMBER OF THE BOARD
22 MEMBERS. WHEN YOU ISSUE A COMPLIANCE ORDER, THE
23 STAFF COMES BACK WITH THE STEPS THAT NEED TO BE
24 GIVEN TO THE COMMENTS OF ALL OF THE BOARD
25 MEMBERS.

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1 THE FACT THAT THEY HAVE TO COME BACK, AND ONE
2 OF THE COMPLIANCE ITEMS WOULD BE TO REQUEST ANY
3 ADJUSTMENTS IF THEY WANT TO BASE-YEAR. AND
4 THEY'RE NOT OUR FIGURES. I WANT TO STRESS THAT. YOU
5 GOT TO PRODUCE THOSE FIGURES, AND YOU GOT TO
6 JUSTIFY THEM TO OUR STAFF. YOU'RE NOT GOING TO BE
7 ABLE TO JUST TAKE THOSE NUMBERS AND PUT IT THERE,
8 PERHAPS, IN THAT MANNER, AND THEY SET OUT A COURSE
9 OF ACTION, THEN, BASICALLY. ONCE THAT'S DONE, YOU
10 CAN GET THE SENATOR'S COMMENTS AS TO WHICH IS THAT
11 BASE.
12 YOU SEE, IT'S A PROCEDURAL STEP HERE. I UNDERSTAND
13 WHAT YOU'RE TRYING TO DO, BUT YOU CAN'T AVOID THE
14 COMPLIANCE ORDER ISSUE, AND THAT'S MY PERSPECTIVE.
15 AND SO WHY DON'T WE TRY TO JOIN HANDS AND MEET
16 HALF WAY. IT'S PART OF THE COMPLIANCE THAT WE WILL
17 DO THE FOLLOWING STEPS IN ORDER TO REACH IT, AND
18 THEN SEE WHERE WE ARE.
19 MR. AULT: NO PROBLEM.
20 CHAIRMAN PENNINGTON: BEFORE WE MAKE ANY
21 DECISIONS, WE DO HAVE ONE OTHER PERSON WHO WOULD
22 LIKE TO ADDRESS THIS IS SUE. RICK BEST.
23 MS. FRIEDMAN: MR. CHAIRMAN, WHILE MR. BEST IS
24 COMING UP, I WANT TO POINT OUT ONE THING, IF I MAY,
25 THAT THIS RESOLUTION DIRECTS US TO DRAFT THAT

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1 COMPLIANCE ORDER, WHICH IS WHAT WE WOULD BE DOING
2 IN COMING BACK NEXT MONTH WITH THE COMPLIANCE
3 ORDER FOR YOUR CONSIDERATION.
4 MEMBER JONES: MR. CHAIRMAN?
5 CHAIRMAN PENNINGTON: YES. MR. JONES.
6 MEMBER JONES: BEFORE MR. BEST STARTS HIS
7 TESTIMONY, I THINK I AGREE WITH BOTH OF MY
8 COLLEAGUES DOWN AT THAT END. AND I THINK WE NEED
9 TO REDRAFT NUMBER TWO BECAUSE THE MANDATES WERE
10 25 BY ‘95 AND 50 BY 2000. BUT I THINK IT’S THE WAY IT’S
11 WRITTEN HERE WE’RE PRESUMING. WE’RE NOT REAL SURE
12 ON THAT, SO I THINK IF WE WORK PAST THAT WITH THE
13 COMPLIANCE, WE KNOW THAT THEY HAVEN’T MET THE 25,
14 BUT WHAT PROGRAMS ARE THEY DOING TO NOT ONLY
15 MEET AND EXCEED THE 25, BUT GET TO THE 50 PERCENT
16 MANDATE OF 2000. THERE MAY BE A WAY SO WE DON’T
17 LOSE THAT 25 BY ‘95 OUT OF THE RESOLUTION. WE KNOW
18 IT CAN’T BE HIT, BUT HOW ARE WE GETTING THERE. I JUST
19 BRING THAT UP FOR US TO THINK ABOUT.
20 CHAIRMAN PENNINGTON: THANK YOU. MR. BEST.
21 MR. BEST: THANK YOU, MR. CHAIRMAN, AND BOARD
22 MEMBERS. I DO WANT TO WELCOME THE NEW MEMBER,
23 MR. ROBERTI. RICK BEST WITH CALIFORNIAN’S AGAINST
24 WASTE. AND I’M PLEASED WITH MUCH OF THE DISCUSSION
25 THAT’S GONE ON THIS FAR ON THIS ISSUE. I THINK WHEN

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1 THE ITEM WAS FIRST PRESENTED, I WAS CONCERNED THAT

2 HERE -- EXAMPLE OF A JURISDICTION THAT HADN'T

3 IMPLEMENTED PROGRAMS OR AT LEAST REPORTED TO THE

4 BOARD THAT ITS IMPLEMENTATION PROGRAMS. WE'RE

5 PLEASED THAT THIS JURISDICTION HAS THE ASSISTANCE

6 OF THE PREVIOUS SPEAKER MOVE FORWARD ON PROGRAMS

7 OVER THE LAST TWO YEARS, AND WE'RE CERTAINLY --

8 THAT'S SOMETHING THAT NEEDS TO BE CONSIDERED. I

9 WANT TO FIRST BRIEFLY IMPRESS UPON THE BOARD THE

10 IMPORTANCE OF THIS ITEM WITH REGARDS TO THE

11 IMPORTANCE OF THE ENFORCEMENT. OBVIOUSLY, IT'S

12 ALREADY BEEN DISCUSSED.

13 THERE'S HUNDREDS OF JURISDICTIONS THAT HAVE

14 MADE THE INVESTMENT AND IMPLEMENTED PROGRAMS,

15 AND IT'S IMPORTANT TO THIS BOARD TO FULFILL ITS

16 RESPONSIBILITIES IN TERMS OF FOLLOWING THROUGH

17 WITH THE ENFORCEMENT.

18 I THINK THE COMMENTS OF MR. RHOADS ARE

19 APPROPRIATE THAT THIS IS AN ACTION THAT'S ALREADY

20 HAPPENED, I.E., 1995 AND 1996. I DON'T THINK THE BOARD

21 IS IN A POSITION OF BEING ABLE TO IGNORE THAT AND SAY

22 THAT GOOD-FAITH EFFORTS HAVE BEEN DONE IN 1997 AND

23 IGNORE WHAT HAD BEEN DONE IN 1995. THAT BEING SAID,

24 I THINK THAT THE BOARD, IN ITS ULTIMATE

25 IMPLEMENTATION OF THE COMPLIANCE ORDER AND

1 ULTIMATELY IN A POSITION OF PENALTIES, CAN LOOK TO
2 WHAT THE BOARD DID WHEN IT ISSUED FINES ON
3 JURISDICTIONS FOR FAILING TO ADOPT PLANS, AND THAT
4 WAS THE BOARD IMPOSED A PENALTY BUT THEN FORGAVE
5 IF CERTAIN THINGS WERE DONE. AND I THINK THAT'S
6 SOMETHING THE BOARD SHOULD CONSIDER IN THIS, BUT,
7 NEVERTHELESS, I THINK THE BOARD AT THIS POINT IS IN
8 THE POSITION OF HAVING TO MOVE FORWARD WITH
9 ADOPTION OF A COMPLIANCE ORDER.
10 I WANT TO MAKE THREE SPECIFIC POINTS WITH
11 REGARDS TO WHAT I THINK THE COMPLIANCE ORDER
12 NEEDS TO RECOGNIZE, AND THAT IS WHAT'S ALREADY
13 BEEN MENTIONED. IT REALLY NEEDS TO FOCUS ON
14 IMPLEMENTATION PROGRAMS. I THINK -- I DON'T KNOW
15 WHAT THE INTENT -- I SPOKE TO PAT SHIVO A COUPLE
16 DAYS AGO TO KIND OF DISCUSS THIS ISSUE -- AND IT'S OUR
17 INTENT THAT THE BOARD WITH STAFF, WE WOULD LIKE TO
18 SEE THEM KIND OF SIT DOWN WITH THE CITIES AND SIT
19 DOWN WITH THE HAULER, IF THAT'S APPROPRIATE, TO
20 FIGURE OUT WHAT OTHER PROGRAMS THEY'RE GOING TO
21 BE IMPLEMENTING AND ADD THE SPECIFIC COMPLIANCE
22 ORDER SET OUT INSTEAD OF BEING SIMPLY A GENERIC
23 IMPLEMENTED PROGRAM IN OUR SRRE. THAT IS VERY
24 GENERIC AND NOT VERY SPECIFIC.
25 I THINK THERE NEEDS, IN THIS COMPLIANCE ORDER -- I

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1 THINK THIS AN OPPORTUNITY FOR THE BOARD STAFF TO
2 SIT DOWN WITH THE CITY AND FIGURE OUT WHAT ARE THE
3 SPECIFIC THINGS THAT THE CITY IS GOING TO DO ON A
4 SHORT TIMELINE IN ORDER TO GET THE CITY IN
5 COMPLIANCE. IF THOSE THINGS HAVE ALREADY BEEN
6 DONE IN 1997, 1998, THEN OBVIOUSLY THAT'S GOING TO BE
7 TAKEN CARE OF.
8 BUT I THINK IT'S APPROPRIATE FOR THE BOARD STAFF TO
9 SIT DOWN AND LAY OUT SPECIFICALLY WHAT OTHER KIND OF
10 IMPLEMENTATION PROGRAMS THAT ARE GOING TO BE
11 DONE TO GET THE CITY INTO COMPLIANCE.
12 I THINK THE SECOND IS SUE THAT I WANT TO RAISE IS
13 WITH REGARDS TO DOCUMENTATION. I KNOW THERE'S
14 BEEN SOME DISCUSSION HERE ABOUT POINT TWO IN TERMS
15 OF QUARTERLY REPORTS. I THINK IT'S APPROPRIATE THAT
16 THERE IS SOME LEVEL TO REPORTING TO THE BOARD. I
17 THINK THE BOARD NEEDS TO KNOW WHAT'S GOING ON.
18 THAT BEING SAID, I DON'T WANT THE MESSAGE TO LOCAL
19 GOVERNMENTS BEING THAT THE BOARD IS GOING TO
20 FOCUS ALL OF ITS ENERGY ON REPORTING AND NUMBER
21 CRUNCHING.
22 I THINK, AS I SAID WITH MY FIRST POINT, THE FOCUS
23 NEEDS TO BE ON IMPLEMENTATION. REPORTING IS JUST
24 SIMPLY A WAY FOR THE BOARD TO KNOW WHAT'S GOING
25 ON, BUT THAT SHOULDN'T BE AN EXTENSIVE BURDEN ON

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1 LOCAL GOVERNMENTS.

2 THERE'S AN ITEM -- THE NEXT ITEM WHERE THE BOARD IS

3 ACTUALLY DIRECTING, FOR EXAMPLE, THE CITY TO GO

4 BACK AND REDO ITS WASTE GENERATION STUDY. THERE

5 AGAIN, I THINK WHILE IT'S IMPORTANT TO HAVE

6 ACCURATE NUMBERS TO DO THAT, I DON'T WANT TO SEE

7 THE WASTE BOARD DIRECTING RESOURCES OF LOCAL

8 GOVERNMENTS INTO DEVELOPING THESE NUMBERS AND

9 INTO REPORTING AND AWAY FROM PROGRAM

10 IMPLEMENTATION.

11 AND THE LAST POINT I WANT TO MAKE IS PLAYING UPON

12 MR. JONES'S COMMENT, AND, THAT IS, I THINK THERE

13 DEFINITELY VERY MUCH NEEDS A CLEAR CLOSURE ON THE

14 ISSUE -- IN THE SENSE, THERE NEEDS TO BE CLOSURE WITH

15 REGARDS -- ONCE THIS COMPLIANCE ORDER IS ISSUED,

16 WHAT'S THE FINAL OUTCOME, WHEN IS THE BOARD GOING

17 TO FULFILL ITS RESPONSIBILITIES TO IMPLEMENT SECTION

18 41850. THE PENALTIES FOR FAILURE TO MEET 939 GOALS,

19 BECAUSE THAT'S ULTIMATELY WHERE THE STICK COMES

20 IN, IN TERMS OF AB 939, THAT'S BEEN THE IMPETUS FOR

21 JURISDICTIONS THROUGHOUT THE STATE TO IMPLEMENT

22 THESE PROGRAMS, AND THERE NEEDS TO BE CLOSURE ON

23 IT. AND I WOULD SUGGEST THAT IT NEEDS TO BE ON A

24 SHORT TIMELINE.

25 I THINK THE BOARD IS IN A BIENNIAL REVIEW PROCESS,

1 THAT REVIEWING THESE EVERY TWO YEARS, THE BOARD
2 CAN'T WAIT TWO YEARS. THIS NEEDS TO BE A PROCESS
3 WHERE THE BOARD EVALUATES THIS ON A SHORT
4 TIMELINE, PERHAPS SIX MONTHS, SO THAT GIVES TIME FOR
5 JURISDICTIONS TO IMPLEMENT SOME OF THOSE PROGRAMS,
6 BUT IT ALSO PROVIDES THE BOARD TO QUICKLY COME
7 BACK AND SEE IS THE LOCAL GOVERNMENT TRULY
8 RESPONDING AND THAT THEY'RE IMPLEMENTING AND
9 RESPONDING TO THE BOARD'S DIRECTION. SO THOSE ARE
10 MY COMMENTS. I'D BE HAPPY TO ANSWER ANY
11 QUESTIONS.
12 CHAIRMAN PENNINGTON: OKAY. QUESTIONS? MR. RHOADS.
13 MEMBER RHOADS: THE FIRST POINT, THE IMPORTANCE OF
14 THE IMPLEMENTING THE PROGRAM AND GIVING THE LOCAL
15 JURISDICTIONS SOME FLEXIBILITY, CAN YOU LOOK AT
16 ITEM NUMBER ONE ON THE RESOLUTION?
17 MR. BEST: YES.
18 MEMBER RHOADS: IT SAYS THE CITIES SHALL IMPLEMENT
19 ALL OF THE PROGRAMS SELECTED IN ITS SRRE AND, IN
20 PARENTHESIS, OR SUITABLE ALTERNATIVE PROGRAMS
21 BROUGHT FORWARD IN THE REVISED SRRE BY THE YEAR
22 2000.
23 NOW, WHEN I READ THAT, I READ THAT STAFF AND THE
24 CITY WOULD GET TOGETHER TO TALK ABOUT THE
25 PROGRAMS THAT SHOULD BE IMPLEMENTED AND REACH

1 SOME AGREEABLE AGREEMENT ON THE PROGRAMS. IS

2 THAT -- DOES THAT ANSWER THE CONCERN THAT YOU

3 HAVE? IS THAT ACCEPTABLE TO YOU?

4 MR. BEST: I THINK IN TERMS OF THE RESOLUTION, IT'S

5 APPROPRIATE, BUT I THINK WHAT WOULD HAPPEN IS THAT

6 THE BOARD WOULD SIT DOWN WITH THE CITY STAFF AND

7 FIGURE OUT WHAT ARE THOSE PROGRAMS THAT THE CITY

8 IS GOING GO FOCUS ITS ENERGIES ON, IN TERMS OF

9 HELPING IT MEET THE 939 GOALS.

10 YEAH, I GUESS THE ONE COMMENT THAT I

11 NEGLECTED TO MENTION IS ONE CONCERN THAT I HAVE,

12 AND I DON'T HAVE A -- I APOLOGIZE -- THE MESSAGE

13 THAT'S SENT BY, NUMBER ONE, IN THE SENSE, THIS IS

14 SAYING IT SHALL IMPLEMENT THE PROGRAMS SELECTED IN

15 THE SRRE BY THE YEAR 2000. I'M NOT SURE. IT'S ALMOST

16 SUGGESTING THAT YOU DIDN'T MEET YOUR 1995

17 REQUIREMENT SO YOU GOT TO DO -- YOU GOT TO MEET

18 THE YEAR 2000. AND THAT'S WHETHER OR NOT YOU HAVE

19 IMPLEMENTED YOUR 2000 PROGRAMS. THAT'S AN ISSUE

20 THAT'S LATER ON DOWN THE LINE. WE'RE HERE

21 EVALUATING 1995.

22 WHAT HAVE YOU DONE FOR IMPLEMENTING THOSE

23 PROGRAMS, AND THE WAY I'M READING THIS, IT'S KIND OF

24 LIKE SAYING -- THE WAY I READ THIS -- IT'S SAYING WE'RE

25 NOT LOOKING AT 1995. WE'RE ASKING YOU TO IMPLEMENT

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1 YOUR PROGRAMS FOR 2000.

2 MR. RHOADS: I SEE. I DON'T KNOW HOW TO RESPOND

3 TO THAT, BUTT THINK I HAVE A COUPLE OF QUESTIONS,

4 BECAUSE I GUESS I WAS LOOKING AT IT IN THE YEAR OF

5 2000 SINCE 1995 HAS PASSED. I WAS MORE CONCERNED

6 ABOUT HOW ARE THEY GOING TO MEET THE 2000 GOAL IN

7 THIS PAST HISTORY.

8 ON NUMBER TWO, DO I HEAR YOU ON SAYING, WELL

9 MAYBE YOU SHOULDN'T DO QUARTERLY REPORTS, BUT.

10 MAYBE YOU SHOULD STRIKE THE WORD "QUARTERLY" AND

11 JUST SAY "IN REPORTS," AND LET THE STAFF AND THE CITY

12 DECIDE UPON SOMETHING THAT'S ACCEPTABLE AS FAR AS

13 REPORTING BACK TO THE BOARD.

14 MR. BEST: I'M COMFORTABLE WITH THAT. I THINK

15 THE THING THAT'S MORE IMPORTANT TO ME IS THAT

16 THERE BE, AS I MENTIONED, A CLOSURE IN TERMS OF A

17 POINT IN TIME IN WHICH THE BOARD REVIEWS HOW HAS

18 THE JURISDICTION DONE IN IMPLEMENTING ITS

19 COMPLIANCE ORDER, THE PROGRAMS OUTLINED IN ITS

20 COMPLIANCE ORDER, AND THE DECISIONS MADE AS TO

21 WHETHER THEY HAVE COMPLIED WITH THE BOARD, AND

22 WHETHER THE BOARD SHOULD IMPLEMENT PENALTIES.

23 THAT'S THE THING THAT'S MORE IMPORTANT TO ME, AS

24 OPPOSED TO REGULAR REPORTING PROCESS.

25 WHAT'S NEEDED IS A POINT IN TIME WHERE THE

1 BOARD, YOU KNOW, SIX MONTHS DOWN THE LINE, TO SAY,
2 EVALUATE HOW THEM COMPLY WITH THE COMPLIANCE
3 ORDER.
4 MEMBER RHOADS: ON THAT IS SUE, IS IT MORE
5 APPROPRIATE TO HAVE THAT THAN THESE POINTS, OR IS
6 THAT MORE APPROPRIATE TO BE IN THE ORDER OF
7 COMPLIANCE WHEN IT COMES BACK TO US FROM THE
8 STAFF?
9 MR. BEST: I THINK ULTIMATELY THAT IT WILL BE PUT
10 INTO THE COMPLIANCE ORDER. I JUST THINK THAT'S
11 SOMETHING THAT NEEDS TO BE RECOGNIZED THAT NEEDS
12 TO BE IN THE COMPLIANCE ORDER WHEN IT'S DONE.
13 MEMBER RHOADS: THANK YOU.
14 CHAIRMAN PENNINGTON: OKAY. MR. EATON
15 MEMBER EATON: PERHAPS WE CAN, IF I CAN MAKE A
16 SUGGESTION, ONE, I ALWAYS GO BACK TO THE ORIGINAL
17 PAPER THAT'S PRESENTED TO US AND PERHAPS MAYBE FOR
18 SOME GUIDANCE, IT SEEMS TO BE, AT LEAST RIGHT NOW, A
19 GOOD ROADMAP, BECAUSE, AS YOU LOOK AT -- WITHOUT
20 LOOKING AT THE RESOLUTION ON PAGE 4-4, IT TALKS
21 ABOUT THE COMPLIANCE ORDER, AND ,ONE, THE STAFF
22 RECOMMENDS THE APPROVAL OF THE BIENNIAL REVIEW
23 FINDINGS OF THE CITY OF HAWAIIAN GARDENS.
24 TO ME, YOU'RE ASKING US TO APPROVE THE FACT
25 THAT THEY HAVEN'T MET THOSE; IS THAT CORRECT?

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1 JUDY FRIEDMAN: YES

2 MEMBER EATON: OKAY, BECAUSE THAT'S AN

3 ACKNOWLEDGEMENT. I'M JUST TRYING TO TAKE US BACK

4 THROUGH IN COMING TO A CONCLUSION. TWO, THAT THIS

5 IS GOING

6 TO -- ALL WE'RE DOING IS DIRECTING STAFF TO DRAFT A

7 COMPLIANCE. THEY'RE GOING TO BRING IT BACK TO US IN

8 JANUARY -- SOMETHING WE DISCUSSED FOR TEN OR

9 FIFTEEN MINUTES. SO IT IS A DRAFT, AND WE SUGGEST WE

10 LOOK AT IT ONE MORE TIME.

11 AND THEN THE OTHER REAL CRUX OF THE ISSUE, I

12 BELIEVE, BECOMES WHETHER OR NOT WE WANT THE

13 THREE ITEMS THAT WERE LISTED IN THE RESOLUTION --

14 THAT SEEMS TO BE LISTED 4-4 -- A PART OF THAT, AND I

15 THINK, THAT MAY BE ONE OF THE WAYS TO MOVE OFF

16 WHAT WE'RE DOING IS JUST TO SAY WE RAISED OUR

17 CONCERNS WITH REGARDS TO THIS. CAN YOU BRING BACK

18 AND FOLLOW THAT DIRECTION?

19 AND PERHAPS MAYBE SOMETHING YOU'VE DONE IN

20 THE PAST AND HOPEFULLY MIGHT DO IN THIS SITUATION,

21 EITHER FOR SENATOR ROBERTI AND PARTICULARLY MR.

22 RHOADS, OR WHATEVER YOU SEE FIT, TO TRY AND DRAFT,

23 BECAUSE IT SEEMS VERY CLEAR ALL THE THINGS WE'RE

24 TALKING ABOUT IS KIND OF A ROADMAP RIGHT HERE. IF

25 WE JUST KIND OF WENT BACK TO THE STAFF AND SAY WE

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1 RECOMMEND IT, AND THAT WOULD GIVE AN
2 ACKNOWLEDGEMENT OF THE FACT THAT, ONE, THEY
3 HAVEN'T MET THAT.
4 THAT'S AN IS SUE RAISED BY MR. BEST AND
5 ACKNOWLEDGED BY OTHERS, AND KIND OF IN A VERY
6 PRUDENT KIND OF A MANNER, AND IT'S GOING TO COME
7 BACK ANYWAYS BASED ON WHAT YOU TOLD ME, SO
8 PERHAPS IF YOU SUGGEST SOME RECOMMENDED
9 ALTERNATE PLAN, WHATEVER WE HAVE TO FIND AT THAT
10 POINT.
11 MS. FRIEDMAN: MR. CHAIRMAN, AND BOARD
12 MEMBERS, WE WILL BE DRAFTING THE COMPLIANCE
13 ORDER. IT WILL BE AN AGENDA ITEM THAT WILL BE NOTED
14 APPROPRIATELY, SO WE WILL BE ABLE TO DRAFT THAT
15 TAKING INTO ACCOUNT THE CONCERNS YOU RAISED HERE.
16 SO I THINK THE GUIDANCE HAS BEEN PROVIDED
17 ADEQUATELY FOR US TO BE ABLE TO GO BACK TO DRAFT IT
18 IN A WAY THAT YOU'RE ASKING US TO.
19 CHAIRMAN PENNINGTON: OKAY. MR. JONES.
20 MEMBER JONES: THESE THREE, AND WOULD THE
21 BOARD MEMBERS FEEL UNCOMFORTABLE WITH THE
22 COMPLIANCE SCHEDULE ALSO TALKING ABOUT THE
23 ENFORCEMENT?
24 CHAIRMAN PENNINGTON: MR. RHOADS.
25 MEMBER RHOADS: I WOULD.

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1 MEMBER EATON: I THINK WE CAN JUST
2 PROBABLY DRAFT AN ORDER OF COMPLIANCE AND NOT
3 GET INTO THE 1,2,3'S. IS THAT WHAT MEETS WITH LOCAL
4 COUNCIL AND EXECUTIVE DIRECTOR? CAN WE DO THAT,
5 OR DO WE NEED A SPECIFICITY WITH REGARD TO
6 COMPLIANCE ORDER?
7 EXECUTIVE DIRECTOR CHANDLER: WHAT DOES
8 RESOLUTION 98-411 ACTUALLY COME OUT AND SAY ABOUT
9 THAT? IT WOULD SAY NOTHING IN THOSE PARTICULAR
10 AREAS. IS THAT CORRECT? AM I INTERPRETING LINE 12
11 AND 13 FROM THE RESOLUTION CORRECTLY?
12 MR. RHOADS: WELL, I WOULD HAVE NO
13 RESOLUTION THEN.
14 EXECUTIVE DIRECTOR CHANDLER: SO WE KEEP
15 THE RESOLUTION AS DRAFTED, BUT YOU'VE
16 ACKNOWLEDGED THAT WE'RE SIMPLY COMING BACK WITH
17 THIS AS IT STATES IN A MINIMUM, AND WITH SOME EDITS
18 THAT I HEARD TODAY THAT SOUND APPROPRIATE WITH
19 THE ADDITIONAL DIRECTION AND INPUT WHICH WE'VE
20 RECEIVED FROM MEMBER JONES AND OTHERS, THAT WILL
21 ROUND OUT TO DRAFT A COMPLIANCE PLAN FOR
22 CONSIDERATION NEXT MONTH.
23 CHAIRMAN PENNINGTON: MR. EATON, DO YOU
24 WANT TO DRAFT A MOTION HERE?
25 MEMBER EATON: GOSH, I FEEL LIKE I'M IN THE

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1 21ST CENTURY AGAIN. I WOULD MOVE THAT WE ADOPT
2 RESOLUTION 98-411 AND, IN ADDITION, AMEND THAT
3 RESOLUTION IN A DRAFT COMPLIANCE ORDER IN
4 ACCORDANCE WITH SOME OTHER GUIDANCE AND
5 DIRECTION PRESENTED BY THE BOARD MEMBERS, AND
6 THAT IT BE BROUGHT BACK, I BELIEVE, JANUARY.
7 DO YOU WANT TO DO IT IN THE LAST JANUARY
8 MEETING BECAUSE THE OTHER ONE IS IN LOS ANGELES?
9 OR, PERHAPS, MAYBE IT WOULD BE APPROPRIATE TO HAVE
10 IT IN LOS ANGELES SINCE WE, THE MEMBERS, ARE THERE?
11 MS. FRIEDMAN: MR. CHAIRMAN, MR. EATON, I
12 DON'T BELIEVE STAFF WILL BE ABLE TO MEET THE EARLIER
13 BOARD MEETING IN TIME. I'M LOOKING AT THE SECOND
14 BOARD MEETING IN JANUARY.
15 CHAIRMAN PENNINGTON: THAT'S FINE.
16 MEMBER JONES: MR. CHAIRMAN, I'LL SECOND
17 THAT.
18 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY
19 MR. EATON AND SECONDED BY MR. JONES TO ADOPT
20 RESOLUTION 98-411 WITH AMENDMENTS REFLECTING
21 BOARD MEMBERS' CONCERNS AND DESIRES. IF THERE'S
22 NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE
23 ROLL, PLEASE?
24 THE SECRETARY: BOARD MEMBER EATON?
25 MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

WE'LL MOVE TO ITEM NUMBER FIVE:

CONSIDERATION OF STAFF RECOMMENDATION ON THE BIENNIAL REVIEW FINDINGS FOR THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF HAWTHORNE, LOS ANGELES COUNTY.

JUDY FRIEDMAN?

MS. FRIEDMAN: THANK YOU, MR CHAIRMAN, BOARD MEMBERS, CHRIS SCHMIDLE AND GARY COLLORD WILL BE MAKING THE PRESENTATION FOR STAFF TODAY.

MR. COLLORD: GOOD MORNING, CHAIRMAN PENNINGTON, AND, MEMBERS OF THE BOARD. I'M GARY COLLORD WITH THE OFFICE OF LOCAL ASSISTANCE. AGENDA ITEM NUMBER FIVE IS A BIENNIAL REVIEW FOR THE CITY OF HAWTHORNE. BASED ON AVAILABLE

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1 INFORMATION, STAFF IS UNABLE TO CONCLUDE THAT THE
2 CITY OF HAWTHORNE ADEQUATELY IMPLEMENTED ITS
3 SRRE AND ACHIEVED THE 1995 DIVERSION REQUIREMENTS.
4 THE CITY APPEARS TO HAVE IMPLEMENTED ONLY A
5 PORTION OF ITS THREE PROGRAMS, AND STAFF HAS
6 CONCERNS REGARDING THE ACCURACY OF THE CITY'S
7 BASE-YEAR GENERATION FIGURE AND THE REPORTED
8 DIVERSION RATE FOR 1995.
9 DUE TO THE CITY'S FAILURE TO RESPOND TO STAFF'S
10 REQUEST FOR CLARIFICATION AND ADDITIONAL
11 INFORMATION, STAFF CANNOT FIND THAT THE CITY HAS
12 MADE A GOOD-FAITH EFFORT TO IMPLEMENT ITS SRRE.
13 BASED ON THE CITY'S ANNUAL REPORTS, IT APPEARS THAT
14 ONLY SEVEN OF THE SOME TWENTY PROGRAMS SELECTED
15 FOR IMPLEMENTATION OF THE SRRE HAVE BEEN
16 IMPLEMENTED TO DATE.
17 THE BALANCE HAS BEEN DEFERRED FOR
18 IMPLEMENTATION UNTIL AFTER THE YEAR OF 2000. IT
19 APPEARS UNLIKELY THAT THESE SEVEN PROGRAMS COULD
20 SUPPORT THE AMOUNT OF DIVERSION REPORTED BY THE
21 CITY FOR '95 AND '96 OR MEET THE 50 PERCENT DIVERSION
22 GOAL BY THE YEAR OF 2000.
23 THE MOST SUBSTANTIAL PROGRAM THE CITY
24 APPEARS TO BE IMPLEMENTING IS A CURBSIDE
25 COLLECTION PROGRAM FOR RECYCLABLE MATERIALS AND

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GREEN WASTES. HOWEVER, THIS PROGRAM APPEARS TO BE LIMITED TO SINGLE-FAMILY RESIDENCES, AND THE VAST MAJORITY OF HAWTHORNE RESIDENCES, SOME 64 PERCENT, LIVE IN MULTI-FAMILY HOUSING.

THE CITY REPORTS DIVERSION RATES OF 50 PERCENT FOR 1995 AND 48 PERCENT FOR 1996. STAFF, HOWEVER, HAS CONCERNS REGARDING THE ACCURACY AND RELIABILITY OF THESE DIVERSION RATES.

THE CITY'S SRRE REPORTS THAT A LARGE AMOUNT, SOME 53 THOUSAND TONS OF CONSTRUCTION AND DEMOLITION DEBRIS WAS DISPOSED DURING THE BASE-YEAR. A HAWTHORNE CITIZEN HAS ALLEGED THAT THIS MATERIAL WAS DIVERTED RATHER THAN DISPOSED. IF TRUE, THIS RESTRICTED MATERIAL SHOULD BE EXCLUDED FROM THE CITY'S BASE-YEAR GENERATION FIGURE AS A RESTRICTED MATERIAL. I'M NOT SO CERTAIN STATUTORY CRITERIA WERE COMPLIED WITH. IF EXCLUDED FROM THE BASE-YEAR, THE CITY'S DIVERSION RATE WOULD BE REDUCED TO 14 PERCENT IN 1995 AND 10 PERCENT IN 1996. AND CHRIS SCHMIDLE IS GOING TO STEP FORWARD AND DO A PRESENTATION ON RESTRICTED MATERIALS FOR US.

MR. SCHMIDLE: JUST TO REFRESH YOUR MEMORIES, WE'RE USING A TERM HERE, "RESTRICTED MATERIAL," AND THAT APPEARS TO BE AN ISSUE IN THE CALCULATION OF

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1 THIS JURISDICTION'S BASE-YEAR. IN CALCULATING THE
2 BASE-YEAR, THE BOARD WANTED TO GIVE JURISDICTIONS
3 FULL CREDIT FOR EXISTING PROGRAMS AND TONNAGE
4 THAT WAS FOR ACTIVITIES THAT WERE GOING ON
5 PREVIOUSLY TO 1989.
6 THERE WERE FOUR EXCEPTIONS TO THIS:
7 AGRICULTURAL WASTE, SOLID WASTE, SCRAP METAL, AND
8 WHITE GOODS. FOR THOSE MATERIALS, IF THEY WERE
9 COUNTED AS "CLAIMED DIVERTED," THE JURISDICTION
10 HAD TO MAKE AN ADDITIONAL QUALIFICATION TO MEET
11 CERTAIN TESTS TO BE ABLE TO CLAIM THOSE MATERIALS.
12 THIS SEEMS TO BE ONE OF THE IS SUES IN THIS CASE.
13 WE'VE ASKED THE JURISDICTION FOR ADDITIONAL
14 INFORMATION ABOUT THIS, AND, SO FAR, WE'VE HAD NO
15 RESPONSE FROM THE JURISDICTION.
16 MR. COLLORD: HAWTHORNE HAS NOT BEEN
17 RESPONSIVE TO STAFF'S ATTEMPT TO CLARIFY THE STATUS
18 OF ITS DIVERSION PROGRAMS OR THE ACCURACY OF ITS
19 BASE-YEAR TOTAL FIGURES DURING THE COURSE OF OUR
20 REVIEW.
21 STAFF TRAVELED TO HAWTHORNE IN AUGUST OF 1998
22 TO DISCUSS THESE IS SUES AND GATHER MORE
23 INFORMATION FROM ABOUT THE STATUS AND NATURE OF
24 THE CITY'S DIVERSION PROGRAMS AND BASE-YEAR
25 GENERATION FIGURES.

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1 AT THE MEETING, CITY REPRESENTATIVES DECLINED
2 TO DISCUSS THESE ISSUES AND REQUESTED THAT THE
3 STAFF PRESENT ITS QUESTIONS IN WRITING. A LETTER
4 OUTLINING THESE ISSUES WAS MAILED TO THE CITY ON
5 SEPTEMBER 16TH, 1998. THE CITY AGREED TO RESPOND TO
6 STAFF'S LETTER BY OCTOBER 30TH BUT FAILED TO DO SO.
7 STAFF CONTACTED THE CITY ON THIS DATE TO DISCUSS
8 THE STATUS OF THEIR RESPONSE. THE CITY DID NOT
9 RETURN THE CALL, AND A FEW DAYS LATER, STAFF
10 DETERMINED THAT IT SHOULD PROCEED WITH THE
11 BIENNIAL REVIEW.
12 WITHOUT THE CITY'S COOPERATION IN RESOLVING
13 THESE ISSUES, STAFF IS UNABLE TO FIND THAT THE CITY
14 HAS MADE A GOOD-FAITH EFFORT TO IMPLEMENT ITS SRRE
15 OR MEET THE STATE'S DIVERSION REQUIREMENTS. AND
16 FOR THESE REASONS, THE STAFF RECOMMENDS THE BOARD
17 FINDS THAT HAWTHORNE HAS NOT ADEQUATELY
18 IMPLEMENTED ITS SRRE AND DIRECTS STAFF TO DRAFT AN
19 ORDER OF COMPLIANCE FOR REVIEW BY THE BOARD IN
20 JANUARY.
21 STAFF RECOMMENDS THAT THE COMPLIANCE ORDER
22 INCLUDE THE FOLLOWING CONDITIONS: NUMBER ONE, THE
23 CITY SHALL DEVELOP A NEW WASTE GENERATION STUDY
24 WITHIN SIX MONTHS. NUMBER 2, THE CITY SHALL
25 IMPLEMENT ALL OF THE PROGRAMS SELECTED IN ITS SRRE

1 OR SUITABLE ALTERNATIVE PROGRAMS BY THE YEAR 2000.
2 NUMBER 3, THE CITY SHALL SUBMIT QUARTERLY REPORTS
3 TO THE BOARD WHICH DOCUMENT ITS PROGRESS IN
4 IMPLEMENTING PROGRAMS AND MEETING ITS DIVERSION
5 REQUIREMENTS. AND, NUMBER FOUR, THE CITY SHALL
6 WORK WITH THE BOARD'S TARGETED IMPLEMENTATION
7 ASSISTANCE STAFF TO INCREASE THE OBSERVANCE OF THE
8 RECOMMENDED PROGRAM. AND THIS CONCLUDES OUR
9 REPORT AND RECOMMENDATIONS. ARE THERE ANY
10 QUESTIONS FOR STAFF?
11 CHAIRMAN PENNINGTON: OKAY. THANK YOU. OKAY
12 I HAVE NO PUBLIC MEMBER REQUEST TO SPEAK ON THIS. I
13 DON'T HAVE A SPEAKER SLIP FROM YOU.
14 MR. JAMGOTCHIAN: THANK YOU, CHAIRMAN
15 PENNINGTON, AND MEMBERS OF THE BOARD, JERRY
16 JAMGOTCHIAN. BEFORE I START, I GOT AN ADDENDUM TO
17 THE DOCUMENT THAT YOU WERE PROVIDED LAST WEEK
18 ALONG WITH A COPT OF IT FOR MR. ROBERTI.
19 MEMBER FRAZEE: IS THIS THE DOCUMENT PROVIDED
20 BY YOURSELF?
21 MR. JAMGOTCHIAN: YES, IT IS. THAT'S THAT AGENDA
22 TO IT.
23 MEMBER FRAZEE: THIS IS NOTHING FROM THE CITY
24 OF HAWTHORNE.
25 MR. JAMGOTCHIAN: THE DOCUMENTS INSIDE THAT

ARE DOCUMENTS THAT WE RECEIVED FROM THE CITY OF HAWTHORNE THROUGH THE ATTORNEY'S OFFICE. THESE REPORTS WERE BASICALLY GENERATED FOR YOUR STAFF TO REVIEW DOCUMENTS THAT THE CITY OF HAWTHORNE HASN'T PROVIDED TO YOU, AND WE'VE RECEIVED SOME OF THE DOCUMENTS, AND I WANT TO PROVIDE THEM TO YOU. THE DOCUMENTS ARE SELF-EXPLANATORY, BUT I DID WANT TO REFERENCE JUST A COUPLE THINGS. THE STAFF HAS BEEN VERY SUPPORTIVE OF MY EFFORTS AND HAVE REVIEWED DOCUMENTS WITH ME, AND I THINK I'VE BEEN VERY APPRECIATIVE OF THE STAFF'S ASSISTANCE, INCLUDING YOU, CHAIRMAN PENNINGTON. I APPRECIATE THE CORRESPONDENCE WE HAVE OVER THE LAST TWO YEARS TO GET TO THIS DATE.

THE CITY OF HAWTHORNE AND THE CITY OF HAWAIIAN GARDENS MIGHT HAVE SOME SIMILARITIES, BUT THERE'S ONE MAJOR DIFFERENCE, AND THAT IS FUNDING. IN THE CITY OF HAWTHORNE, ALL THE RECYCLING PROGRAMS HAVE BEEN FULLY FUNDED SINCE 1992. THE CITY OF HAWTHORNE HAS CHARGED ITS RESIDENCE ABOUT FOUR MILLION DOLLARS FOR RECYCLING SINCE 1992, YET THE PROGRAMS HAVEN'T BEEN IMPLEMENTED.

THIS DOCUMENT, WHICH IS PART OF YOUR PACKAGE, IDENTIFIES THIS FACT. THE INITIAL COSTS TO DO THIS, THE CAPITAL COST, AS WELL AS THE YEARLY COST HAVE

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1 BEEN FULLY FUNDED. SO THIS IS A CITY THAT HAS IN THE
2 PAST STATED THEY DO NOT HAVE THE ADEQUATE FUNDING
3 AND THAT THEY DON’T HAVE ADEQUATE STAFFING, YET
4 THIS RECYCLING PROGRAM AND SRRE PROGRAMS HAVE
5 ALL BEEN FULLY FUNDED AND THAT IS A SIGNIFICANT
6 DIFFERENCE.
7 ADDITIONALLY, THE DOCUMENT WITH REGARD TO
8 RECYCLING, I’M NOT REALLY ADDRESSING THE BASE-YEAR
9 ISSUES, BUT THIS IS A LETTER DATED JULY, 15TH, ALSO IN
10 YOUR PACKAGE, FROM THE CITY’S ATTORNEY’S OFFICE OF
11 THE CITY OF HAWTHORNE WHO REQUESTED THE
12 QUARTERLY COMMERCIAL RECYCLING REPORTS FOR THE
13 CITY’S DISPOSAL. AND THESE RECYCLING REPORTS SHOW
14 A GRAND TOTAL OF 760 TONS RECYCLED DURING THE YEAR
15 1996.
16 IN 1995 THERE WAS NO REPORTING. SO THIS IS THE
17 MOST CURRENT AND ACCURATE STATEMENT THAT WE
18 HAVE, AND THESE DOCUMENTS WERE PRODUCED TO US
19 THROUGH THE CITY’S ATTORNEY’S OFFICE.
20 THERE WERE 760 TONS THAT WERE ACTUALLY
21 RECYCLED. IN THESE RECYCLING NUMBERS, DIDN’T
22 INCLUDE ANY GREEN WASTE, AND YOU’LL SEE IN THE
23 DOCUMENTS PROVIDED THAT ALL THE GREEN WASTE IN
24 THE CITY IS DUMPED.
25 WITH REGARDS TO THE BASE-YEAR CONVERSION

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1 NUMBERS, THE BASE-YEAR IN THIS CITY -- AND YOU HAVE
2 THESE. I CAN REFER TO THIS. THE BASE-YEAR TONNAGE
3 IN THIS CITY ACCORDING TO THE CITY'S ANNUAL REPORT
4 WAS ONE HUNDRED TWENTY-EIGHT THOUSAND, AND FOUR
5 HUNDRED AND FIFTY TONS. IN 1996, IF THE CITY OF
6 HAWTHORNE EXCLUSIVE HAUL OR ACTION DISPOSAL
7 RECYCLED 760 TONS, AS I STATED TO THE CITY'S
8 ATTORNEY'S OFFICE, THAT'S LESS THAN A ONE PERCENT
9 DIVERSION, AND THIS CITY CLAIMED A 50 PERCENT
10 DIVERSION. I DON'T NEED TO GO INTO BAD FAITH, BUT
11 HERE'S A CLEAR EXAMPLE OF 760 TONS DIVIDED BY A 128
12 THOUSAND TONS IS LESS THAN ONE PERCENT.
13 ALSO QUITE INTERESTING, THE HAULER IN A
14 DEPOSITION, THE PERSON THAT'S INVOLVED IN
15 RECYCLING, HE STATED -- THERE WAS A QUESTION ASKED
16 TO HIM IF HE WAS AWARE OF WHETHER OR NOT THE CITY
17 OF HAWTHORNE HAD A SOURCE REDUCTION AND
18 RECYCLING ELEMENT ADOPTED BY THE COUNSIL. HIS
19 ANSWER WAS I DON'T KNOW IF THE SRRE WAS ADOPTED OR
20 NOT. I BELIEVE, I DON'T KNOW.
21 THE SECOND QUESTION WAS DID YOU UTILIZE THIS
22 DOCUMENT IN YOUR ACTIVITIES IN CONDUCTING
23 RECYCLING ACTIVITIES IN THE CITY OF HAWTHORNE? HIS
24 ANSWER WAS NO. THAT'S PROVIDED IN YOUR DOCUMENTS.
25 THE CITY CURRENTLY HAS NO COMMERCIAL

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1 RECYCLING AT ALL, AND 80 PERCENT OF ITS FLOW IS
2 COMMERCIAL AND INDUSTRIAL. I OWN A SHOPPING
3 CENTER IN THIS COMMUNITY. FOR THREE YEARS I
4 REQUESTED TO TRY TO RECYCLE MY SHOPPING CENTER'S
5 TENNANT'S MATERIALS, AND, IN FACT, I BROUGHT IN A
6 RECYCLER, AND I WAS PROMPTLY SUED BY THE CITY FOR
7 INTERFERING WITH THEIR CONTRACT WITH THEIR
8 HAULER AGENCY DISPOSAL.
9 THIS, OF COURSE, IS IN 1995, 1996 REVIEW, BUT IF
10 WE'RE LOOKING INTO THE FUTURE YEARS, AND MR. BEST
11 BROUGHT UP SOME GOOD COMMENTS WITH REGARDS TO
12 THE FUTURE YEARS, '97, '98, AND '99. THE CITY ISN'T IN
13 COMPLIANCE FOR 1995 AND 1996, AND WITH THEIR
14 CURRENT PROGRAM IMPLEMENTATION, IT'S IMPOSSIBLE TO
15 BE IN COMPLIANCE FOR '97 THROUGH '99.
16 IN SOME OF THE COMPLIANCE CONDITIONS, I PLACED --
17 THAT I PUT TOGETHER THAT ARE A PART OF YOUR
18 BOOKLET -- THE CITY OF HAWTHORNE CURRENTLY IS
19 PAYING THE HAULER $37,000 A MONTH TO RECYCLE OR
20 APPROXIMATELY $478,000 A YEAR. THAT MONEY IS
21 CURRENTLY BEING USED -- PAID TO THE HAULER WITHOUT
22 A RECYCLING PROGRAM, AND IT'S CONCERNING ME THAT
23 THIS HAULER HAS HAD A CONTRACT CANCELED, AND IT
24 EXPIRED, I BELIEVE, IN THE YEAR OF 2000 OR 2001.
25 THAT'S A VERY MAJOR PROBLEM IF, IN FACT, ANY OF THESE

PROGRAMS ARE GOING TO BE IMPLEMENTED, BECAUSE THIS HAULER MIGHT NOT HAVE THE MOTIVATION TO DO IT, AND MAYBE THE FACT THAT THE HAULERS MOTIVATION ISN’T VERY STRONG, MAYBE THAT’S THE REASON WHY THE CITY’S MOTIVATION ISN’T VERY STRONG. THAT’S ONE THING THAT I THINK YOU OUGHT TO CONSIDER IN THE COMPLIANCE ORDER, AND I’VE LISTED 21 ITEMS, ADDITIONAL CONDITIONS TO THE COMPLIANCE ORDER IN YOUR BOOKLET, THAT IF YOU WOULD CONSIDER SOME OF THOSE, ONE OF WHICH IS MONTHLY REPORTING, BECAUSE THE CITY COUNCIL HAS GIVEN THE DIRECTION TO THE CITY MANAGER IN THIS CASE TO NOT COMMUNICATE WITH THE WASTE BOARD WITH REGARDS TO ANY OF THESE ITEMS. UNTIL THAT LOGJAM IS BROKEN UP, THERE WOULDN’T BE A LOT OF COMMUNICATION BETWEEN THE WASTE BOARD AND THE CITY.

THERE’S A LOT OF THINGS -- OR PEOPLE IN THE AUDIENCE, FORMER AGENCY DISPOSAL EMPLOYEES, ONE OF WHICH PROVIDED A DECLARATION TO YOU WITH REGARDS TO WHAT THEY ACTUALLY DO WITH RECYCLABLES AND HOW MINIMAL THE BAG AND TAG PROGRAM IS, AND AS I STATED, THERE’S NO COMMERCIAL RECYCLING IN THE CITY CURRENTLY.

I’M HERE TO ANSWER ANY QUESTIONS, AND I APPRECIATE THE BOARD’S CONSIDERATION.

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CHAIRMAN PENNINGTON: ANY QUESTIONS? IF NOT, I HAVE A MOTION THAT I WOULD LIKE TO MOVE. I MOVE THAT THE CITY OF HAWTHORNE COMPLY WITH THE BOARD STAFF LETTER OF SEPTEMBER 16, 1998, BY PROVIDING THE REQUESTED INFORMATION BY JANUARY 15TH, 1999. THIS WILL HAVE GIVEN THE CITY OVER A 100 DAYS FROM THE CITY'S ACKNOWLEDGED RECEIPT OF THE LETTER BY FACSIMILE AND 30 DAYS FROM TODAY TO PREPARE THE REQUESTED INFORMATION.

FURTHER, I MOVE THAT BOARD STAFF BE DIRECTED TO DRAFT A COMPLIANCE ORDER FOR THE CITY OF HAWTHORNE FOR REVIEW BY THE BOARD AT THE JANUARY 27, 1999, MEETING. THE COMPLIANCE ORDER SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

1. THE CITY SHALL DEVELOP A NEW WASTE GENERATION STUDY, WITH THE INTENT OF ESTABLISHING A NEW MORE ACCURATE BASE-YEAR WITHIN SIX MONTHS.

2. THE CITY SHALL IMPLEMENT ALL OF THE PROGRAMS SELECTED IN ITS SRRE, OR SUITABLE ALTERNATIVE PROGRAMS BROUGHT FORWARD IN A REVISED SRRE, BY THE YEAR 2000.

3. THE CITY SHALL DOCUMENT ITS PROGRESS IN IMPLEMENTING SELECTED PROGRAMS AND MEETING THE DIVERSION REQUIREMENTS OF 25 PERCENT BY 1995 AND 50 PERCENT BY 2000 IN QUARTERLY REPORTS TO THE BOARD.

1 4. THE CITY SHALL WORK WITH THE BOARD'S
2 TARGETED IMPLEMENTATION ASSISTANCE SECTION OF THE
3 OFFICE OF LOCAL ASSISTANCE TO IDENTIFY ADDITIONAL
4 POSSIBLE PROGRAMS AND WAYS TO INCREASE DIVERSION
5 IN EXISTING PROGRAMS.
6 THAT'S MY MOTION, FOLKS.
7 MEMBER FRAZEE: MR. CHAIRMAN?
8 CHAIRMAN PENNINGTON: YES, MR. FRAZEE.
9 MEMBER FRAZEE: I WAS JUST GOING TO SUGGEST,
10 MR. CHAIRMAN, COULDN'T THAT BE ACCOMPLISHED BY
11 MERELY USING YOUR FORM OF COMPLIANCE ORDER
12 QUALITIES IN THE RESOLUTION IN SUBSTITUTING FOR
13 THREE?
14 CHAIRMAN PENNINGTON: YEAH.
15 MEMBER FRAZEE: IT GETS US WITH A FORMER
16 RATHER THAN A MINUTE MOTION.
17 CHAIRMAN PENNINGTON: I JUST WONDER IF WE CALL
18 FOR THEM TO PROVIDE OUR REQUESTED INFORMATION BY
19 THE 15TH.
20 MEMBER FRAZEE: YEAH, I THINK THE STAFF REPORT
21 READ YOUR FOUR CONDITIONS RATHER THAN THE FOUR
22 THAT WERE IN THIS RESOLUTION.
23 CHAIRMAN PENNINGTON: OH, OKAY.
24 MEMBER FRAZEE: IT JUST PROCEDURALLY SEEMS
25 THAT THAT WOULD WORK BETTER THAN DEALING WITH --

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1 CHAIRMAN PENNINGTON: IT WOULD. I JUST WONDER
2 WHAT THE CITY PROVIDED IN THE REQUESTED
3 INFORMATION BY THE 15TH OF JANUARY.
4 MS. FRIEDMAN: MR. CHAIRMAN, WE COULD, IF THE
5 BOARD WANTS TO AMEND THE RESOLUTION AND ADD
6 THAT CLAUSE INTO THIS. SO ON THE RECORD, THIS
7 RESOLUTION PLUS THAT CLAUSE, I THINK, MEET YOUR --
8 THE ITEMS IN YOUR MOTION.
9 CHAIRMAN PENNINGTON: OKAY. SO WE'LL GO TO
10 RESOLUTION 98-4 12 AND INSERT THE FOUR ITEMS THAT
11 SHOULD BE IN THE COMPLIANCE ORDER AS WELL AS
12 INSERTING THERE AS THE CITY OF HAWTHORNE COMPLY
13 WITH BOARD STAFF MEMBER SEPTEMBER 16TH, 1998, BY
14 PROVIDING A REQUESTED INFORMATION CONTAINED IN
15 THE LETTER BY JANUARY 15TH, 1999.
16 IS THAT OKAY?
17 MEMBER FRAZEE: IF IT GETS TO INCORPORATE ALL
18 OF THOSE IN THE RESOLUTION ORDER.
19 CHAIRMAN PENNINGTON: I DO NEED A SECOND.
20 MEMBER FRAZEE: I'LL SECOND IT.
21 MEMBER JONES: I WANT TO SEE THE ISSUE ABOUT
22 THE ENFORCEMENT ACTION AND ADD THAT TO YOUR
23 MOTION.
24 CHAIRMAN PENNINGTON: SURE.
25 MEMBER JONES: I WOULD SECOND FOR THAT

MATTER.

CHAIRMAN PENNINGTON: ABSOLUTELY.

MEMBER JONES: SO THE ENFORCEMENT IS INCLUDED THEN, MR. CHAIRMAN, I WOULD LOVE TO SECOND YOUR MOTION.

CHAIRMAN PENNINGTON: I ALREADY GOT MR. FRAZEE.

MEMBER JONES: I'M SORRY. I'LL THIRD THE MOTION.

MEMBER FRAZEE: CAN I DO ONE BIT OF NITPICKING NOW THAT I'M GOING TO SECOND -- THE FIRST LINE I MOVE THAT THE CITY OF HAWTHORNE COMPLY. IT SHOULD READ BE "DIRECTED AND COMPLIED."

CHAIRMAN PENNINGTON: OKAY. GOT THE CITY OF HAWTHORNE.

MEMBER FRAZEE: SHOULD BE DIRECTED TO COMPLY.

CHAIRMAN PENNINGTON: ANY FURTHER DISCUSSION ON THE MOTION?

MEMBER EATON: NOTHING ON THE MOTION. I JUST, PERHAPS, MAYBE WE SHOULD FOLLOW UP ON MR. RHOADS' COMMENT THIS MORNING, WHICH DID NOT GO UNDERHEARD, PERHAPS A LETTER FROM THE CHAIR'S OFFICE AND REPLYING TO THE LEGISLATIVE ACTION WE TOOK, BUT I SUPPOSE THAT WE PROBABLY WILL BE HEARING FROM ONE OR MORE OF THEM WITH REGARD TO THIS PARTICULAR ISSUE, AND, PERHAPS, MAYBE SITTING

1 DOWN AND WORKING WITH HIM, WE MIGHT BE ABLE TO

2 ACCOMPLISH A LITTLE BIT MORE COMPLIANCE IN THE

3 LONG RUN.

4 CHAIRMAN PENNINGTON: THAT'S A VERY GOOD IDEA.

5 IF THERE'S NO FURTHER DISCUSSION, I SUGGEST --

6 MEMBER RHOADS: THERE ISN'T ANYBODY FROM THE

7 CITY TO COMMENT ON THIS PARTICULAR ITEM?

8 CHAIRMAN PENNINGTON: NO.

9 MR. SCHMIDLE: NO, SIR.

10 THEY WERE NOTIFIED BY LETTER AND IN TELEPHONE

11 CALLS. AND, AS I UNDERSTAND IT, AS OF

12 YESTERDAY, THEY CHOSE NOT TO COME.

13 MEMBER RHOADS: THANK YOU.

14 CHAIRMAN PENNINGTON: OKAY. IF THERE'S

15 NO FURTHER DISCUSSION, WILL THE SECRETARY CALL

16 THE ROLL?

17 THE SECRETARY: BOARD MEMBER EATON?

18 MEMBER EATON: AYE.

19 THE SECRETARY: FRAZEE?

20 MEMBER FRAZEE: AYE.

21 THE SECRETARY: JONES?

22 MEMBER JONES: AYE.

23 THE SECRETARY: RHOADS?

24 MEMBER RHOADS: AYE.

25 THE SECRETARY: ROBERTI?

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1 MEMBER ROBERTI: AYE.

2 THE SECRETARY: CHAIRMAN PENNINGTON?

3 CHAIRMAN PENNINGTON: AYE.

4 MOTION CARRIES.

5 IT’S RIGHT AT 12:00 NOON, AND IT

6 LOOKS LIKE A TIME TO BREAK. BE BACK AT 1:30.

7 (lunch recess.)

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1 CHAIRMAN PENNINGTON: OKAY. THIS IS BRINGING
2 US BACK INTO THE SESSION. I'LL START WITH AB 939. MR.
3 EATON?
4 MEMBER EATON: NONE.
5 CHAIRMAN PENNINGTON: MR. JONES?
6 MEMBER JONES: I HAD A DISCUSSION WITH MR.
7 SWEET SER FROM NOR-CAL. WE TALKED THIS MORNING, I
8 GUESS, ON ENFORCEMENT
9 OF AB 939.
10 CHAIRMAN PENNINGTON: OKAY. SENATOR
11 ROBERTI?
12 SENATOR ROBERTI: NO.
13 CHAIRMAN PENNINGTON: OKAY. AND MR.
14 RHOADS?
15 MEMBER RHOADS: NONE.
16 CHAIRMAN PENNINGTON: AND MR. FRAZEE?
17 MEMBER FRAZEE: NONE FOR ME.
18 CHAIRMAN PENNINGTON: ME NEITHER, I
19 HID, I HAVEN'T TALKED TO ANYONE. I WAS
20 ANTISOCIAL.
21 OKAY. ITEM NUMBER SIX,
22 CONSIDERATION OF STAFF RECOMMENDATIONS ON THE
23 BIENNIAL REVIEW FINDINGS FOR THE SOURCE
24 REDUCTION AND RECYCLING ELEMENT AND THE
25 HOUSEHOLD HAZARDOUS WASTE ELEMENT OF THE CITY

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1 OF COACHELLA IN RIVERSIDE COUNTY.

2 MS. FRIEDMAN: GOOD AFTERNOON,

3 CHAIRMAN PENNINGTON AND BOARD MEMBERS. GARY

4 COLLORD WILL BE MAKING THE PRESENTATION OF THE

5 STAFF.

6 I HAD NEGLECTED TO SAY EARLIER THAT

7 THIS IS GARY'S FIRST TIME BEFORE THE BOARD, SO

8 THESE THREE ITEMS MARK HIS FIRST TIME.

9 CHAIRMAN PENNINGTON: HE'S GETTING

10 BROKEN IN VERY FAST.

11 MS. FRIEDMAN: VERY WELL. AND, WITH

12 THAT, I'LL TURN IT OVER TO GARY.

13 MR. COLLARD: OKAY. GOOD AFTERNOON

14 CHAIRMAN PENNINGTON, AND MEMBERS OF THE BOARD.

15 I AM GARY COLLARD, WITH THE OFFICE OF LOCAL

16 ASSISTANCE.

17 AGENDA ITEM NUMBER SIX IS THE

18 BIENNIAL REVIEW FOR THE CITY OF COACHELLA. THE

19 CITY OF COACHELLA HAS NOT SUBMITTED ANNUAL

20 REPORTS TO THE BOARD FOR 1995 OR 1996. THE

21 CITY'S 1997 ANNUAL REPORT IS ALSO OVERDUE.

22 IN THE ABSENCE OF ANNUAL REPORTS OR

23 ALTERNATIVE INFORMATION, STAFF CANNOT CONCLUDE

24 THAT THE CITY IS ADEQUATELY IMPLEMENTING ITS

25 SRRE AND HHWE, OR ACHIEVING THE 1995 DIVERSION

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1 REQUIREMENTS.

2 DUE TO THE CITY'S FAILURE TO SUBMIT

3 ANNUAL REPORTS, OR RESPOND TO STAFF'S ATTEMPTS

4 TO CONTACT THEM ABOUT THE STATUS OF THEIR

5 DIVERSION PROGRAMS, STAFF CANNOT FIND THAT THE

6 CITY HAS MADE A GOOD-FAITH EFFORT TO IMPLEMENT

7 THE SRRE AND HHWE.

8 THE CITY HAS NOT RESPONDED TO

9 STAFF'S INQUIRIES ABOUT THE STATUS OF THE

10 PROGRAMS, DESPITE REPEATED ATTEMPTS TO CONTACT

11 THEM. LETTERS WERE MAILED TO THE CITY IN

12 DECEMBER OF 1997, AND APRIL OF 1998, REGARDING

13 THEIR FAILURE TO SUBMIT ANNUAL REPORTS. STAFF

14 MADE SEVERAL TELEPHONE CALLS TO THE CITY

15 MANAGER'S OFFICE IN OCTOBER OF 1998. STAFF

16 ALSO FAXED A PROGRAM SUMMARY TO THE CITY IN

17 OCTOBER, ALSO ON OCTOBER 15TH, AND ASKED THAT

18 THEY IDENTIFY THE IMPLEMENTATION STATUS OF

19 THEIR DIVERSION PROGRAMS.

20 AND, FINALLY, LETTERS WERE MAILED

21 TO THE MAYOR AND CITY. MANAGER IN NOVEMBER

22 REGARDING STAFF'S RECOMMENDATION TO PROCEED

23 WITH THE BIENNIAL REVIEW.

24 UP UNTIL LAST WEDNESDAY, WHEN

25 ANNUAL REPORTS FOR 1995 AND '96 WERE

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1 EXPRESS-MAILED TO THE BOARD, THE CITY HAS NOT

2 RESPONDED

3 TO ANY OF OUR LETTERS OR CALLS.

4 AND, OUR PRELIMINARY ANALYSIS OF

5 THE REPORTS SUGGEST THAT THE REPORTS ARE NOT

6 COMPLETE. IN PARTICULAR, MANY OF THE PROGRAMS

7 THAT EXISTED PRIOR TO ADOPTION OF THE SRRE AND

8 HHWE APPEAR TO BE MISSING FROM THE ANNUAL

9 REPORTS.

10 STAFF, THEREFORE, RECOMMENDS THE

11 BOARD FIND THAT COACHELLA IS NOT ADEQUATELY

12 IMPLEMENTING ITS SRRE AND HHWE, AND DIRECT

13 STAFF TO DRAFT AN ORDER OF COMPLIANCE FOR

14 REVIEW BY THE BOARD IN JANUARY. STAFF

15 RECOMMENDS THAT THE COMPLIANCE ORDER INCLUDE

16 THE FOLLOWING CONDITIONS.

17 AND, IN LIGHT OF THE CITY’S RECENT

18 SUBMITTAL OF ITS ANNUAL REPORTS, STAFF WOULD

19 LIKE TO MODIFY CONDITION ONE TO READ,

20

21 “THE CITY SHALL COMPLETE THEIR

22 ANNUAL REPORTS FOR ‘95 AND ‘96, AND

23 SUBMIT THEIR ANNUAL REPORT FOR 1997

24 WITHIN 60 DAYS.”

25 CONDITION NUMBER TWO:

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1 “THE CITY SHALL IMPLEMENT ALL OF

2 THE PROGRAMS SELECTED IN ITS SRRE, OR

3 SUITABLE ALTERNATIVE PROGRAMS, BY THE

4 YEAR 2000.”

5 CONDITION NUMBER THREE:

6 “THE CITY SHALL SUBMIT QUARTERLY

7 REPORTS TO THE BOARD WHICH DOCUMENT ITS

8 PROGRESS IN IMPLEMENTING PROGRAMS AND

9 MEETING THE DIVERSION REQUIREMENTS.”

10 AND, FOUR:

11 “THE CITY SHALL WORK WITH THE

12 BOARD’S TARGETED IMPLEMENTATION

13 ASSISTANCE STAFF TO INCREASE AND

14 IMPROVE ITS DIVERSION PROGRAMS.”

15 THIS CONCLUDES OUR REPORT AND

16 RECOMMENDATIONS. ARE THERE ANY QUESTIONS FOR

17 STAFF?

18 CHAIRMAN PENNINGTON: QUESTIONS? OKAY.

19 THEN WE HAVE FROM THE PUBLIC

20 MICHAEL PERRY, WHO WOULD LIKE TO ADDRESS THIS.

21 MR. PERRY: MR. CHAIRMAN, HONORABLE

22 BOARD MEMBERS, MY NAME IS MIKE PERRY WITH

23 EMCON. WE HAVE RECENTLY BEEN RETAINED BY THE

24 CITY OF COACHELLA TO ASSIST THEM WITH ALL AB

25 939 COMPLIANCE PROCEDURES. MR. WOOSLEY, THE

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1 NEW CITY MANAGER, HAS ASKED ME TO EXTEND HIS
2 REGRETS FOR HIS NOT BEING ABLE TO ATTEND
3 TODAY'S MEETING.
4 IN BRIEF, THE CITY HAS NO EXCUSE
5 FOR NOT SUBMITTING ITS ANNUAL REPORTS IN A
6 TIMELY MANNER. HOWEVER, SUFFICE IT TO SAY,
7 THAT SHIFTING PRIORITIES, CHANGES IN STAFF --
8 INCLUDING THE CITY MANAGER AND PUBLIC WORKS
9 DIRECTOR HAVE RECENTLY CHANGED -- AS WELL AS
10 CHANGING FRANCHISE HAULERS, AND A PROACTED
11 TRANSFER STATION AND RECYCLING CENTER SITING
12 PROCEDURE HAVE ALL CONTRIBUTED TO THE DELAY IN
13 THE SUBMITTAL OF ITS ANNUAL REPORTS.
14 EMCON DEVELOPED A DRAFT ANNUAL
15 REPORT ON THE CITY'S BEHALF BASICALLY IN
16 OCTOBER AND NOVEMBER. THEY WERE UNDER THE
17 CITY'S REVIEW AND COMMENT BY THE CITY WHEN
18 NOTIFICATIONS OF THE BOARD'S PENDING ACTIONS
19 WERE RECEIVED. BASED UPON THE NOTIFICATION OF
20 THE BOARD, THE CITY SUBMITTED THEIR 1995 AND
21 1996 ANNUAL REPORTS VERBATIM, WITHOUT ANY
22 COMMENTS ON THEIR OWN INCLUDED.
23 MY INITIAL DISCUSSIONS WITH BOARD
24 STAFF HAVE INDICATED THAT THE REPORTS MAY NOT
25 LIST ALL OF THE PROGRAMS THAT THE CITY COULD BE

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TAKING CREDIT FOR. AND, THAT THE REVISIONS
WILL PRIMARILY PROMOTE THE CITY'S EFFORTS IN A
BETTER LIGHT THROUGH DOCUMENTATION OF THE
EXISTING DIVERSION PROGRAMS. IN BRIEF, BOARD
STAFF HAS INDICATED THAT THERE ARE OTHER
PROGRAMS THAT THE CITY COULD BE LISTING, AND
COULD BE TAKING INTO CREDIT, FOR ITS DIVERSION
IN ITS ANNUAL REPORTS.
I'D LIKE TO ADD THAT THE CITY IS
COMMITTED TO COMPLYING WITH NOT ONLY THE
LETTER, BUT THE INTENT OF AB 939. WE HAVE BEEN
GIVEN DIRECTION BY THE CITY TO EXPEDITE THE
ANNUAL REPORT REVIEW PROCESS, AND TO KEEP THE
CITY IN COMPLIANCE WITH ALL AB 939 MANDATES.
EVEN THE INITIAL STAFF REPORTS HAVE
INDICATED THE CITY IS IN COMPLIANCE WITH THE
DIVERSION REQUIREMENTS, THE 25 PERCENT
DIVERSION GOAL. THE QUESTION THAT WE HAVE
FAILING FOR US IS PRIMARILY, THE CITY HAS NOT
DOCUMENTED NOR REPORTED TO THE BOARD AS
REQUIRED WHAT IT'S DOING IN ITS DIVERSION
REQUIREMENTS.
IN LIEU OF THE BOARD RECEIPT OF THE
DRAFTED ANNUAL REPORT, THE CITY IS RESPECTIVELY
REQUESTING A CONTINUANCE OF THE RESOLUTION

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UNTIL WE, AS THE CITY'S CONSULTANT, AND THE CITY CAN MORE FULLY DOCUMENT ITS EXISTING PROGRAMS.

AGAIN, THE QUESTION IS NOT WHETHER OR NOT THEY'RE DIVERTING THE MATERIALS, IT'S WHETHER OR NOT THEY ARE DOCUMENTING THAT DIVERSION OF MATERIALS ADEQUATELY.

BY CONTINUING THIS ITEM IT WILL FREE STAFF FROM HAVING TO SPEND VALUABLE TIME AND RESOURCES IN DEVELOPING A COMPLIANCE ORDER, AND THE CITY'S RESOURCES IN SUBMITTING QUARTERLY REPORTS TO THE BOARD. AND, ALLOW THEM -- BOTH THE BOARD STAFF AND THE CITY -- TO FOCUS ITS RESOURCES ON THE INTENT OF THE LEGISLATURE, WHICH IS DIVERTING MORE FROM GOING TO THE LANDFILLS.

AND, I'LL BE HAPPY TO ANSWER ANY QUESTIONS I CAN ON THIS ISSUE.

CHAIRMAN PENNINGTON: QUESTIONS?

MEMBER EATON: I CAN UNDERSTAND THAT-- THE PREDICAMENT THAT YOU'RE IN. BUT WHAT IS HARD FOR ME IS TO UNDERSTAND THE NONRESPONSIVENESS TO ANY INQUIRIES BY THE BOARD. I MEAN, DO YOU HAVE ANY EXPLANATION FOR THAT? I MEAN...?

MR. PERRY: THERE ARE SEVERAL THINGS

THAT HAVE CONTRIBUTED TO IT. OBVIOUSLY, EXCUSES ARE NOT WHAT THE BOARD IS LOOKING FOR, YOU ARE LOOKING FOR RESULTS. IN THIS PROCESS THERE HAS BEEN A NEW CITY MANAGER AND A NEW PUBLIC WORKS DIRECTOR. THEY HAVE CHANGED THEIR HAULER, AS WELL. AND THE RECYCLING COORDINATOR FOR THE HAULER, THEIR PREVIOUS HAULER, IS NO LONGER MAINTAINING INFORMATION OF DIVERSION THAT MAY HAVE OCCURRED PREVIOUSLY, BEFORE THEY CHANGED FRANCHISE HAULERS. SO, THERE IS SORT OF A GAP IN INFORMATION THAT'S AVAILABLE, IN TERMS OF BEING ABLE TO COMPLY OR DOCUMENT THE DIVERSION PROGRAMS.

IN TERMS OF WHAT CITY STAFF IS DOING, I REALLY AM UNABLE TO COMMENT UPON THAT, OTHER THAN I DO KNOW THAT IT'S VERY DIFFICULT TO -- WHEN THERE'S CHANGES WITHIN THE MAJOR DEPARTMENTS WITHIN A CITY, IT'S VERY DIFFICULT TO GET A COHESIVE RESPONSE WHILE THOSE CHANGES ARE TAKING PLACE.

MEMBER JONES: MR. CHAIR?

CHAIRMAN PENNINGTON: MR. JONES.

MEMBER JONES: JUST A COUPLE OF QUESTIONS. THE 60 DAYS TO COMPLETE AND SUBMIT

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1 THE REPORTS, IS THAT ENOUGH TIME FOR YOU TO --

2 MR. PERRY: OH, ABSOLUTELY. ACTUALLY,

3 THE 1995 AND 1996 DRAFT REPORTS HAVE BEEN

4 SUBMITTED TO THE BOARD. AND THEIR PRELIMINARY

5 REVIEW HAS INDICATED THAT THEY WOULD LIKE TO

6 SEE MORE DOCUMENTATION ON THE EXISTING

7 DIVERSION PROGRAMS, WHAT WAS OCCURRING BEFORE,

8 BASICALLY 1990.

9 THAT INFORMATION IS DIFFICULT TO

10 OBTAIN IN RIVERSIDE COUNTY, IN THAT THE

11 INFORMATION WAS OBTAINED AS AN AGGREGATE WITH A

12 PROMISE TO THE RESPONDERS THAT THEIR -- ALL

13 DATA SUBMITTED WOULD REMAIN PROPRIETARY. AND

14 SO GETTING BACK TO THAT PROGRAM THAT OCCURRED

15 IN 1990 IS VERY DIFFICULT TO DO WITHOUT HAVING

16 THE ACTUAL DOCUMENTATION AT THE TIME.

17 MEMBER JONES: OKAY. BUT THE 1990

18 NUMBER, WHATEVER THAT NUMBER WAS OF EXISTING

19 PROGRAM TONNAGES, MAYBE NOT THE PROGRAMS,

20 WOULD BE IN THE BASE-YEAR. WELL, YEAH, THEY'D

21 EVEN HAVE A DESCRIPTION IN THE BASE-YEAR.

22 MR. PERRY: YES. THAT'S CORRECT.

23 MEMBER JONES: SO THAT PART SHOULD BE

24 OKAY.

25 MR. PERRY: THAT'S CORRECT.

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1 MEMBER JONES: IT'S THE '95 STUFF --

2 MR. PERRY: NO. ACTUALLY, STAFF HAS

3 INDICATED -- AND THEY CAN CORRECT ME IF I'M

4 WRONG -- IS THAT THEY'RE LOOKING FOR MORE

5 DOCUMENTATION ON WHAT WAS OCCURRING IN 1990,

6 AND HOW THOSE PROGRAMS HAVE CONTINUED TO OCCUR

7 THROUGH 1996, '96, AND '97.

8 AND, AGAIN, A LOT OF THAT

9 INFORMATION WAS DEVELOPED AS AN AGGREGATE, SO

10 IT'S HARD TO PULL APART AND DISCERN WHETHER OR

11 NOT THAT PROGRAM IS ACTUALLY IN PLACE TODAY, OR

12 IT WAS AGGREGATED AS PART OF AN OVERALL

13 PROGRAM.

14 IN REVIEWING THEIR SRRE -- AND AS I

15 SAID, WE ONLY HAD A WEEK TO DO IT SO WE LOOKED

16 AT IT PRETTY QUICKLY -- WE NOTICED THAT THERE

17 SEEMED TO BE A LARGE NUMBER OF PROGRAMS

18 MISSING. AND WE IDENTIFIED THOSE AS PROGRAMS

19 THAT WERE EXISTING IN THE COMMUNITY PREVIOUS TO

20 1990, AND THOSE ARE COMPLETELY MISSING. WE'RE

21 NOT QUITE SURE WHY, OR WHETHER THOSE PROGRAMS

22 ARE CONTINUING TO BE IMPLEMENTED, OR WHETHER

23 THEY'RE DROPPED, OR WHAT. SO, WE'D LIKE TO

24 HAVE AN OPPORTUNITY TO GO BACK AND TAKE A LOOK

25 AT THOSE.

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1 MEMBER JONES: OKAY. SO THEY WERE
2 EXISTING IN ‘90, THEY WERE IDENTIFIED IN ‘90.
3 MR. PERRY: THEY WERE IDENTIFIED IN THE
4 SRRE.
5 MEMBER JONES: DID THEY DO THEM IN ‘95
6 IS THE ANSWER-
7 MR. PERRY: WE DON’T KNOW, IT’S --
8 MEMBER JONES: --OR, THAT’S THE
9 QUESTION.
10 MR. PERRY: -- NOT IN THE ANNUAL
11 REPORT.
12 MEMBER JONES: ALL RIGHT. SO IF THE
13 PROGRAM IS A REUSE PROGRAM WITH GOODWILL,
14 THAT’S PRETTY EASY TO FIGURE OUT.
15 MR. PERRY: CORRECT.
16 MEMBER JONES: AND IF IT IS A CURBSIDE
17 PROGRAM, THAT’S PRETTY SIMPLE.
18 MR. PERRY: OH, THERE’S NO QUESTION.
19 WHAT WE FOCUSED ON WERE THE NUMBERS THAT WE
20 COULD GET HARD NUMBERS ON, ANY DIVERSION
21 PROGRAMS OF WHICH THERE WERE ADEQUATE OR
22 REASONABLE QUANTITIES AVAILABLE THAT WE COULD
23 LIST WITHIN THE ANNUAL REPORT.
24 WE’D HOPED THAT THE CITY WOULD
25 SUPPLEMENT THAT INFORMATION WITH THE SOFTER

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PROGRAMS THAT ARE GOING ON WITHIN THE CITY, WHETHER THEY BE A GOODWILL PROGRAM OR A THRIFT PROGRAM, THE CITY'S RECYCLING PROGRAMS. AND WE RELIED, IN THE INFORMATION THAT WE PROVIDED TO THEM INITIALLY, ON THE ACTUAL HARD DIVERSION NUMBERS THAT WE COULD GET FROM THE WASTE HAULER, AND FROM RECYCLING FACILITIES LOCATED IN THE AREA, AND BASED THAT, OF COURSE, AGAINST THE DISPOSAL NUMBERS THAT ARE GENERATED BY THE COUNTY.

MEMBER JONES: SO THAT YOU HAVE THE DISPOSAL NUMBERS.

MR. PERRY: OH, ABSOLUTELY.

MEMBER JONES: BECAUSE, SINCE WE'RE A DISPOSAL-BASED SYSTEM, WE KNOW HOW MUCH WAS BEING DISPOSED OF IN '90, AND -- WE KNOW THE WASTE GENERATION IN '90, AND THE DISPOSAL THEN IN '95, AND THEN WHATEVER THAT DIFFERENCE IS, IS THE DIVERSION.

MR. PERRY: ABSOLUTELY. THERE IS NO QUESTION ABOUT THE DIVERSION THAT THE CITY IS ACHIEVING. THE QUESTION THE STAFF IS RAISING IS MORE OF A LET'S SEE IF WE CAN BETTER QUANTIFY THE DIVERSION PROGRAMS THAT ARE ACHIEVING THAT DIVERSION GOAL. BECAUSE, IT IS

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1 A VERY HIGH DIVERSION GOAL.

2 CHAIRMAN PENNINGTON: PAT.

3 MR. SCHIAVO: YEAH, JUST A COMMENT

4 REGARDING THE ANNUAL REPORTS. PAT SCHIAVO OF

5 THE OFFICE OF LOCAL ASSISTANCE.

6 I DON’T WANT TO CONVEY THAT THE

7 ONLY THING THAT IS MISSING IS INFORMATION

8 REGARDING PROGRAMS THAT SHOULD HAVE BEEN

9 LISTED.

10 WHAT -- YOU KNOW, AGAIN, JUST

11 GLANCING AT THE ANNUAL REPORT, BECAUSE IT WAS

12 SUBMITTED SO LATE -- IS WE DO HAVE QUESTIONS AS

13 TO WHETHER OR NOT THOSE PROGRAMS STILL DO

14 EXIST, WHETHER OR NOT THEY WERE DROPPED. THAT

15 HASN’T BEEN IDENTIFIED, IF THEY WERE DROPPED

16 AND WHY THEY WERE DROPPED, AND THOSE ARE KEY

17 PIECES OF INFORMATION WHEN WE DO THE BIENNIAL

18 REVIEW.

19 WE ALSO NEED TO COMBINE THE

20 INFORMATION REGARDING PROGRAM IMPLEMENTATION

21 EFFORTS WITH THE DIVERSION NUMBERS THAT HAVE

22 BEEN ACHIEVED, TO MAKE SURE THAT THEY’RE IN

23 PARALLEL, AND ARE IN SYNCH, AND MAKE SENSE.

24 SO, AND THERE ARE OTHER PIECES OF INFORMATION

25 WE NEED TO VERIFY.

SO, IT IS NOT JUST SO SIMPLE AS TO IDENTIFY THOSE PROGRAMS, BUT THERE ARE OTHER STEPS THAT WE HAVE TO UNDERTAKE. BUT WE HAVEN'T BEEN ABLE TO BECAUSE OF THE SHORT TIME FRAME.

CHAIRMAN PENNINGTON: OKAY.

MR. SCHIAVO: IF I MAY ADD?

CHAIRMAN PENNINGTON: CERTAINLY.

MR. SCHIAVO: ALONG THOSE LINES, WE LOOK FORWARD TO WORKING WITH STAFF IN CLARIFYING IN THE ANNUAL REPORTS ITS -- FROM OUR PERSPECTIVE AND FROM THE CITY'S PERSPECTIVE, IT'S AKIN TO GETTING A DROP/FAIL IN COLLEGE. YOU CAN ALWAYS MAKE UP THE GRADE, BUT THAT WILL ALWAYS BE ON YOUR RECORD THAT YOU GOT THAT DROP/FAIL.

AND THE CITY WOULD LIKE TO AVOID HAVING THAT MARK ON THEIR RECORD, AND SHOW SUBSTANTIAL COMPLIANCE. AND, THEREFORE, THEY ARE REQUESTING JUST A CONTINUANCE OF THIS ITEM UNTIL WE CAN GET THESE REPORTS STRAIGHTENED AWAY INTO A MANNER THAT THE STAFF WOULD PREFER.

CHAIRMAN PENNINGTON: OKAY. THANK YOU. ANY QUESTIONS? MR. RHOADS.

MEMBER RHOADS: I HATE TO SAY THE SAME

1 THING I SAID EARLIER THIS MORNING, BUT THE
2 DROP/FAIL -- YOU KNOW, SOMETIMES THE CLASS IS
3 OVER WITH AND YOU'VE GOT TO GET THE GRADE IN,
4 YOU'VE GOT TO DO THE WORK. AND IN FAIRNESS TO
5 ALL THOSE OTHER STUDENTS THAT DID THAT, THEY
6 DON'T APPRECIATE GOING BACK AND CHANGING THE
7 RULES.
8 AND I, FOR ONE, AM NOT IN FAVOR OF
9 POSTPONING THIS ITEM FOR ANOTHER 60 DAYS.
10 YOU'LL HAVE TIME TO SUBMIT THE REPORTS WITH
11 THIS ORDER, AND I, FOR ONE, AM SUPPORTIVE OF
12 THE RESOLUTION AS IT READS.
13 I WOULD JUST LIKE TO CALL YOUR
14 ATTENTION, AND AS A MESSAGE TO GET BACK TO THE
15 CITY, WE HAD AN EXTENSIVE CONVERSATION IN THE
16 MORNING ABOUT THE TARGETED IMPLEMENTATION
17 ASSISTANT GROUPS, AND THE STAFF IS MAKING EVERY
18 EFFORT IT CAN MAKE -- AND THAT'S ITEM FOUR --
19 TO GET OUT TO THE LOCAL COMMUNITIES, TO WORK
20 WITH THE COMMUNITIES, TO PROVIDE THEM AID IN
21 PROGRAMS, LOANS, GRANTS, AND OTHER THINGS TO
22 HELP THEM REACH THEIR GOALS. AND, SO I WOULD
23 ALSO LOOK AT THIS AS AN OPPORTUNITY TO TAKE
24 ADVANTAGE OF THAT WORK, AND THAT AID, AND THE
25 RESOURCES THAT WE AND THE STATE HAVE.

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1 AND AS I SAID THIS MORNING, I, FOR
2 ONE, HAVE BEEN OUT THERE ON SEVERAL TRIPS AND
3 ALL THE COMMUNITIES I HAVE GONE TO, AND ALL THE
4 JURISDICTIONS THAT I HAVE GONE TO HAVE BEEN
5 VERY, VERY RECEPTIVE AND HAVE REALLY WELCOMED
6 THE STAFF AND THE WORK THAT THEY'VE DONE.
7 SO, I THINK THERE'S A RELATIONSHIP
8 THAT CAN BE BUILT BETWEEN THE CITY AND THE
9 BOARD. BUT I'M JUST AFRAID THAT RIGHT NOW, YOU
10 KNOW, YOU HAVEN'T PROVIDED THE INFORMATION IN A
11 TIMELY MANNER AND I, FOR ONE, AM SUPPORTIVE OF
12 THIS RESOLUTION AS IT READS RIGHT NOW.
13 MEMBER EATON: MR. CHAIR, I SHARE MR.
14 RHOADS' CONCERNS, AND IF THAT'S A MOTION I'D BE
15 HAPPY TO SECOND IT.
16 I AGREE, IT'S KIND OF LIKE A --
17 WHERE YOU'VE HAD A SORT OF CHECKERED PAST IN A
18 PAYMENT PLAN, ONE OF THE WAYS TO GET BACK ON --
19 AND I THINK WHAT WE OFFER HERE THROUGH THIS
20 KIND OF COMPLIANCE ORDER IS AN EASY PAYMENT
21 PLAN TO GET YOU BACK ON THE RIGHT ROAD, AND
22 GOING WITH -- AND IT WON'T PREJUDICE YOU AT ALL
23 IN THE FUTURE, WHATEVER THE CASE MAY BE.
24 SO, IF THAT'S A MOTION, I'D BE
25 HAPPY TO SECOND IT.

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1 MEMBER RHOADS: THAT'S A MOTION. I
2 WOULD MOVE RESOLUTION 98-409.
3 MEMBER EATON: SECOND.
4 CHAIRMAN PENNINGTON: OKAY.
5 MEMBER JONES: MR. CHAIRMAN?
6 CHAIRMAN PENNINGTON: MR. JONES.
7 MEMBER JONES: WOULD MR. RHOADS BE
8 WILLING TO PUT IN OUR LANGUAGE ON ENFORCEMENT?
9 MEMBER RHOADS: I CERTAINLY WOULD.
10 MEMBER JONES: WONDERFUL.
11 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
12 WITH THE SUGGESTED
13 CHANGES TO ITEM NUMBER ONE, WHERE THEY SHALL
14 COMPLETE THEIR ANNUAL REPORT FOR '95 AND '96,
15 AND SUBMIT THEIR 1997 WITHIN THE 60 DAYS.
16 MEMBER FRAZEE: AND THEN THERE WAS A
17 CONDITION NUMBER FOUR THAT DEALT WITH --
18 MEMBER JONES: YEAH, COMPLETION OF THE
19 PROCESS.
20 CHAIRMAN PENNINGTON: OKAY. IF THERE'S
21 ANY OTHER DISCUSSION.... MR. RHOADS MOVES, AND
22 MR. EATON SECONDS ADOPTION OF RESOLUTION 98-409, AS
23 AMENDED.
24 IF THERE'S NO FURTHER DISCUSSION,
25 WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

NOW WE WILL MOVE TO ITEM --

THE SECRETARY: WAIT A MINUTE, WE HAVE ANOTHER--

MEMBER FRAZEE: 98-4 10 --

CHAIRMAN PENNINGTON: OH, I'M SORRY.

MEMBER FRAZEE: -- HAZARDOUS WASTE, SAME PEOPLE.

CHAIRMAN PENNINGTON: OKAY. SORRY. I SAW THAT, AND I WAS JUST CONFUSED BY IT. OKAY, RESOLUTION -- WE NEED A MOTION.

MEMBER JONES: MR. CHAIRMAN, I'LL MAKE

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A MOTION TO MOVE RESOLUTION 98-4 10, WITH THE SAME....

DO WE NEED ANY ADJUSTMENTS TO THIS LANGUAGE THAT -- PATRICK, OR--

MS. FRIEDMAN: I DON'T BELIEVE WE DO, OTHER THAN ADDING IN --

MEMBER JONES: AND THEN JUST ADD IN THE ENFORCEMENT BULLET. OKAY.

CHAIRMAN PENNINGTON: OKAY. MR. RHOADS, DO YOU WANT TO SECOND THAT?

MEMBER RHOADS: I'LL BE VERY GLAD TO SECOND IT.

CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED BY MR. JONES, AND SECONDED BY MR. RHOADS, ADOPTION OF RESOLUTION 98-410. IF THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

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THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

WE'LL NOW MOVE TO ITEM NUMBER 14, WHICH WE HAD SET FOR TWO O'CLOCK. THIS IS AN UPDATE ON THE PROGRESS OF THE STATEWIDE DISPOSAL CHARACTERIZATION STUDY CONTRACT, AND CONSIDERATION OF POTENTIAL AMENDMENTS TO THE SCOPE OF WORK, AND POTENTIAL MODIFICATIONS TO AND AUGMENTATIONS OF THE CONTRACT. JUDY FRIEDMAN.

MS. FRIEDMAN: GOOD AFTERNOON, BOARD MEMBERS. NANCY CARR AND LORRAINE VAN KERIX WITH THE BOARD'S WASTE ANALYSIS BRANCH WILL BE MAKING THE PRESENTATION FOR STAFF.

MS. CARR: GOOD AFTERNOON, MR. CHAIRMAN, AND, BOARD MEMBERS. MY NAME IS NANCY CARR AND I'M WITH THE WASTE ANALYSIS BRANCH, AND I'LL BE PRESENTING AN UPDATE ON THE PROGRESS OF THE STATEWIDE DISPOSAL CHARACTERIZATION STUDY CONTRACT, AND CONSIDERATION OF POTENTIAL AMENDMENTS TO THE SCOPE OF WORK, AND POTENTIAL MODIFICATIONS TO AND AUGMENTATION OF THE

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CONTRACT.

THIS PROJECT IS TO CONDUCT A

STATEWIDE CHARACTERIZATION STUDY AND IT WILL

COLLECT INFORMATION ON THE TYPES AND AMOUNTS OF

MATERIALS STILL BEING DISPOSED IN THE STATE'S

WASTE STREAM. WE'LL BE COLLECTING DISPOSAL

INFORMATION ONLY, WE WON'T BE COLLECTING

INFORMATION ON THE STATE'S DIVERTED WASTE

STREAM.

THERE'S TWO MAIN SPECIFIC PURPOSES

FOR THIS CONTRACT. ONE IS TO DETERMINE THE

AMOUNT OF RIGID PLASTIC PACKAGING CONTAINERS

DISPOSED STATEWIDE, AND THAT INFORMATION IS

NEEDED TO CALCULATE THE RECYCLING RATE FOR

RPPCS AS REQUIRED BY LAW. THE OTHER MAIN

PURPOSE IS TO ADD DATA TO THE BOARD'S WASTE

CHARACTERIZATION DATABASE AND WEB PAGE. THIS

PART OF OUR WEB PAGE RIGHT NOW IS ABOUT THE

THIRD MOST POPULAR PART.

THIS STUDY WILL BE THE FIRST

STATEWIDE STUDY DONE BY THE BOARD, AND THE

FIRST STATEWIDE UPDATE SINCE 1990.

THE PREVIOUS STATEWIDE DATA THAT WE

HAVE IS FROM THE SOURCE REDUCTION AND RECYCLING

ELEMENTS PUT TOGETHER BY LOCAL GOVERNMENTS IN

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1990. AND THE WAY WE GOT THE STATEWIDE DATA FROM THAT WAS TO COMPILE THAT DATA. IT WAS COLLECTED USING DIFFERENT METHODS, AND EVEN DIFFERENT MATERIAL TYPE DEFINITIONS, SO THIS PROJECT IS OUR CHANCE TO UPDATE THE STATEWIDE CHARACTERIZATION, AND USE A UNIFORM METHOD AND UNIFORM MATERIAL TYPES AND GET SOME REALLY GOOD, RELIABLE DATA. WE'LL BE USING THE BOARD'S NEW STANDARD METHOD AND DEFINITIONS.

DATA FROM THE STUDY WILL BE USEFUL TO THE BOARD FOR STATEWIDE PLANNING AND POLICY DECISIONS, AND ALSO BE USEFUL FOR LOCAL GOVERNMENTS. THEY CAN USE THE DATA FOR THEIR LOCAL PLANNING AND THEY WON'T HAVE TO GO OUT AND SPEND THE MONEY TO CONDUCT THEIR OWN LOCAL STUDIES.

THE DATABASE THAT WE HAVE ON OUR WEB PAGE RIGHT NOW IS THE ONLY ONE OF ITS KIND, AND IT HAS BEEN USED BY SOLID WASTE PLANNERS IN OTHER STATES, AS WELL AS IN OTHER COUNTRIES.

THE DATABASE SUPPORTS BOARD PROGRAMS FOR WORKING BOTH WITH LOCAL GOVERNMENTS AND BUSINESSES. I KNOW OUR STAFF IN THE OFFICE OF LOCAL ASSISTANCE AND ALSO IN THE WASTE PREVENTION MARKET DEVELOPMENT USE THE DATABASE

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FOR WORKING WITH LOCAL GOVERNMENTS AND FOR
BUSINESS ASSISTANCE.
TO TELL YOU A LITTLE BIT ABOUT THE
DATABASE, HERE'S ONE OF THE DATA SCREENS. THIS
SHOWS THE BUSINESS GROUPS FOR THE CITY OF
SACRAMENTO, AND WHICH GROUPS DISPOSED THE MOST
WASTE IN THEIR COMMERCIAL SECTOR. THIS KIND OF
INFORMATION THAT THE DATABASE PROVIDES CAN HELP
LOCAL GOVERNMENTS IDENTIFY THE BUSINESS GROUPS
THAT ARE THE BIGGEST DISPOSERS THAT MIGHT BE
GOOD TARGETS FOR RECYCLING PROGRAMS.
AND ONCE YOU'VE IDENTIFIED A
BUSINESS GROUP YOU MIGHT BE INTERESTED IN
WORKING WITH THE DATABASE CAN ALSO PROVIDE
WASTE COMPOSITION DATA TO HELP IDENTIFY THE
MAIN MATERIAL TYPES THAT THE BUSINESS GROUP
DISPOSES TO TARGET MATERIALS FOR RECYCLING
PROGRAMS.
THERE'S A COUPLE OTHER THINGS THE
DATABASE CAN DO BESIDES THIS ALSO.
SOME OF THE DATA WE'LL BE GETTING
FROM THE STUDY, THE AMOUNT OF RPPCS DISPOSED
STATEWIDE. AGAIN, TO BE USED TO CALCULATE THE
RECYCLING RATE FOR RPPCS. WE'LL ALSO GET WASTE
COMPOSITION DATA FOR THE OVERALL RESIDENTIAL

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1 SECTOR, AS WELL AS FOR THE SINGLE-FAMILY

2 RESIDENTIAL SECTOR AND THE MULTI-FAMILY SECTOR

3 INDIVIDUALLY. AND WE HAVEN’T HAD THAT TYPE OF

4 DATA STATEWIDE BEFORE.

5 WE’LL HAVE AN OVERALL COMPOSITION

6 FOR THE COMMERCIAL SECTOR, AS WELL AS

7 COMPOSITIONS FOR THE INDIVIDUAL BUSINESS GROUPS

8 IN THE COMMERCIAL SECTOR. AND WE’LL ALSO HAVE

9 DATA FOR THE SELF-HAUL SECTOR.

10 WE’LL ALSO BE ABLE TO DETERMINE THE

11 PERCENT OF THE STATE’S WASTE STREAM FROM EACH

12 OF THE MAIN SECTORS, THE PERCENT OF RESIDENTIAL

13 WASTE FOR MULTI-FAMILY AND SINGLE-FAMILY

14 SOURCES. AND FOR THE SELF-HAUL WASTE STREAM

15 WE’LL HAVE MORE DETAIL THAN WE’VE HAD BEFORE BY

16 BEING ABLE TO DETERMINE THE PERCENT FROM THE

17 RESIDENTIAL, FROM CONSTRUCTION AND DEMOLITION,

18 ROOFING, LANDSCAPER, AND FROM GENERAL

19 COMMERCIAL INDUSTRIAL SOURCES. AND WE’LL ALSO

20 HAVE THE PERCENT OF COMMERCIAL WASTE FROM EACH

21 OF THE BUSINESS GROUPS IDENTIFIED FOR THE

22 STUDY.

23 THE CONTRACT PROCESS. BRIEFLY, WE

24 SENT OUT A REQUEST FOR PROPOSAL IN JULY OF THIS

25 YEAR. WE RECEIVED ONE PROPOSAL, AND THAT

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1 PROPOSAL MET ALL THE MINIMUM REQUIREMENTS. AND
2 THE BOARD AWARDED THE CONTRACT AT THE SEPTEMBER
3 BOARD MEETING TO CASCADIA CONSULTING GROUP, IN
4 ASSOCIATION WITH SEVERAL OTHER FIRMS, FOR THE
5 AMOUNT OF $490,000. AND WE EXPECT THE PROJECT
6 TO BE COMPLETED IN NOVEMBER OF 1999.
7 THE SCOPE OF WORK IS FIVE MAIN
8 TASKS. ONE IS TO DESIGN THE STUDY, ANOTHER IS
9 TO SELECT THE SAMPLING SITES, THEN TO CONDUCT
10 THE FIELD SORTING, DO DATA ENTRY AND ANALYSIS,
11 AND TO PREPARE A COMPREHENSIVE REPORT.
12 AND A LITTLE BIT ON THE STUDY
13 DESIGN. THIS IS THE STAGE THAT WE’RE AT RIGHT
14 NOW. THE CONTRACTOR DEVELOPED A DRAFT STUDY
15 DESIGN, AND ONE OF THE PARTS OF THIS CONTRACT
16 WAS TO MEET WITH AN ADVISORY GROUP OF
17 INTERESTED PARTIES TO GIVE THEM A CHANCE TO
18 HAVE INPUT ON OUR STUDY DESIGN.
19 THE ADVISORY GROUP INCLUDED
20 RPPC-INTERESTED PARTIES SINCE THEY’RE GOING TO BE
21 ONE OF THE MAIN GROUPS AFFECTED BY THE DATA, AS
22 WELL AS SOME OTHER PARTIES LIKE LOCAL
23 GOVERNMENT AND THE ENVIRONMENTAL COMMUNITY.
24 WE HAD THAT MEETING ON DECEMBER 1ST AND WENT
25 THROUGH THE DESIGN WITH THE ADVISORY GROUP, AND

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1 THEY APPROVED THE DESIGN AS PRESENTED BY
2 CASCADIA.
3 A LITTLE BIT ON THE DATA THAT WE'RE
4 GOING TO BE COLLECTING. ON THE LEFT-HAND SIDE
5 ARE THE MAIN SOURCES OF WASTE WE'RE GOING TO BE
6 CHARACTERIZING: THE SINGLE-FAMILY RESIDENTIAL,
7 MULTI-FAMILY RESIDENTIAL, AND THEN COMMERCIAL,
8 INDUSTRIAL AND INSTITUTIONAL SOURCES. AND THEN
9 ON THE RIGHT ARE THE DISPOSAL FACILITIES WHERE
10 THE WASTE CAN END UP, TRANSFER STATIONS,
11 LANDFILLS, INCINERATORS, OR C&D LANDFILLS.
12 AND THE WAY THE WASTE GETS FROM THE
13 GENERATORS TO THE DISPOSAL FACILITY, IT CAN GO
14 BY SELF-HAUL OR BY COMMERCIAL PACKER TRUCK.
15 SO, WE'LL BE SAMPLING SINGLE-FAMILY
16 AT THE LANDFILL. MULTI-FAMILY WE'LL BE
17 SAMPLING AT THE SOURCE, OR AT -- THAT'S CALLED
18 GENERATOR SAMPLING. AND THAT'S BECAUSE A LOT
19 OF TIMES MULTI-FAMILY WASTE IS COLLECTED WITH
20 COMMERCIAL WASTE, SO TO GET A PURE SAMPLE WE'LL
21 BE COLLECTING IT AT THE SOURCE.
22 FOR THE COMMERCIAL, AND INDUSTRIAL,
23 AND INSTITUTIONAL WE'LL BE SAMPLING AT THE
24 SOURCE BECAUSE THAT ALLOWS US TO DEVELOP AN
25 INDIVIDUAL WASTE COMPOSITION FOR THE DIFFERENT

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1 TYPES OF BUSINESS GROUPS.

2 AND THE SUMMARY OF THE EXISTING

3 SAMPLING PLAN. WE'RE GOING TO DIVIDE THE STATE

4 INTO FIVE REGIONS SO WE CAN COVER THE WHOLE

5 STATE, AND WE'LL BE SAMPLING AT FIVE SITES PER

6 REGION. AND THE REGIONS WERE DEVELOPED BASED

7 ON GEOGRAPHIC AND DEMOGRAPHIC GROUPINGS. WE'LL

8 BE SAMPLING IN THE WINTER SEASON AND SUMMER

9 SEASON OF 1999.

10 WE'LL BE ANALYZING 840 COMMERCIAL

11 GENERATOR SAMPLES, AND THAT WILL PROVIDE

12 DETAILED COMPOSITION DATA FOR 26 BUSINESS

13 GROUPS. WE'LL BE DOING 150 SINGLE-FAMILY

14 DISPOSAL SITE SAMPLES AND 80 MULTI-FAMILY

15 GENERATOR SAMPLES, AND 250 SELF-HAUL DISPOSAL

16 SITE SAMPLES. FOR THE GENERATOR SAMPLING, THE

17 840 MEETS THE MINIMUM STATISTICAL REQUIREMENT

18 FOR THE BOARD'S UNIFORM WASTE CHARACTERIZATION

19 METHOD.

20 WHAT WE'RE HERE FOR TODAY IS TO ASK

21 YOU FOR AN AUGMENTATION TO THE CONTRACT THAT

22 WOULD ALLOW US TO INCREASE THE NUMBER OF

23 GENERATOR SAMPLES AND INCREASE THE RELIABILITY

24 OF THE DATA. IT WOULD ALLOW US TO GO BEYOND

25 THE MINIMUM STATISTICAL REQUIREMENTS FOR THE

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STUDY.
THIS WILL BE THE FIRST SET OF
COMPREHENSIVE GENERATOR DATA GATHERED IN
CALIFORNIA, OR ANY OTHER STATE, SO THE MAXIMUM
RELIABILITY WE CAN GET FOR THE STATE IS VERY
DESIRABLE. THE DATA CAN PROVIDE A BASIS FOR
PUBLIC AND PRIVATE SECTOR SOLID WASTE PLANNING
DECISIONS FOR THE NEXT SEVERAL YEARS, SO THE
BEST DATA WE CAN GET RIGHT NOW WOULD JUST BE
MORE ADVANTAGEOUS IN THE LONG RUN.
SO THE STAFF'S RECOMMENDATION IS TO
AUGMENT THE STATEWIDE DISPOSAL CHARACTERIZATION
CONTRACT FROM RMDZ FUNDS FOR $146,700 IN ORDER
TO INCREASE THE GENERATOR SAMPLING.
THAT CONCLUDES MY PRESENTATION.
ARE THERE ANY QUESTIONS?
CHAIRMAN PENNINGTON: QUESTIONS? MR.
RHOADS.
MEMBER RHOADS: I'M VERY SUPPORTIVE OF
THIS. I ONLY HAVE ONE LITTLE PROBLEM, BECAUSE
I'M GETTING OLD AND MY EYESIGHT'S NOT AS GOOD
AS IT USED TO BE. THE GENTLEMEN TO THE RIGHT
AND LEFT OF ME DO NOT HAVE THIS PROBLEM, BUT
SOME OF THOSE SLIDES I JUST COULDN'T SEE.
MS. CARR: THEY ARE A LITTLE SMALL, I

1 KNOW.

2 MEMBER RHOADS: SO, IF YOU DO EVER HAVE

3 TIME IN FUTURE PRESENTATIONS TO MAKE US A COPY,

4 THE PEOPLE AT THIS END OF THE TABLE I THINK

5 WOULD PROBABLY APPRECIATE IT.

6 BUT I THINK THIS IS A VERY, VERY

7 IMPORTANT STUDY. AND I'LL BE VERY, VERY GLAD

8 TO MOVE THIS.

9 MEMBER EATON: I JUST HAVE A COMMENT,

10 THAT I TOO SHARE THAT IT'S VERY SUPPORTIVE, AND

11 REALLY HELPED PUSH SOME OF THE ADDITIONAL

12 MONIES BECAUSE I THINK IT IS THE CRUX OF WHAT

13 WE HAVE.

14 WHAT I WOULD JUST LIKE TO KIND OF

15 FIND OUT IS WHERE OUR FUNDING MECHANISM COMES

16 FROM, AND AN EXPLANATION OF WHERE THESE MONIES

17 AND WHICH FUND IT'S COMING FROM. AND WHAT ARE

18 OUR ALTERNATIVES, IF ANY, TO HOW WE CAN FUND

19 THIS ITEM.

20 MY UNDERSTANDING, IT COMES FROM THE

21 RMDZ REVOLVING FUND, WHICH WAS THE $4 MILLION

22 THAT SENATOR SHEARER, ALONG WITH SENATOR KOPP

23 AND SENATOR HAYDEN, TOOK THE LEAD AND PROVIDED

24 WITH US WITH REGARD TO 1066 IMPLEMENTATION.

25 AND I SEE A SLOWLY STEADY ERODING OF THAT $4

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MILLION. WE HELD IT AT ABOUT 2.5.
THEN WE DID SOME GRASS CYCLING (SIC). WE BROUGHT IT
UP A FEW MORE DOLLARS, ET CETERA. WHAT ARE OUR
OPTIONS? AND, ALSO,
WHAT'S LEFT IN THAT FUND SO THAT, AT LEAST FOR
THIS BOARD, WE CAN MAKE SOME DETERMINATIONS IN
THE FUTURE? IT'S NOT MEANT TO BE THAT THE
PROJECT WILL STOP, I JUST THINK WE NEED TO HAVE
THAT LITTLE OF ACCOUNTING. AND WHAT ARE OUR
OPTIONS?
AND ARE THERE ANY RESTRICTIONS, AS
WE GET INTO THE FUTURE, THAT WE MAY HAVE TO GO
BACK TO THE LEGISLATURE FOR TO FREE UP, IN
TERMS OF CAPS OR SOMETHING ELSE, AS WE RUN INTO
THIS QUESTION OF MONEY IN THE FUTURE?
MS. FISH: YES. KAREN FISH, DIRECTOR
OF THE DIVISION OF ADMINISTRATION.
IF YOU'LL REMEMBER, WE GOT THE
ORIGINAL 500,000 FOR THIS STUDY THROUGH A
FINANCE LETTER THAT RAISED OUR APPROPRIATION
AUTHORITY ONE TIME.
WE'VE PRETTY MUCH FULLY ALLOCATED
THE MONEY THAT WE HAVE IN BOTH THE IWMA AND
THE ONLY AVAILABLE ALLOCATION AT THIS POINT
WOULD -- AT THIS MAGNITUDE WOULD COME FROM

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RMDZ.

NOW, IT'S UNFORTUNATE THAT -- WE KNOW THAT THE REVENUES IN THE IWMA ARE VERY HIGH, BUT WE HAVE THE APPROPRIATION AUTHORITY THAT WE'RE BUMPING UP TO. AND SO UNLESS WE WERE TO DO SOME KIND OF A DEFICIENCY APPROPRIATION, SECTION 27, OR -- AND WE'RE KIND OF PAST THE BCP PROCESS, SO --

MEMBER EATON: RIGHT.

MS. FISH: -- WE DON'T HAVE A LOT OF OPTIONS HERE.

MEMBER EATON: OKAY. SO OUR OPTIONS, AT LEAST IN THE FUTURE, WOULD BE -- IS TO LOOK AT THE IWMA -- SOME INCREASED AUTHORITY IN THAT LEVEL? NOT JUST NECESSARILY FOR THIS, I THINK THIS IS A GOOD PROGRAM, BUT JUST WHERE WE NEED TO GO AND SO WE COULD KIND OF WATCH OUR ACCOUNTS, AND HOW WE CAN WORK ON THAT FOR THIS YEAR'S --

MS. FISH: YES. THE-

MEMBER EATON: -- EITHER THE LEGISLATIVE/REGULATORY, YOU KNOW, KIND OF --

MS. FISH: RIGHT.

MEMBER EATON: -- DEPARTMENT OF FINANCE KIND OF DISCUSSIONS --

1 MS. FISH: WELL, AND I THINK IT'S
2 ALWAYS BEEN A CHALLENGE TO TRY TO BALANCE THE
3 APPROPRIATION AUTHORITY AND THE REVENUES --
4 MEMBER EATON: RIGHT.
5 MS. FISH: -- AND TO -- YOU KNOW,
6 BECAUSE WE'RE IN LIKE ALMOST A TWO-YEAR CYCLE,
7 THAT IN ORDER TO TAKE ADVANTAGE OF INCREASING
8 REVENUES YOU END UP KIND OF -- IT TAKES A
9 WHILE.
10 MEMBER EATON: OKAY. THAT'S FAIR. THANK
11 YOU.
12 EXECUTIVE DIRECTOR CHANDLER: BOARD MEMBER•
13 EATON, LET
14 ME JUST ADD THAT -- BECAUSE I DON'T WANT TO
15 HAVE KAREN'S REMARKS BE MISLED IN ANY
16 WAY. THERE ARE NO -- UNDOUBTEDLY WILL BE
17 SAVINGS AS WE GET TO THE END OF THE YEAR IN THE
18 CONTRACT AND PROFESSIONAL SERVICES LINE ITEM
19 FROM THE IWMA.
20 I THINK WHAT KAREN'S TRYING TO
21 POINT OUT IS THAT RIGHT NOW WE'VE EARMARKED, OR
22 ENCUMBERED, THE DISCRETIONARY DOLLARS FOR
23 VARIOUS CONTRACT INITIATIVES, OF WHICH, IF THEY
24 ALL COME IN AT FULL BUDGET, WE WILL BE RIGHT UP
25 AGAINST OUR CEILING.

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1 MEMBER EATON: RIGHT.

2 EXECUTIVE DIRECTOR CHANDLER: BUT I THINK

3 WHEN WE GET

4 INTO THAT TYPICAL APRIL/MAY/JUNE TIME FRAME, WE

5 TYPICALLY SEE STAFF COMING BACK WITH A $30,000

6 PROPOSAL, OR 40,000, SHOULD THE BOARD WANT TO

7 MOVE IN A DIRECTION DUE TO SOME YEAR-END

8 SAVINGS.

9 WE JUST HAVEN’T IDENTIFIED RIGHT

10 NOW ANYTHING OF THIS SIGNIFICANT DOLLAR AMOUNT

11 LEVEL THAT COULD AUGMENT THIS EFFORT,

12 WHICH WE DO THINK IS, AS YOU SAID, IS KIND OF

13 THE BREAD AND BUTTER OF WHAT WE’RE TRYING TO DO

14 IN THIS PROGRAM.

15 MEMBER EATON: RIGHT. AND I THINK I

16 JUST WANT US TO BE A LITTLE CAUTIOUS AS WE GO

17 DOWN -- SO THAT WHEN WE GO FOR OUR BUDGET

18 HEARINGS -- AS YOU WELL KNOW YOURSELF, AND MR.

19 PENNINGTON AND MYSELF LAST YEAR, I THINK WE’LL

20 SORT OF, YOU KNOW, RESPOND AND ANSWER TO IT,

21 AND I THINK THAT’S A FAIR ASSESSMENT. AND NOW

22 WE HAVE AN EXPLANATION, APPRECIATE IT.

23 CHAIRMAN PENNINGTON: MR. JONES.

24 MEMBER JONES: MR. CHAIRMAN, I THINK I

25 AGREE WITH MY COLLEAGUES UP HERE, I THINK WE

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HAVE TO BE CAREFUL.
BUT I THINK THAT THIS GOES-- THAT
RMDZ FUNDING FOR WASTE CHARACTERIZATION THAT'S
GOING TO TELL US WHAT SEGMENTS OF THE WASTE
STREAM ARE OUT HERE, AND THAT ARE BEING THROWN
AWAY, ARE GOING TO GIVE US A GOOD OPPORTUNITY
TO FOCUS OUR EFFORTS ON WHERE OUR PROGRAMS CAN
BE TAILORED TO MAKE SURE WE KEEP THAT STUFF OUT
OF THE WASTE STREAM AND HELP DEVELOP MARKETS.
50 I THINK IT'S A GOOD USE OF THE FUNDS.
I HAVE AN ISSUE WITH--WHEN THIS
THING FIRST CAME FORWARD I WAS AFRAID, BECAUSE
OF THE NATURE OF THE PLAYERS THAT ARE OUT
THERE, THAT MAYBE WE'D ONLY GET ONE BID, OR
MAYBE WE'D ONLY GET TWO BIDS. AND, IN FACT, WE
GOT ONE BID THAT WAS A COMBINATION OF THE MAJOR
PLAYERS, AND I GUESS THEY'VE GOTTEN ALL THAT
WORKED OUT BECAUSE ONE OF THEM DROPPED OUT.
AND I JUST WANTED TO MAKE SURE
WE'RE GETTING A BOX AS FULL AS WE HAD AT FIRST
ANTICIPATED THAT WE WERE GOING TO GET, WITHOUT
PUTTING MORE WORK ON OUR STAFF TO TAKE UP ANY
SHORTFALLS THAT THE WINNING VENDOR WON. AND
I'VE BEEN ASSURED THAT THAT'S NOT GOING TO BE A
PROBLEM.

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BUT I THINK THAT BY AUGMENTING THIS THING, WHEN YOU HAVE YOUR WORK GROUP AND YOU TALK ABOUT -- ESPECIALLY UNDER THIS SELF-HAUL WASTE STREAM THAT'S GOING INTO RURAL TRANSFER STATIONS AND THINGS LIKE THAT -- TRAILER PARKS IN ALL OF NORTHERN CALIFORNIA, AT LEAST, ARE NORMALLY HAULED BY SELF-HAULERS. AND YOU WOULD BE SHOCKED TO KNOW THE AMOUNT OF MATERIAL, BECAUSE THERE ARE NO PROGRAMS AVAILABLE TO THOSE PEOPLE.

SO DON'T--YOU KNOW, MAKE SURE THAT YOU'RE AWARE OF THOSE TYPES OF THINGS SO THAT WE CAN GET THE REAL NUMBERS. A RANDOM SAMPLING IS JUST THAT. BUT A RANDOM SAMPLING IN LOS ALTOS HILLS IS VERY DIFFERENT THAN A RANDOM SAMPLING IN FOREST HILL. SO -- YOU KNOW.

AND WE NEED THAT KIND OF DIVERSITY BECAUSE, AS I HAVE ALWAYS PREACHED, WHEN THERE IS NO BOOK ON HOW TO DO THIS. YOU KNOW? PUTTING TOGETHER A CURBSIDE PROGRAM, PUTTING TOGETHER ANY KIND OF PROGRAM IS VERY, VERY DRIVEN BY THE NEIGHBORHOOD, WHERE IT'S AT, WHERE IT'S LOCATED, AND WHAT THE ECONOMIC CONDITIONS ARE THAT EXIST.

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1 SO I THINK THAT THAT REPRESENTATION
2 NEEDS TO BE FULLY THOUGHT OUT, AND I HAVE EVERY
3 CONFIDENCE THAT YOU GUYS WILL DO THAT. BUT BE
4 AWARE, IT'S KIND OF SCARY, SOME OF THE STUFF
5 THAT GOES INTO RURAL BINS AND RURAL LANDFILL.
6 AND I THINK WE'LL -- THEY'RE BIG BUYERS OF THAT
7 MATERIAL, SO.
8 CHAIRMAN PENNINGTON: YES, SENATOR?
9 MEMBER ROBERTI: THIS IS THE
10 KIND OF RECOMMENDATION I'LL GENERALLY DEFER TO
11 STAFF ON. HOWEVER, I DO HAVE A QUESTION.
12 OBVIOUSLY, SOMEBODY MADE A DECISION
13 AT SOME POINT THAT THE 840 --WHAT'S THE EXACT
14 -- SAMPLES WAS ADEQUATE.
15 MS. FISH: EIGHT HUNDRED AND FORTY
16 SAMPLES WAS -- WE HAD A METHOD DEVELOPED FOR
17 UNIFORM WASTE CHARACTERIZATION, AND WHEN WE --
18 THAT WAS DEVELOPED TO HELP EACH JURISDICTION
19 CHARACTERIZE THEIR WASTE, IT WASN'T ORIGINALLY
20 DEVELOPED AS A METHOD FOR THE STATE TO DO A
21 STATEWIDE CHARACTERIZATION.
22 WHEN WE ADD UP THE MINIMUM NUMBERS
23 THAT WERE GENERATED THROUGH A STATISTICAL
24 ANALYSIS ON THAT METHOD WE COME UP WITH 840.
25 BUT THIS WILL BE THE FIRST TIME IT'S EVER BEEN

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1 APPLIED ON A STATEWIDE BASIS, SO WE'D LIKE TO
2 HAVE MORE OF A CUSHION SO THAT THE DATA'S MORE
3 RELIABLE FOR THE DECISION-MAKERS. BUT IT WAS
4 ROLLING IT UP FROM THE INDIVIDUAL JURISDICTION
5 LEVEL.
6 MS. VAN KERIX: LORRAINE
7 VANKEKERICKS WITH THE WASTE ANALYSIS BRANCH.
8 I'D ALSO LIKE TO SAY THAT WE WILL
9 BE WORKING VERY CLOSELY WITH THE CONTRACTOR ON
10 THIS CONTRACT, WE'RE LOOKING AT MAXIMIZING THE
11 AMOUNT OF MONEY THAT'S SPENT ON THE SAMPLING.
12 AND WE FULLY INTEND TO TAKE ADVANTAGE OF YOUR
13 KNOWLEDGE OF THE WASTE HAULERS AND TALK WITH
14 YOU ABOUT MAKING SURE THAT WE DO REFLECT THAT
15 VARIATION IN OUR STUDY DESIGN.
16 CHAIRMAN PENNINGTON: VERY GOOD.
17 MR. RHOADS, DID YOU WANT TO MOVE
18 THIS ITEM?
19 MEMBER RHOADS: YES. I'LL MOVE
20 RESOLUTION 98-4 15.
21 MEMBER EATON: I'LL SECOND THAT MOTION.
22 CHAIRMAN PENNINGTON: IT'S BEEN MOVED
23 BY MR.. RHOADS, AND SECONDED BY MR. EATON, THE
24 ADOPTION OF RESOLUTION NUMBER 98-4 15.
25 IF THERE'S NO FURTHER DISCUSSION,

WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

WE'LL MOVE BACK TO ITEM NUMBER SEVEN, CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE SIERRA COUNTY REGIONAL AGENCY. JUDY FRIEDMAN.

BOY, IT'S YOUR DAY TODAY, ISN'T IT?

MS. FRIEDMAN: YES, IT SEEMS TO BE. GOOD AFTERNOON AGAIN BOARD MEMBERS. ERIC BISSINGER WILL BE MAKING THE PRESENTATION FOR STAFF.

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1 MR. BISSINGER: GOOD AFTERNOON BOARD
2 MEMBER, CHAIRMAN PENNINGTON.
3 ON JUNE 24TH, 1998, THE BOARD VOTED
4 TO CONDITIONALLY APPROVE THE FINAL SOURCE
5 REDUCTION AND RECYCLING ELEMENT, OR SRRE, FOR
6 THE SIERRA REGIONAL AGENCY. THE CONDITIONAL
7 APPROVAL WAS BASED ON THE AGENCY'S SRRE WHICH
8 PROJECTED TO ACHIEVE 26 PERCENT BY THE YEAR
9 2000.
10 WHEN THE SRRE WAS SUBMITTED FOR
11 APPROVAL IN 1998 STAFF WAS CALCULATING
12 DIVERSION RATES AS HIGH AS 35 PERCENT FOR 1997.
13 THEREFORE, STAFF CONCLUDED THAT THE AGENCY'S
14 2000 GOAL PROJECTION WAS UNDERESTIMATED.
15 AND THE BOARD'S CONDITIONS WERE TO
16 RESUBMIT THE SRRE WITH CORRECTED YEAR 2000 GOAL
17 PROJECTIONS. THE BOARD ALSO DIRECTED THE
18 AGENCY TO SUBMIT AN ANNUAL REPORT REFLECTING
19 PROGRAM PROGRESS, AND TO NOT RESUBMIT A
20 PETITION FOR REDUCED DIVERSION GOALS UNTIL THE
21 BOARD HAS RECEIVED THESE DOCUMENTS BY AUGUST
22 1ST, 1998.
23 THE AGENCY HAS SUBMITTED ADDITIONAL
24 INFORMATION REGARDING ITS DIVERSION PROGRAMS
25 AND PROJECTED DIVERSION RATES, AND HAS

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1 REQUESTED THAT THE BOARD RECONSIDER ITS SRRE.

2 ALSO, THE AGENCY HAS SUBMITTED THEIR ANNUAL

3 REPORTS AND WITHDREW THEIR REQUEST FOR A

4 REDUCTION IN THE 50 PERCENT DIVERSION GOAL.

5 BECAUSE THERE ARE NO OTHER

6 OUTSTANDING IS SUES WITH THE SRRE, BOARD STAFF

7 RECOMMEND THAT THE BOARD MOVE THE SRRE TO

8 APPROVAL.

9 CHAIRMAN PENNINGTON: QUESTIONS? IF

10 THERE ARE NO QUESTIONS I'LL ENTERTAIN A MOTION.

11 MEMBER FRAZEE: MR. CHAIRMAN, I'LL MOVE

12 ADOPTION OF RESOLUTION 98-37 1.

13 CHAIRMAN PENNINGTON: VERY GOOD.

14 MEMBER JONES: I'LL SECOND.

15 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

16 MOVED BY MR. FRAZEE, SECONDED BY MR. JONES,

17 ADOPTION OF RESOLUTION 98-37 1.

18 IF THERE'S NO FURTHER DISCUSSION,

19 WILL THE SECRETARY CALL THE ROLL, PLEASE?

20 THE SECRETARY: BOARD MEMBER EATON?

21 MEMBER EATON: AYE.

22 THE SECRETARY: FRAZEE?

23 MEMBER FRAZEE: AYE.

24 THE SECRETARY: JONES?

25 MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

WELL MOVE TO ITEM NUMBER EIGHT, CONSIDERATION OF STAFF RECOMMENDATIONS TO CORRECT THE BASE-YEAR DISPOSAL TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENTS FOR THE CITIES OF CLOVIS, FOWLER, ORANGE COVE, PARLIER, REEDLEY, SANGER, SELMA AND FRESNO COUNTY.

MS. FRIEDMAN: GOOD AFTERNOON, AGAIN. I GUESS IT’S MY SHOW STILL.

CHAIRMAN PENNINGTON: IT’S YOUR SHOW.

MS. FRIEDMAN: I’LL GIVE STAFF ONE MINUTE TO GET UP THE POWERPOINT PRESENTATION. DIANE SHIMIZU WILL BE MAKING THE PRESENTATION FOR STAFF.

CHAIRMAN PENNINGTON: AND THIS, YOU’LL REMEMBER, IS ONE WE HAD TO PULL FRESNO OUT OF. CORRECT? BECAUSE IT WASN’T NOTICED PROPERLY?

MS. FRIEDMAN: I BELIEVE THAT’S

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CORRECT.

CHAIRMAN PENNINGTON: YEAH, GOOD.

MS. SHIMIZU: GOOD AFTERNOON CHAIRMAN PENNINGTON AND BOARD MEMBERS.

ITEM NUMBER EIGHT IS A REQUEST TO CORRECT THE BASE-YEAR GENERATION TONNAGE FOR THE CITIES OF CLOVIS, FOWLER, ORANGE COVE, PARLIER, REEDLEY, SANGER, AND SELMA IN FRESNO COUNTY.

AS MENTIONED, FRESNO IS NOT IN THE PUBLICIZED AGENDA AND, THEREFORE, WE WILL BRING THE CITY OF FRESNO’S REQUEST FORWARD IN JANUARY.

JERRY PRIETO WITH FRESNO COUNTY AND REPRESENTATIVES FROM THE VARIOUS CITIES ARE AVAILABLE TODAY TO ANSWER QUESTIONS.

IN JULY OF 1997 THE BOARD APPROVED UNINCORPORATED FRESNO COUNTY’S REQUEST TO ADD FRUIT CULL TONNAGE TO THEIR BASE-YEAR DISPOSAL AMOUNT. THE SAME DOCUMENTATION WITH WHICH THE COUNTY’S BASE-YEAR CORRECTION WAS SUBMITTED ON BEHALF OF THE SEVEN CITIES REPRESENTED IN THIS ITEM.

THIS DOCUMENTATION CONSISTED OF A TABLE FROM THE 1985 COUNTY SOLID WASTE

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1 MANAGEMENT PLAN SHOWING THE AMOUNT OF FRUIT
2 CULLS DISPOSED, EXPRESSED IN TONS, AND AS A
3 PERCENTAGE OF THE TOTAL FRUIT PROCESS.
4 FRESNO COUNTY STAFF UPDATED THESE
5 FIGURES TO REFLECT 1990 AMOUNTS, USING FRESNO
6 COUNTY'S DEPARTMENT OF AGRICULTURE CROP
7 REPORTS, AND BY CONTACTING THE PACKING SHEDS TO
8 OBTAIN DATA ON THEIR OUTPUT OF PROCESSED FRUIT.
9 FOR THIS ITEM FRESNO STAFF HAVE
10 PROVIDED ADDITIONAL DOCUMENTATION, INCLUDING
11 THE NAMES OF LANDFILLS USED FOR FRUIT CULL
12 DISPOSAL AND LETTERS FROM THE LANDFILL OWNERS
13 AND OPERATORS ATTESTING TO THE FACT THAT FRUIT
14 CULLS WERE DISPOSED AT THE SOUTHEAST REGIONAL
15 AND CHESTNUT LANDFILLS. THEY HAVE ALSO
16 IDENTIFIED THE PACKING SHEDS AND JURISDICTIONS
17 IN WHICH THEY ARE LOCATED.
18 THE STAFF OF THESE CITIES REALIZED
19 THE IMPORTANCE OF PROGRAM IMPLEMENTATION AND
20 COMPLYING WITH THE MANDATES OF AB 939. TO
21 DEMONSTRATE THIS COMMITMENT ALL SEVEN CITIES
22 HAVE SUBMITTED LETTERS INDICATING THAT THEY
23 WILL CONTINUE TO IMPLEMENT THEIR DIVERSION
24 PROGRAMS DESPITE THE INCREASE IN THEIR
25 DIVERSION RATE NUMBERS.

THESE CITIES ARE IMPLEMENTING MANY OF THE PROGRAMS SELECTED IN THEIR SRRES. I WILL BRIEFLY HIGHLIGHT A FEW OF THESE PROGRAMS. FIVE OUT OF THE SEVEN CITIES HAVE RESIDENTIAL CURBSIDE RECYCLING. SIX OUT OF THE SEVEN CITIES HAVE COMMERCIAL RECYCLING PROGRAMS. SIX OUT OF THE SEVEN CITIES USE A MRF WITHIN FRESNO COUNTY OR NEIGHBORING TULARE COUNTY. ALL SEVEN CITIES HAVE CURBSIDE GREEN WASTE COLLECTION, AND ALL USE A COMPOSTING FACILITY. THIS CONCLUDES MY PRESENTATION. DO YOU HAVE ANY QUESTIONS?

CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?

MEMBER JONES: MR. CHAIRMAN, I HAVE A COUPLE.

CHAIRMAN PENNINGTON: MR. JONES.

MEMBER JONES: I’LL MAKE THEM QUICK. I HAD ASKED FOR SOME OTHER INFORMATION WHEN I GOT MY BRIEFING, AND THAT WAS WHAT KIND OF PROGRAMS ARE IN PLACE HERE. BECAUSE WHEN YOU PLAY WITH CULLS OR ANYTHING THAT ARE HEAVY, AND YOU PUT THEM ON THE DISPOSAL SITE IN 1990 THAT’S FINE, BUT IT DOES MIRACULOUS THINGS ON THE DIVERSION SIDE WHEN YOU GET TO TAKE CREDIT FOR IT, SO I

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1 WANTED TO KNOW IF THERE WERE PROGRAMS.

2 I WAS A LITTLE SURPRISED, ORANGE

3 COVE, EVERYTHING FOR ‘95 AND ‘96 SHOWS NO DATA.

4 MS. SHIMIZU: RIGHT.

5 MEMBER JONES: AND I’M WONDERING WHY

6 WOULD WE HAVE NO DATA ON ANY -- AND THERE’S A

7 NOTE HERE THAT SAYS THEY WERE SUPPOSED TO BE

8 TURNED IN BY APRIL 1ST, HAVE THEY BEEN?

9 MS. SHIMIZU: WE DON’T HAVE THE ANNUAL

10 REPORTS JUST YET. THEY WEREN’T DUE UNTIL THIS

11 YEAR, WHICH IS WHY THERE HASN’T BEEN ANYTHING,

12 NOT EVEN ‘95’S INPUT YET.

13 MEMBER JONES: AND MOST OF THESE

14 JURISDICTIONS SHOW PRETTY HIGH DIVERSION, UNDER

15 ‘95 AND ‘96. A COUPLE OF THEM SHOW -- I MEAN,

16 ONE SHOWS ONE PERCENT AND NO DATA THE NEXT

17 YEAR, AND ANOTHER ONE SHOWS FIVE PERCENT AND NO

18 DATA FOR ’96.

19 AND WHAT I WORRY ABOUT WHEN I SEE

20 THESE BIG NUMBERS ADDED TO THE BASE-YEAR, WHILE

21 THEY LOOK MINIMAL THEY COULD HAVE BIG IMPACTS

22 ON DIVERSION. AND I JUST WANTED TO MAKE SURE

23 WE HAD PROGRAMS IN THESE JURISDICTIONS THAT GOT

24 DIVERSION. SO, I GOT A LITTLE NERVOUS WHEN I

25 SAW NO DATA.

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1 MS. SHIMIZU: OKAY. YES, THEY ARE
2 WORKING ON THEIR REPORTS WITH THEIR
3 CONSULTANTS, THEY ARE WORKING ON GREEN WASTE,
4 THEY DO HAVE A GRANT FOR CURBSIDE RECYCLING, SO
5 THEY ARE IMPLEMENTING PROGRAMS. THEY USE A MRF.
6 THAT WAS TRUE OF ORANGE COVE.
7 CHAIRMAN PENNINGTON: MR. EATON --
8 MS. CARDOZA: I'D LIKE TO ADD
9 SOMETHING, IF I MAY, TO THAT?
10 CHAIRMAN PENNINGTON: CERTAINLY.
11 MS. CARDOZA: CATHERINE CARDOZA WITH
12 THE OFFICE OF LOCAL ASSISTANCE.
13 ORANGE COVE'S SRRE WAS APPROVED IN
14 1997, 50 THEIR FIRST ANNUAL REPORT, WHICH WOULD
15 COVER '95, '96, AND '97, WAS DUE IN AUGUST.
16 AND TO DATE WE HAVE NOT RECEIVED THEIR ANNUAL
17 REPORT, SO WE COULDN'T -- DON'T HAVE THAT
18 VERIFICATION YET.
19 BUT, WITH THE -- I THINK THE COUNTY
20 REPRESENTATIVE, IF YOU HAD FURTHER QUESTIONS
21 ABOUT WHAT ORANGE COVE WAS DOING, WOULD BE ABLE
22 TO ANSWER THOSE QUESTIONS.
23 CHAIRMAN PENNINGTON: THANK YOU.
24 MEMBER JONES: I MEAN, JUST REAL QUICKLY.
25 THE SRRE FOR ORANGE COVE WAS FINALLY ADOPTED IN

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1997--

MS. CARDOZA: IT WAS FINALLY APPROVED BY THE BOARD, I'M NOT SURE WHEN IT WAS ACTUALLY ADOPTED--

MEMBER JONES: OKAY. BUT APPROVED BY THE BOARD. AND WHEN WE DID ALL THOSE IN -- TOWARDS THE END OF '97?

MS. FRIEDMAN: CORRECT. IT WAS ONE OF THE ONES IN 1997.

MEMBER JONES: THAT WE HAD GIVEN EXTENSIONS TO SO THAT THEY COULD GET IT IN?

MS. FRIEDMAN: MOST LIKELY.

MEMBER JONES: I GUESS THE POINT I'M MAKING IS THAT WE GAVE A BUNCH OF EXTENSIONS TO GIVE CITIES TIME TO GET SRRES IN AND WE FINALLY HAD TO ENFORCE AGAINST FOUR OF THEM THAT BLEW US OFF FOR FIVE YEARS. AND THEN THIS WAS DUE ON AUGUST 1ST, 1998, AND WE STILL DON'T HAVE ANY DATA. THAT IS A TROUBLESOME TRACK RECORD, SO.

CHAIRMAN PENNINGTON: MR. EATON?

MEMBER EATON: I ALSO SHARE YOUR CONCERNS, SIMPLY BECAUSE -- AND I WOULD ASK IF IN THE FUTURE WE COULD GET A WIDER PICTURE OF THE PROPOSED BASE-YEAR CORRECTIONS, AS THE IMPACT OF THESE ITEMS HERE -- IF YOU LOOK AT

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1 THE CHARTS THAT WE HAVE, IT SHOWS THAT THE
2 DIVERSION RATE'S ACTUALLY GOING DOWN IN A
3 NUMBER OF JURISDICTIONS IN 1990.
4 BUT WHEN YOU INCLUDE WHAT WE'RE
5 ABOUT TO DO TODAY, THE SPIKE COULD BE GREAT, AS
6 YOU WELL KNOW, IT COULD PUT THEM UP OVER 50
7 PERCENT IN SOME CASES.
8 AND I THINK THAT'S IMPORTANT FOR US
9 -- AT LEAST FOR ME, I'M NOT GOING TO SPEAK FOR
10 OTHERS -- TO KNOW THAT, ESPECIALLY WHERE
11 THERE'S INFORMATION THAT'S MISSING. I DON'T
12 KNOW HOW WE CAN APPROVE SOMETHING WHEN WE
13 DON'T HAVE EITHER THE REPORTS IN FROM '95-96,
14 IRRESPECTIVE, AND THEN GO INTO IT AND GIVE THEM
15 THESE KINDS OF THINGS.
16 IT'S KIND OF LIKE THE FRUIT CULL
17 FLU KIND OF GOING AROUND. LAST MONTH IT WAS
18 TULARE -- HOW WAS THAT, MR. RHOADS, PRETTY
19 GOOD? -- AND WE WORKED WITH THEM AND PUT THEM
20 THROUGH THE WRINGER, IF YOU REMEMBER FROM SANTA
21 BARBARA, AND GOT ADDITIONAL DOCUMENTATION. AND
22 NOW WE JUST HAVE THINGS HERE.
23 I THINK WE NEED TO DO THIS, I THINK
24 WE'RE JUST HEADING DOWN A ROAD WHERE WE'RE
25 GOING TO FIND A SITUATION WHEREIN WE HAVE MAYBE

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1 THE NUMBERS BUT WE DON’T HAVE THE PROGRAMS AND

2 OTHER KINDS OF THINGS, JUST TO ITERATE, AND I

3 NEED THAT INFORMATION. BECAUSE IT’S JUST--I

4 CAN’T GET A GOOD PICTURE FROM THE SPIKE THAT’S

5 GOING TO TAKE PLACE HERE.

6 AND, HOW MANY FRUIT CULLS ARE THERE

7 ACTUALLY WITHIN BOTH COUNTIES? BECAUSE I JUST

8 CAN’T IMAGINE -- I KNOW HOW MANY CROPS ARE DOWN

9 THERE, AND I KNOW THE TYPES OF CROPS THAT ARE

10 THERE HAVING WORKED THERE. AND PERHAPS MAYBE

11 WE NEED TO DO KIND OF AN ALLOCATION LIKE WE DID

12 WITH L.A., LET’S FIND OUT HOW MANY FRUIT CULLS

13 THERE ARE AND LET’S DIVIDE THEM UP.

14 CHAIRMAN PENNINGTON: IT’S MORE THAN

15 MANY FARMERS WANT, I’M SURE.

16 MR. PRIETO: YEAH, IN RESPONSE TO --

17 AS WE DID WITH TULARE, IN THE RESOLUTIONS FOR

18 THESE PARTICULAR JURISDICTIONS, THEY MUST MAKE

19 A COMMITMENT TO CONTINUE TO IMPLEMENT ALL THEIR

20 SRRE PROGRAMS AND WE’RE GOING TO MONITOR THEM

21 REAL CLOSELY TO MAKE SURE THAT THEY HAVE,

22 INDEED, MONITORED THOSE.

23 AND IN TALKING ABOUT THE

.24 JURISDICTIONS, THEY ALL ARE COMMITTED TO

25 CONTINUING TO IMPLEMENT THEIR PROGRAMS. AND

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1 THEY ARE HERE TODAY TO SPEAK TO THIS IS SUE IF
2 YOU WOULD LIKE.
3 MEMBER JONES: MR. CHAIRMAN?
4 CHAIRMAN PENNINGTON: MR. JONES.
5 MEMBER JONES: I THINK MR. EATON'S
6 DEAD-ON THIS THING, BECAUSE THE CITY OF ORANGE
7 COVE, THEIR GENERATION HAS GONE UP FROM 5200
8 TONS TO 25,000 TONS. IF THAT -- 20,000 TONS IS
9 FRUIT CULLS, THEN MOVE THAT OVER INTO THE
10 DIVERSION SIDE AND THEY WILL BE DIVERTING
11 20,402 TONS OUT OF A POSSIBLE 25,228 TONS. I
12 MEAN, THAT IS PRETTY REMARKABLE DIVERSION.
13 50, YOU NEED TO -- YOU KNOW WHAT I
14 MEAN? WE NEED TO -- THAT'S WHERE THE ISSUE IS
15 FOR ME. IF THEY DESERVE IT THEY GET CREDIT FOR
16 IT, I DON'T HAVE A PROGRAM WITH IT. IT'S JUST
17 IT IS SO HEAVY AND THERE'S SO MUCH WEIGHT, AND
18 WHEN THERE'RE EXISTING PROGRAMS THAT EXISTED
19 PRIOR TO 1990 WE'RE GIVING THEM A DOUBLE
20 BOUNCE, WE'RE GIVING THEM A DOUBLE CREDIT.
21 CHAIRMAN PENNINGTON: SENATOR ROBERTI?
22 SENATOR ROBERTI: AS I'M TRYING TO
23 UNDERSTAND IT HERE, THERE'S NO WAY FOR US TO KNOW
24 WHETHER OR NOT JURISDICTIONS INVOLVED CAN COUNT
25 THIS CULL FRUIT OR VEGGIES BEFORE THEY CAN

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1 COMPUTE ADEQUATELY WHAT THEIR BASE-YEAR IS?

2 MS. FRIEDMAN: YES. IN FACT, THAT'S

3 THE DOCUMENTATION THAT THEY HAVE BEEN

4 PROVIDING, IS THAT IT IS LEGITIMATE.

5 SENATOR ROBERTI: HENCE,

6 IF WE REQUIRE BASE-YEAR FORMULATIONS BEFORE WE

7 MAKE A DECISION ON WHETHER THE CULLED FRUIT CAN

8 BE INCLUDED, THE DOCUMENTATION WITHOUT THE

9 KNOWLEDGE OF WHETHER CULLED FRUIT CAN BE

10 INCLUDED MIGHT BE SKETCHY OR ERRONEOUS, OR

11 SUBJECT TO CHANGE.

12 MS. CARDOZO: IF YOU WOULD LIKE, WE

13 HAVE ALREADY COMPUTED -- BECAUSE THE OTHER SIX

14 HAVE SUBMITTED THEIR ANNUAL REPORTS, SO WE DO

15 KNOW WHAT THEIR '95 AND '96 NUMBER WOULD BE

16 WITH, AND WITHOUT THE FRUIT CULLS. AND DIANE

17 CAN GIVE YOU THAT INFORMATION IF YOU WOULD

18 LIKE.

19 SENATOR ROBERTI: IS THAT ON ALL THE

20 JURISDICTIONS?

21 MS. CARDOZO: I THINK INCLUDING

22 ORANGE COVE.

23 MS. SHIMIZU; INCLUDING THE BOARD'S

24 DEFAULT CALCULATIONS FOR ORANGE COVE, IN THE

25 ABSENCE OF THEIR ANNUAL REPORT CALCULATIONS.

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1 MEMBER ROBERTI: I THINK I HAVE IT, AND MY
2 ADVISOR HERE IS JUST --
3 MEMBER RHOADS: WHY DON'T YOU GIVE IT TO US,
4 DIANE? MAYBE IF YOU WOULD JUST READ THE
5 NUMBERS, I THINK THAT WOULD BE...?
6 CHAIRMAN PENNINGTON: SURE.
7 MS. SHIMIZU: OKAY. SO YOU WANT THE
8 1995 WITH THE FRUIT CULLS, AND '96 WITH THE
9 FRUIT CULLS? OKAY.
10 FOR CLOVIS, 1995 WOULD BE 61
11 PERCENT, '96 WOULD BE 58 PERCENT.
12 FOWLER WOULD BE 82 PERCENT, IN '96
13 IT WOULD BE 83 PERCENT.
14 ORANGE COVE WOULD BE 88 PERCENT IN
15 '95, AND AGAIN 88 PERCENT IN '96.
16 PARLIER WOULD BE 76 PERCENT IN '95,
17 AND 69 PERCENT IN '96.
18 REEDLEY -- THEY ALREADY WENT
19 THROUGH THE BIENNIAL REVIEW AND WERE APPROVED.
20 BUT THIS WOULD CHANGE THEM TO 69 PERCENT IN
21 '95, AND 67 PERCENT IN '96.
22 SANGER, AGAIN, THEY'VE BEEN THROUGH
23 THE BIENNIAL REVIEW. THEY'D BE 43 PERCENT IN
24 '95, 40 PERCENT IN '96.
25 SELMA WOULD BE 12 PERCENT IN '95,

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1 23 PERCENT IN ‘96.

2 CHAIRMAN PENNINGTON: OKAY? WHAT’S

3 YOUR PLEASURE?

4 LET ME ASK A LEGAL QUESTION HERE,

5 CATHERINE. WE HAVE SEVEN RESOLUTIONS, DO WE

6 HAVE TO ADOPT THEM INDIVIDUALLY OR CAN WE ADOPT

7 THEM IN ONE MOTION?

8 KATHRYN TOBIAS: I THINK IF YOU WANT TO

9 ADOPT THEM IN ONE MOTION, AS LONG AS YOU READ

10 OFF THE NUMBERS OF THE MOTION, THAT’S FINE --

11 OF THE RESOLUTIONS, THAT’S FINE.

12 MEMBER JONES: MR. CHAIRMAN?

13 CHAIRMAN PENNINGTON: MR. JONES.

14 MEMBER JONES: I’LL MAKE THIS MOTION,

15 BUT I -- PART OF THE MOTION IS THAT WE KEEP A

16 VERY CLOSE EYE--

17 CHAIRMAN PENNINGTON: OKAY.

18 MEMBER JONES: -- ON THESE

19 JURISDICTIONS TO MAKE SURE THEY CONTINUE TO

20 ASTOUND.

21 I WANT TO MOVE RESOLUTION 98-3 95,

22 RESOLUTION 98-3 96, RESOLUTION 98-3 98,

23 RESOLUTION 98-3 99, RESOLUTION 9 8-400,

24 RESOLUTION 98-40 1, RESOLUTION 98-402.

25 MEMBER RHOADS: I’LL BE GLAD TO SECOND

1 THAT.

2 I SHARE SOME OF THOSE SAME

3 RESERVATIONS, BUT I'M SURE THAT DIANE HAS

4 ALREADY BEEN KEEPING A CLOSE EYE ON FRESNO,

5 SINCE SHE'S THE ONE THAT ARRANGED THE TULARE

6 TRIP. AND CATHERINE ON THE WORK ON THE FRESNO

7 AND THE SANTA CRUZ -- I MEAN, ON THE MONTEREY

8 AND THE SANTA CRUZ TRIP, WHICH I WANT TO THANK

9 BOTH OF THEM FOR. AND I KNOW THEY WILL KEEP A

10 VERY CLOSE EYE ON THIS ACTIVITY.

11 MEMBER EATON: HOW WOULD YOU PROPOSE MR.

12 RHOADS TO DEAL WITH THE IS SUE WHERE WE HAVE

13 THESE KINDS OF SPIKES WITH THESE KINDS OF

14 COMMODITIES THAT JUST TAKE ONE JURISDICTION

15 FROM BASICALLY, YOU KNOW, ZERO OR A VERY LOW

16 PERCENTAGE INTO A VERY HIGH PERCENTAGE, BASED

17 ON WHAT YOU'VE SEEN DOWN THERE?

18 MEMBER RHOADS: WELL, I THINK STAFF --

19 AND I THINK THEY DO THIS, THEY TAKE A VERY,

20 VERY HARD LOOK ON THESE ISSUES. THEY MAKE SURE

21 IT WAS COUNTED IN 1990, THEY MAKE SURE THERE'S

22 NOT A DOUBLE ACCOUNTING IN 1995. AND THAT

23 WOULD BE -- YOU KNOW, I WOULD HAVE TO RELY ON

24 STAFF GETTING OUT THERE TALKING TO PEOPLE,

25 TAKING A LOOK AT THE NUMBERS, AND REPORTING

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1 BACK TO US IF THEY FEEL COMFORTABLE WITH IT.

2 THAT WOULD BE MY ANSWER.

3 CHAIRMAN PENNINGTON: OKAY?

4 MEMBER EATON: NOW, WITH REGARD TO THE

5 PROGRAMS THAT THEY'VE COMMITTED TO, HOW ARE

6 THEY COMMITTED TO CARRYING THROUGH ON THE

7 PROGRAMS WHICH ARE ON THE OTHER SIDE, IS WHAT

8 WE'RE LOOKING FOR? WHAT IS THE MECHANISM

9 THERE?

10 THEY'RE NOT GOING TO, OBVIOUSLY,

11 COME IN BECAUSE THEY'RE GOING TO BE OVER 50

12 PERCENT, SO THEY'RE NOT GOING TO NEED AN

13 EXTENSION. CORRECT?

14 MS. FRIEDMAN: RIGHT.

15 MEMBER EATON: AND THEY'RE NOT GOING TO

16 NEED A 1066.

17 SO THE QUESTION THEN BECOMES, WHAT

18 MECHANISM DO WE HAVE FOR MAKING SURE THAT THE

19 OTHER PARTS OF THE STATE, BY VIRTUE OF ONE

20 COMMODITY OR ONE ELEMENT OF THE WASTE STREAM,

21 DO SOME OF THE OTHER PROGRAMS THAT WE WERE

22 GOING TO REQUIRE OF OTHERS, BE IT EITHER

23 CURBSIDE AND/OR IT COULD BE GREEN PROCUREMENT,

24 AS WE GET INTO THOSE AREAS AND THE ACTUAL USE

25 OF THE MARKET SIDE? HELP US, WHAT IS IT?

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1 MS. FRIEDMAN: THE BIENNIAL REVIEW IS
2 A PROCESS THAT CONTINUES REGARDLESS OF THAT.
3 SO WE WOULD CONTINUE TO MONITOR THEIR PROGRESS,
4 WE GET THEIR ANNUAL REPORTS IN, AND WE WOULD
5 CONTINUE TO ANALYZE HOW THEY'RE DOING. THEY'VE
6 MADE A COMMITMENT TO CONTINUE TO IMPLEMENT
7 THEIR PROGRAMS DESPITE -- OR, EVEN THOUGH THEY
8 HAVE HIGH NUMBERS, AND WE WOULD MONITOR THAT AS
9 PART OF THE BIENNIAL PROCESS, AND JUST AS A
10 GENERAL COURSE OF BUSINESS. AND WE WOULD
11 REPORT THAT TO YOU.
12 MEMBER RHOADS: I THINK IT'S -- IF I
13 COULD, MEMBER EATON? I'VE ONLY BEEN HERE A
14 VERY SHORT PERIOD OF TIME, BUT IT'S BEEN MY
15 IMPRESSION THAT WE HAVE SPENT A GREAT DEAL OF
16 TIME IN THE PAST YEARS ON GOING THROUGH REPORTS
17 AND REQUIRING PEOPLE -- AND WE'RE ALMOST
18 FINISHED THAT.
19 AND WHAT WE'RE DOING NOW IS GETTING
20 OUT THERE SEEING THE PROGRAMS, HELPING THE
21 COMMUNITIES IN THEIR EFFORTS. AND IT'S JUST
22 VERY, VERY CRUCIAL IN MY MIND FOR THE STAFF TO
23 GET OUT THERE IN THE COMMUNITIES AND SEE THAT
24 THESE PROGRAMS ARE CONTINUED AND IMPLEMENTED.
25 AND, SO I WOULD JUST URGE STAFF TO

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CONTINUE THAT EFFORT AND INCREASE •THEIR SUPPORT OF GOING OUT THERE WITH THE LOCAL GOVERNMENTS.

KATHRYN TOBIAS: IN RESPONSE TO THAT, MR. RHOADS.... CAN I ASK, ELLIOT, DO YOU HAVE ANYTHING TO ADD ON ENFORCEMENT WITH RESPECT TO THOSE BIENNIAL REVIEWS AND WHAT WE COULD DO IF -- I MEAN, DO WE HAVE THE POWER TO DELVE INTO THESE AND THEN BRING THEM UP? WHAT HAPPENS NEXT IF THEY’RE NOT -- YOU KNOW, IF THE BOARD’S CONCERNED WITH THESE ISSUES AND THEN THEY’RE NOT ADDRESSED, BUT THEY MAKE 50 PERCENT?

MR. BLOCK: ELLIOT BLOCK WITH THE LEGAL OFFICE.

I CAN JUST REITERATE WHAT JUDY HAD SAID, AS WE’VE HAD A DISCUSSION NOW I THINK OVER THE LAST TWO OR THREE BOARD MEETINGS. IMPLEMENTATION IS BOTH NUMBERS AND IMPLEMENTING PROGRAMS, AND SO THAT’S WHY WE HAVE THE -- BASED ON THE DIRECTION THAT THE BOARD GAVE US IN THE PAST WITH TULARE, THAT’S WHY WITH THESE JURISDICTIONS WE HAVE MADE SURE THAT THOSE RESOLUTIONS -- THEIR RESOLUTIONS LOCALLY, BY THE JURISDICTIONS, AND THEN THAT LANGUAGE ALSO IS IN OUR RESOLUTION ABOUT CONTINUING TO DO PROGRAMS, SO.

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1 AND THEN THE BIENNIAL REVIEW

2 PROCESS, AT THE PRESENT TIME IT'S EVERY TWO

3 YEARS, AND THEN IT'LL BE TWO YEARS AFTER THE

4 YEAR 2000 AS WELL, AND SO WE'LL BE LOOKING AT

5 THOSE ISSUES CLEARLY BASED ON THE DIRECTION

6 THAT WE'VE GOTTEN HERE.

7 KATHRYN TOBIAS: CAN WE NOT GO INTO

8 THOSE PLANS OTHER THAN IN A BIENNIAL REVIEW, SO

9 THAT IF THERE'S SOME SENSE THAT THE PROGRAMS

10 AREN'T BEING FOLLOWED OR --

11 MR. BLOCK: WELL, ACTUALLY, WE

12 CERTAINLY CAN -- IF WE WERE TO FIND OUT THROUGH

13 SOME OTHER MEANS THAN JUST SORT OF OUR NORMAL

14 REVIEW -- AND WE GET ANNUAL REPORTS AND THEN

15 THE BIENNIAL REVIEW IS BASED ON TWO ANNUAL

16 REPORTS, BUT THE STATUTE DOES -- IS PHRASED AS

17 AT LEAST ONCE EVERY TWO YEARS.

18 KATHRYN TOBIAS: OKAY.

19 MR. BLOCK: SO IF, IN FACT, WE WERE TO

20 FIND OUT THAT SOMETHING WAS GOING ON THAT WAS

21 AN ISSUE OR A PROBLEM, POTENTIALLY, WE WOULD

22 HAVE THE ABILITY TO GO IN SOONER IF WE NEEDED

23 TO.

24 KATHRYN TOBIAS: OKAY. THANK YOU.

25 MS. FRIEDMAN: MR. CHAIRMAN, IF I MAY?

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1 I THINK ELLIOT HAS MADE A VERY GOOD POINT,
2 WHICH I CAN'T STRESS ENOUGH, THAT COMPLIANCE IS
3 A TWO-PART TEST, IT'S BOTH NUMBERS AND
4 PROGRAMS. AND IF WE DON'T HAVE PROGRAMS WE
5 HAVE A PROBLEM WITH COMPLIANCE.
6 MEMBER EATON: WELL, PERHAPS RELUCTANTLY I
7 WOULD SUPPORT THESE RESOLUTIONS, BUT WOULD ASK
8 PERHAPS MAYBE IF MY FELLOW BOARD MEMBERS FEEL
9 THE SAME WAY WITH SOME OF THE QUESTIONS MR.
10 RHOADS RESPONDED TO, IS THAT MAYBE WE COULD
11 HAVE STAFF COME BACK WITH KIND OF A LAUNDRY
12 LIST OF SOME PROGRAMS OR WHATEVER WE CAN GO TO
13 THESE JURISDICTIONS WITH AT SOME POINT AND FIND
14 OUT C&D AND SOME OF THE OTHER OF OUR PRIORITY
15 AREAS?
16 BECAUSE, THERE'S NO QUESTION THAT
17 THEY MEET THE LETTER OF THE LAW, THERE'S STILL
18 SOME DOUBT -- AND THAT'S WHERE THE PROGRAMS
19 COME IN, WHETHER THEY MEET THE SPIRIT OF THE
20 LAW. AND I THINK THOSE ARE DISTINCT QUESTIONS
21 AND STUFF.
22 AND IT DOESN'T HAVE TO BE ANYTHING
23 REAL QUICK, BUT PERHAPS MR. CHANDLER OR
24 SOMETHING -- IF I COULD JUST GET SOME IDEA THAT
25 SHOWS THAT, YOU KNOW, THOSE WHO ARE FORTUNATE

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IN THE SENSE THAT THEY HAVE A WASTE STREAM AND THEY GET A SPIKE, THERE ARE OTHERS WHO ARE NOT 50 FORTUNATE, BY EITHER VIRTUE OF THEIR ECONOMIC POSITION IN THE STATE OR OTHER KINDS OF FACTORS, THEIR GEOGRAPHIC FACTORS, MAY REALLY STRUGGLE. AND I THINK THOSE ARE THE KINDS OF BALANCING ACTS WE HAVE TO DO WITH A STATE THAT'S SO DIVERSE.

AND YET, AT THE SAME TIME, WE REALLY KIND OF HAVE TO LOOK AT IT AND SAY WE'RE APPLYING IT IN A CONSISTENT MANNER, IN A CONSISTENT FASHION.

CHAIRMAN PENNINGTON: MR. PRIETO WOULD LIKE TO ADDRESS US HERE ON THIS.

MR. PRIETO: THANK YOU, CHAIRMAN PENNINGTON. I'M JERRY PRIETO, I'M WITH RESOURCE AND MANAGEMENT FOR FRESNO COUNTY, AND ONE OF MY RESPONSIBILITIES INCLUDES THE IMPLEMENTATION OF AB 939 FOR THE UNINCORPORATED AREA OF FRESNO COUNTY.

AND THROUGH AN MOU WE ASSIST ALL THE CITIES IN OUR COUNTY, ALL THE 15 CITIES. WE CONDUCT EDUCATION ELEMENTS, THE HHW ELEMENT, AND USED OIL RECYCLING ELEMENTS, AND ALSO RESPONSIBLE FOR CONTRACTING ANNUAL REPORTS DONE.

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I WOULD JUST LIKE TO STATE THAT
EACH OF THESE CITIES ALL HAVE PROGRAMS IN
PLACE, EVERY SINGLE ONE. DESPITE THE FACT THAT
HAVING THE GENERATION ADJUSTED IN 1990, THEY
HAVE MOVED FORWARD AND IMPLEMENTED THEIR
PROGRAMS.
MEMBER JONES, ORANGE COVE WILL BE
STARTING A PROGRAM UP THE FIRST OF THE YEAR.
THEY’RE A VERY SMALL CITY, POPULATION’S
PROBABLY 6,000 TO 7,000, 7,500, AROUND THERE.
THEIR MAIN INDUSTRY IS ORANGE PACKING. ALL OF
THEIR RESIDENTIAL WASTE IS COLLECTED BY PENYA,
AND PENYA WAS ONE OF THE WASTE HAULERS WHO WAS
PROTESTING TULARE COUNTY’S CULLED FRUIT
ADDITION BECAUSE OF FEAR OF LOSING THE MRF
BUSINESS. AND THAT ALL THE WASTE GOES TO
PENYA’S MRF PRESENTLY.
THEY’LL BE WORKING THROUGH THE EOC
CONSERVATION CORPS, THROUGH A GRANT THAT THIS
BOARD GAVE EOC CONSERVATION CORPS TO ENHANCE
THOSE PROGRAMS STARTING THE FIRST OF THE YEAR.
SO, WHEN YOU LOOK AT THE WASTE
STREAM, A WASTE STREAM FOR A CITY THEIR SIZE IS
VERY SMALL, AND YET THE CULLED FRUIT WASTE
STREAM IS TREMENDOUS, BECAUSE THEY ARE THE MAIN

1 ORANGE PACKER IN THE COUNTY OF FRESNO.

2 AND THE COUNTY OF FRESNO HAS A

3 TOTAL OF 15 CITIES. THERE'S ONLY EIGHT CITIES

4 BEFORE YOU TO BE CONSIDERED ON THIS. FRESNO

5 ISN'T HERE TODAY, THEY'LL COME BACK IN JANUARY.

6 BUT THOSE ARE THE ONLY CITIES FOR WHICH WE FELT

7 THAT CULLED FRUIT WAS APPROPRIATE.

8 AND THE OTHER CITIES DON'T GENERATE

9 THE CULLED FRUIT, THEY HAVE OTHER TYPES OF

10 CULLED FRUIT PROCESSING WASTE, BUT THOSE HAVE

11 NEVER BEEN DEPOSITED IN OUR LANDFILLS SO,

12 THEREFORE, WE DIDN'T FEEL IT WAS APPROPRIATE TO

13 COME BEFORE YOUR BOARD AND ASK FOR THOSE.

14 SO, I JUST WANT TO RESTATE THAT

15 THERE ARE -- EVERY CITY HAS PROGRAMS IN PLACE.

16 WE'RE WORKING TO ENHANCE THOSE WITH THEM.

17 COMMENCING IN JANUARY WE'LL BE

18 CONDUCTING A BUSINESS WASTE ASSESSMENT PROGRAM

19 FOR ALL THE CITIES.

20 AND THEN WE OPERATE THE REGIONAL

21 LANDFILL FOR FRESNO COUNTY, WHICH IS THE

22 AMERICAN LANDFILL.

23 I'M GOING TO OUR BOARD OF

24 SUPERVISORS IN JANUARY TO PROPOSE THAT THEY

25 GIVE US A DIFFERENTIAL RATE FOR GREEN WASTE, SO

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WE CAN ACTUALLY BUY GREEN WASTE AND ENCOURAGE FURTHER RECYCLING AND COMPOSTING OF GREEN WASTE. OUR TIP FEE IS $20.80 A TON FOR ALL GENERAL WASTE AND I'M PROPOSING TO LOWER IT DOWN TO $16.00, SO THAT'S A $12.80 DIFFERENTIAL THAT I HOPE WILL ENCOURAGE CITIES AND PRIVATE COMPANIES TO DO MORE COMPOSTING AND GREEN WASTE RECYCLING.

AND I'M HERE TO ANSWER ANY OTHER QUESTIONS YOU MAY HAVE.

CHAIRMAN PENNINGTON: MR. JONES?

MEMBER JONES: I APPRECIATE THE COMMENTS. YOU KNOW, LIKE I SAID EARLIER, IF THEY'VE GOT IT COMING, THEY'VE GOT IT COMING. AND I DON'T HAVE A PROBLEM WITH THAT. WHERE I GET NERVOUS IS THAT IT WAS GOING TO A LANDFILL IN '90, YOU SAID IT DID, OUR STAFF DID, SO I DON'T HAVE A PROBLEM WITH THAT. BUT, YOU SEE HOW DRAMATIC IT IS FROM WHAT WE'RE LOOKING AT IN A STAFF REPORT. WE'RE LOOKING AT A CITY THAT HAD ONE-POINT-SIX PERCENT RECYCLING IN 1990, AND NOW IT'S AT 89 PERCENT. THAT'S A HUGE NUMBER. AND THERE ARE MESSAGES THAT COME OUT OF THIS BODY, YOU KNOW, THAT GO THROUGHOUT

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ALL OF THE HINTERLANDS, THROUGHOUT THE STATE, AND WE -- I THINK WE NEED TO CONTINUE TO HOLD PEOPLE TO A FAIRNESS.

I MADE THE MOTION. I MEAN, I DON'T HAVE ANY PROBLEM WITH WHAT YOU'RE DOING. BUT I THINK THAT IF WE ABANDON ALL OF THE PROGRAMS WHICH ARE NOT -- THEN WE'VE DONE A DISSERVICE TO AB 939, AND TO THE COMMITMENT OF CITIES AND COUNTIES.

YOU GUYS ARE DOING IT THE RIGHT WAY IT SOUNDS LIKE, AND THAT'S IMPORTANT TO GET ON THE RECORD SO THAT PEOPLE DON'T UNDERSTAND -- OR, SO THAT PEOPLE DO UNDERSTAND THAT THIS ISN'T JUST A NUMBERS GAME, YOU KNOW, IT IS A PROGRAM ON HOW WE CHANGE PEOPLE'S HABITS AND HOW WE CHANGE THE WAY WE DEAL WITH WASTE. SO I APPRECIATE YOUR COMMENTS, AND I WOULD HOPE YOU WOULD APPRECIATE ALL OF OURS --

MR. PRIETO: WE UNDERSTAND THAT, WHICH IS WHY I WENT THROUGH SO MUCH TROUBLE TO ASSIST YOUR STAFF IN DOCUMENTING THIS. WE TOTALLY UNDERSTAND THAT.

MEMBER JONES: RIGHT. THANK YOU.

CHAIRMAN PENNINGTON: VERY GOOD. ANY OTHER DISCUSSION HERE?

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1 IF NOT -- LET'S SEE, MR. JONES

2 MOVED, AND MR. RHOADS SECONDED THE ADOPTION OF

3 THE FOLLOWING RESOLUTIONS: 98-395, 98-396, 98-397,

4 98-398, 98-399, 98-400, 98-401, 98-402. IF THERE'S NO

5 FURTHER DISCUSSION, WILL THE SECRETARY CALL THE

6 ROLL?

7 THE SECRETARY: BOARD MEMBER EATON?

8 MEMBER EATON: AYE.

9 THE SECRETARY: FRAZEE?

10 MEMBER FRAZEE: AYE.

11 THE SECRETARY: JONES?

12 MEMBER JONES: AYE.

13 THE SECRETARY: RHOADS?

14 MEMBER RHOADS: AYE.

15 THE SECRETARY: ROBERTI?

16 MEMBER ROBERTI: AYE.

17 THE SECRETARY: CHAIRMAN PENNINGTON?

18 CHAIRMAN PENNINGTON: AYE.

19 MOTION CARRIES.

20 A 10-MINUTE BREAK, WE'LL BE BACK AT

21 3:00.

22 (OFF THE RECORD.)

23 CHAIRMAN PENNINGTON: OKAY, LET'S GO

24 BACK TO WORK. WE'LL NOW MOVE TO ITEM NUMBER

25 19, WHICH IS CONSIDERATION OF APPROVAL OF THE

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1 RECYCLING MARKET DEVELOPMENT LOAN PROGRAM

2 APPLICATIONS FOR PRINCESS PAPER, INC., POLY-TAINER,

3 AND OAK PAPER PRODUCTS, INC. CAREN TRGOVCICH.

4 MS. TRGOVCICH: GOOD AFTERNOON CHAIRMAN

5 PENNINGTON AND MEMBERS.

6 THE ITEM THAT IS BEING PRESENTED TO

7 YOU TODAY ARE THREE LOANS. IT HAS BEEN SEVERAL

8 MONTHS SINCE WE HAVE BEEN BEFORE YOU PRESENTING

9 LOANS, AND I WOULD LIKE TO TAKE A FEW MINUTES

10 TO PROVIDE A BRIEF OVERVIEW OF THE LOAN PROGRAM

11 FOR THE BENEFIT OF OUR NEW MEMBER, SENATOR

12 ROBERTI, AS WELL AS MR. RHOADS FOR AS SOON AS

13 HE RETURNS.

14 JUST VERY BRIEFLY, THE PURPOSE OF

15 THE PROGRAM IS ESSENTIALLY TO ASSIST CITIES AND

16 COUNTIES IN MEETING THE 50 PERCENT DIVERSION

17 MANDATE. SO FUNDAMENTALLY THIS PROGRAM IS A

18 DIVERSION-ORIENTED PROGRAM, ALTHOUGH WE

19 DEFINITELY SEE RESULTS IN TERMS OF ECONOMIC

20 DEVELOPMENT THROUGH JOB CREATION, AS WELL AS

21 ENHANCEMENT AND INCREASE IN THE LOCAL TAX BASE.

22 THE PROGRAM RECEIVES AN ANNUAL

23 TRANSFER FROM THE IWMA ACCOUNT IN TO THE RMDZ

24 SUBACCOUNT OF $5 MILLION PER YEAR THROUGH

25 FISCAL YEAR ‘9 9-2000. COMMENCING WITH FISCAL

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1 YEAR 2000 AND 2001 THE PROGRAM WILL NEED TO
2 JUSTIFY TO THE LEGISLATURE THROUGH THE ANNUAL
3 BUDGET CYCLE WHAT THE PROGRAM NEEDS ARE UP TO
4 $5 MILLION.
5 50, SINCE WE HAVE COMPLETED THE
6 GALLEYS AND THE INFORMATION TO BE INCLUDED IN
7 THE GOVERNORS BUDGET FOR FISCAL YEAR ‘99-00,
8 IN SEVERAL MONTHS DOWN THE ROAD WE WILL BEGIN
9 THE PROCESS OF BEGINNING TO DEVELOP WHAT THE
10 PROGRAM NEEDS WILL BE. AND THIS WILL BE THE
11 FIRST TIME THAT WE WILL BE DOING THIS.
12 THE PROGRAM BECAME OPERATIONAL IN
13 FISCAL YEAR ‘92-93, JUST FOR THE LATTER PART OF
14 THAT YEAR. TO DATE WE’VE SEEN 66 LOANS THAT
15 HAVE BEEN FUNDED FOR A TOTAL OF APPROXIMATELY
16 $29 MILLION.
17 MANY OF YOU WILL REMEMBER THAT WE
18 COMPLETED A LOAN SALE SEVERAL YEARS AGO, IT WAS
19 HISTORICAL IN THE SENSE THAT NO OTHER STATE
20 AGENCY HAD COMPLETED SUCH A SALE. SO OF THOSE
21 66 LOANS, 17 OF THOSE WERE SOLD FOR A TOTAL OF
22 $7 MILLION.
23 WHAT WE ALSO HAVE TO REPORT TO YOU
24 IS THAT THERE HAVE BEEN SIX LOANS PAID OFF. SO
25 OUT OF THE ORIGINAL 66 WE HAVE SEEN SIX LOANS

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1 PAID OFF, FOR A TOTAL OF A LITTLE MORE THAN $1
2 MILLION.
3 50, THAT'S A SUMMARY OF THE FISCAL
4 ASPECTS OF THE LOAN PROGRAM. NOW TO JUST
5 BRIEFLY TOUCH ON THE TYPES OF PROJECTS.
6 AS MANY OF YOU ARE AWARE, THIS
7 PROGRAM IS FOCUSED ON DIVERSION SO THE GOALS OF
8 THE PROGRAM ARE TO ASSIST FUNDING PROJECTS THAT
9 WILL ENHANCE SOURCE REDUCTION, REUSE,
10 RECYCLING, AND SOME VERY LIMITED TRANSFORMATION
11 PROJECTS.
12 EACH YEAR THIS BOARD CONSIDERS THE
13 ELIGIBILITY CRITERIA AND ESTABLISHES IT FOR THE
14 NEW FISCAL YEAR. YOU WILL BE SEEING THE NEW
15 SET OF ELIGIBILITY CRITERIA COMING FORWARD
16 SOMETIME IN THE LATTER PART OF THE SPRING, AND
17 YOU WILL HAVE AN OPPORTUNITY TO REVISIT
18 CRITERIA THAT'S BEEN IN PLACE FOR THE PAST YEAR
19 AND MAKE ANY CHANGES THAT YOU WOULD LIKE TO
20 SEE.
21 WE RECEIVE APPLICATIONS ON A
22 CONTINUOUS BASIS, AND STAFF EVALUATE THEM AND
23 DO THE CREDIT HISTORIES ON A CONTINUOUS BASIS.
24 THE BOARD ESTABLISHED A LOAN
25 COMMITTEE. THE LOAN COMMITTEE IS A NINE-MEMBER

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BODY WITH THE MEMBERS APPOINTED BY THIS BOARD.
THAT COMMITTEE MEETS MONTHLY. THEY REVIEW THE
APPLICATIONS AND MAKE CHANGES AS IT RELATES TO
THE CREDIT ASPECTS OF THE BORROWERS HISTORY.
WHAT YOU AS A BOARD SEE, AND WHAT
YOU WILL BE SEEING SHORTLY IN TERMS OF THE
THREE APPLICATIONS THAT WE ARE BRINGING FORWARD
IS THE COMBINATION OF THAT CREDIT HISTORY,
WHICH IS CONSIDERED TO BE CONFIDENTIAL AND SO
THAT INFORMATION IS EXCLUDED FROM THE PACKET
ITEM, ALONG WITH THE PROJECT DESCRIPTION AND
ELIGIBILITY DETERMINATIONS.
THERE WILL BE THREE LOANS PRESENTED
TODAY, AND IF APPROVED, THESE THREE LOANS WOULD
REPRESENT OVER TWO AND A HALF MILLION DOLLARS
IN FUNDING.
AND, WITH THAT, I'D LIKE TO TURN TO
THE FIRST LOAN. I'M NOT QUITE SURE WHAT ORDER
WE'RE TAKING THESE IN, SO RAISE YOUR HAND.
DOESN'T MATTER? WE'LL START HERE.
WE'LL START WITH JEFF INGLES, WHO
WILL BE PRESENTING THE PRINCESS PAPER LOAN.
MR. INGLES: GOOD AFTERNOON CHAIRMAN
PENNINGTON, BOARD MEMBERS, BOARD STAFF AND
GENERAL AUDIENCE. I AM PLEASED TO PRESENT THE

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1 FIRST OF THREE LOANS TO -- OF THE RMDZ LOAN
2 PROGRAM FOR PRINCESS PAPER, INCORPORATED.
3 IN ATTENDANCE TODAY IS MR. ABRAHAM
4 HAKIMI, PRESIDENT OF PRINCESS PAPER. HE'S
5 ATTENDING, AND HE'S AVAILABLE TO ANSWER ANY
6 QUESTIONS YOU MAY HAVE OF HIM.
7 ON DECEMBER 10TH, 1998, THE LOAN
8 COMMITTEE RECOMMENDED FOR APPROVAL ALL THREE
9 LOANS TO THE BOARD. THIS ISA--PRINCESS
10 PAPER IS OUR BORROWER, PRINCESS PAPER,
11 INCORPORATED. THE RECYCLING MARKET DEVELOPMENT
12 ONE IS IN LOS ANGELES COUNTY. THE LOAN AMOUNT
13 IS 685,000. THE PURPOSE OF THIS LOAN IS FOR
14 PURCHASE OF NEW EQUIPMENT TO EXPAND OPERATIONS.
15 THE PROJECTED INCREASED DIVERSION FOR THIS
16 PARTICULAR PROJECT IS 850 TONS PER YEAR.
17 PRINCESS PAPER IS A START-UP
18 COMPANY, IT STARTED IN JANUARY OF 1998, WITH
19 OPERATIONS BEGINNING IN MAY OF '98, PRODUCTION
20 OPERATIONS IN MAY OF 1998.
21 THE PROJECT IS ELIGIBLE UNDER THE
22 RECYCLING ELIGIBILITY CRITERIA, I.E. PRODUCING
23 A FINISHED PRODUCT WITH POST-CONSUMER PAPER.
24 THE PRINCESS COMPANY CURRENTLY HAS
25 FIVE EMPLOYEES ON STAFF TO PRODUCE THE

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1 PRODUCTS, WITH AN ESTIMATED ADDITIONAL INCREASE
2 OF 17 EMPLOYEES AS PRODUCTION INCREASES WITH
3 THE NEW PRODUCTS THAT THEY'RE ANTICIPATING ON
4 WITH THE LOAN IF IT'S GRANTED.
5 THERE HAVE BEEN SOME ISSUES
6 REGARDING THE -- CONCERNS REGARDING THE FEED
7 STOCK, LINGERING ISSUES REGARDING THE FEED
8 STOCK, AND WE'VE DETERMINED THAT 50 PERCENT OF
9 THE FEED STOCK THAT PRINCESS PAPER IS
10 PURCHASING COMES FROM MILLS IN ARIZONA, AND OF
11 THAT PAPER THAT'S PURCHASED -- THERE'S
12 CURRENTLY NO MILLS IN THE STATE OF CALIFORNIA
13 THAT CAN PROVIDE PRINCESS WITH THE FEED STOCK
14 NECESSARY TO DO THEIR OPERATIONS.
15 AGAIN, PRINCESS PAPER IS PRODUCING
16 A FEW PRODUCTS, A BATHROOM TISSUE PRODUCT AND
17 TOWEL LINE, AND WITH THIS NEW LOAN REQUEST WILL
18 PRODUCE BOTH TABLE NAPKINS AND FACIAL TISSUE.
19 UNDER THE GUIDELINES OF THE FEDERAL
20 GUIDELINES THERE'S CERTAIN FEED STOCK -- EXCUSE
21 ME, NOT FEED STOCK, BUT CERTAIN PERCENTAGES OF
22 RECYCLE CONTENT AND PRINCESS DOES MEET THOSE
23 GUIDELINES IN TERMS OF THE INFORMATION WE HAVE
24 RECEIVED.
25 MS. TRGOVCICH: JUST FOR BENEFIT OF THE

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1 MEMBERS, THOSE U.S. EPA GUIDELINES PERTAIN TO,
2 ONE, THE RECOVERED CONTENT, SO WHAT IS THE
3 OVERALL RECYCLED CONTENT OF THE PAPER THAT'S
4 BEING PRODUCED. AND IN OUR CASE, WE'RE TALKING
5 HERE ABOUT BATHROOM TISSUE, PAPER TOWELS,
6 NAPKINS, ET CETERA. AND THEN WITHIN THAT
7 OVERALL MINIMUM CONTENT RATE, WHAT IS THE
8 POST-CONSUMER CONTENT.
9 50 MANY OF THESE BUSINESS WILL
10 OBTAIN THEIR FEED STOCK FROM A POST-INDUSTRIAL
11 SOURCE. SO WE DON'T NECESSARILY CALL IT
12 POST-CONSUMER. SO THE EPA GUIDELINES ESTABLISH
13 WHAT THE POST-CONSUMER CONTENT IS, AS WELL.
14 AND PRINCESS PAPER, FOR EACH OF THE
15 CATEGORIES, FALLS WITHIN THE RANGE SPECIFIED IN
16 THE EPA GUIDELINES.
17 MR. INGLES: AND IF YOU HAVE ANY
18 QUESTIONS AT THIS POINT I'D BE HAPPY TO
19 ENTERTAIN THOSE.
20 CHAIRMAN PENNINGTON: QUESTIONS? MR.
21 RHOADS.
22 MEMBER RHOADS: DO YOU HAVE ANY
23 QUESTIONS. I'D BE VERY HAPPY TO MOVE THIS
24 ITEM.
25 BUT I THINK IT WOULD BE APPROPRIATE

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1 FOR. -- I'M SORRY, I DON'T REMEMBER HIS NAME,

2 FROM--

3 MR. INGLES: MR. ABRAHAM HAKIMI.

4 MEMBER RHOADS: MAYBE HE WOULD LIKE TO

5 COME FORWARD AND SAY A FEW WORDS TO THE BOARD?

6 MR. HAKIMI: GOOD AFTERNOON. WHAT

7 SHOULD I SAY?

8 MEMBER RHOADS: WELL, I'D BE VERY

9 INTERESTED ON THE SUCCESSES YOU'VE HAD, THE

10 RECYCLING MARKET, LESSONS FOR OTHER COMPANIES,

11 THINGS YOU'D LIKE TO SEE.

12 MR. HAKIMI: WE FORMED THE COMPANY

13 BASED ON THE PRECEDENT THAT WE WILL BE USING

14 CONSUMABLE AND REUSABLE PRODUCTS TO GO TO --

15 PRESENT TO OUR MARKET. OUR MARKET IS A RETAIL

16 MARKET, YOUR SUPERMARKETS AND GENERAL

17 MERCHANDISE.

18 OUR RESEARCH DID SHOW, PRIOR TO

19 START-UP, THAT THE BUYERS FOR THESE BUSINESSES

20 DO REQUIRE TO SEE RECYCLED MATERIAL TO BE

21 PRESENTED TO THEM RATHER THAN VIRGIN MATERIAL.

22 ONE OF THE BEST EXAMPLES IS A COMPANY CALLED

23 NATURE'S BEST.

24 MEMBER RHOADS: SO ARE YOU SEEING AN

25 INCREASED DEMAND FOR RECYCLED GOODS?

1 MR. HAKIMI: YES. YES. WE HAVE SEEN,
2 AS WE'VE GONE FOR THE PAST EIGHT MONTHS THAT
3 WE'VE BEEN IN PRODUCTION, OUR USAGE FOR
4 RECYCLED MATERIAL HAS GONE UP EVERY MONTH. AND
5 WITH THE ADDITION OF THE NEW EQUIPMENT WE
6 ACTUALLY WILL BE MOVING TO A WHOLE NEW BALL
7 GAME, MORE THAN DOUBLING OUR PRODUCTION.
8 MEMBER RHOADS: ASIDE FROM APPROVING
9 THIS LOAN, IS THERE ANYTHING ELSE THAT YOU'D
10 LIKE TO SEE THE BOARD...?
11 MR. HAKIMI: NOT REALLY.
12 MEMBER EATON: INVITE THEM TO TULARE
13 COUNTY.
14 MEMBER RHOADS: WE'RE VERY, VERY HAPPY
15 THAT YOUR COMPANY IS DOING SO WELL.
16 MR. HAKIMI: THANK YOU VERY MUCH.
17 CHAIRMAN PENNINGTON: THANK YOU.
18 OKAY. ANY OTHER QUESTIONS, OR --
19 MEMBER JONES: JUST ONE QUICK ONE, AND YOU
20 MAY HAVE ANSWERED IT, I WAS....
21 WHEN YOUR MATERIAL IS PACKAGED DOES
22 IT SAY 100 PERCENT, 50 PERCENT, WHATEVER
23 POST-CONSUMER-- I MEAN, IS IT-
24 MR. HAKIMI: IS IT -- IT IS.
25 MEMBER JONES: YOU'RE NOT ONE OF THOSE

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PEOPLE THAT USES RECYCLED CONTENT BUT DOESN'T ADVERTISE IT.

MR. HAKIMI: NO, WE DO ADVERTISE IT AS RECYCLED MATERIAL, 100 PERCENT.

MEMBER JONES: VERY GOOD.

CHAIRMAN PENNINGTON: OKAY. THANK YOU VERY MUCH.

NEXT, SINCE THIS IS ALL ONE RESOLUTION--

MS. TRGOVCICH: THE NEXT LOAN WILL BE PRESENTED BY DON TSUKIMURA, AND IT IS FOR POLY-TAINER CORPORATION.

MR. TSUKIMURA: GOOD AFTERNOON MR. CHAIRMAN, BOARD MEMBERS. IT'S MY PLEASURE TO PRESENT POLY-TAINER, INC., FOR YOUR CONSIDERATION AND APPROVAL OF A RMDZ LOAN. JUST A REAL BRIEF HISTORY. POLY-TAINER, INC., IS A CLOSELY-HELD, FAMILY-OWNED CORPORATION LOCATED IN THE VENTURA RMDZ. IT WAS STARTED ABOUT 27 YEARS AGO, IN 1971, AS A VERY SMALL BUSINESS MANUFACTURING SUCH ITEMS AS TONER BOTTLES FOR COPY MACHINES, TOYS, AND GENERAL INDUSTRIAL PARTS. IT HAS GROWN SINCE, AND IN 1981 THE OWNERS OF THE COMPANY, PAUL AND STEPHANIE

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1 STRONG, PURCHASED THE EXISTING FACILITY WHICH
2 THEY ARE HOUSED IN, IN SIMI VALLEY, AND HAS
3 LEASED IT TO POLY-TAINER, INC., THEIR
4 CORPORATION.
5 EXPANSION HAS CONTINUED OVER THE
6 NEXT SEVERAL YEARS, WITH A GREATER EMPHASIS ON
7 THE PLASTIC BOTTLE MARKET. AND POLY-TAINER HAS
8 QUICKLY BECOME A WELL KNOWN AND RESPECTED
9 QUALITY PRODUCER OF PLASTIC BOTTLES IN THE LOS
10 ANGELES AREA. SOME OF THE MAJOR CUSTOMERS
11 INCLUDE SEBASTIAN COSMETICS, REDKIN, AND
12 DUNCAN ENTERPRISES.
13 IN ORDER TO OPERATE MORE
14 EFFICIENTLY IT HAS BECOME NECESSARY TO MOVE TO
15 A LARGER FACILITY TO HOUSE THEIR VARIOUS
16 DEPARTMENTS WHICH ARE CURRENTLY LOCATED AT
17 DIFFERENT SITES. AND POLY-TAINER HAS
18 APPROACHED US FOR FINANCIAL ASSISTANCE TO
19 ACHIEVE THAT GOAL AND PURCHASE AN EXISTING
20 94,000 SQUARE FOOT COMMERCIAL BUILDING 5.2 ACRES,
21 WHICH IS ALSO LOCATED IN SIMI
22 VALLEY, NOT TOO FAR AWAY FROM THE PRESENT SITE.
23 ALSO TO MAKE IMPROVEMENTS, AND
24 PURCHASE ADDITIONAL EQUIPMENT.
25 THE FULL LOAN AMOUNT REQUESTED IS

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$1 MILLION.

THEIR PROJECT ELIGIBILITY IS UNDER

THE CATEGORY OF RECYCLING MANUFACTURER. THEY

PRODUCED A FINISHED PRODUCT WITH RECYCLED

CONTENT PLASTIC. THE PRODUCTS ARE SMALL

PLASTIC BOTTLES FOR THE COSMETIC AND TOILETRY

INDUSTRY.

THE AVERAGE RECYCLED CONTENT IS 60

PERCENT VIRGIN MATERIAL AND 40 PERCENT

RECYCLED. THEIR MAJOR FEED STOCK SOURCES

INCLUDE TALCO PLASTICS, OCCIDENTAL

CORPORATION, KEY SOURCE, AND SOLEVEY POLYMER

CURRENT DIVERSION RATE IS 50 TONS OF POST-CONSUMER

AND 250 TONS OF POST-INDUSTRIAL. THIS RATE IS

PROJECTED TO INCREASE TO 75 TONS POST-

CONSUMER AND 625 TONS POST-INDUSTRIAL.

AND FROM THE ECONOMIC SIDE, 30 NEW

JOB POSITIONS WILL BE CREATED BRINGING THE

TOTAL WORK FORCE TO 255.

CHAIRMAN PENNINGTON: QUESTIONS ON THIS

ONE?

OKAY. WE'LL MOVE ON TO OAK PAPER

PRODUCTS.

MS. TRGOVCICH: THE FINAL, ON OAK PAPER

PRODUCTS, WILL BE PRESENTED BY SCOTT DELHOTAL.

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1 MR. DELHOTAL: MR. CHAIRMAN AND BOARD
2 MEMBERS, I'M PROUD TO PRESENT A SECOND LOAN TO
3 OAK PAPER PRODUCTS COMPANY, DOING BUSINESS AS
4 ACORN PAPER PRODUCTS COMPANY.
5 WE MADE A LOAN TO THEM FOR $1
6 MILLION IN '96, IT'S BEEN PAYING AS AGREED,
7 PRESENTLY PAID DOWN TO ABOUT $750,000. THEY'VE
8 COME BACK FOR ADDITIONAL MONIES FOR EXPANSION,
9 THEY'RE REQUESTING $900,000 FOR ADDITIONAL
10 EQUIPMENT AND WORKING CAPITAL.
11 THEY'RE LOCATED IN THE CITY OF LOS
12 ANGELES RMDZ.
13 WE'RE LOOKING AT A SEVEN-YEAR LOAN.
14 THEY PROJECT AN INCREASE IN
15 DIVERSION OF ABOUT 7100 TONS AND 11 NEW JOBS TO
16 BE CREATED.
17 THE EQUIPMENT WILL HELP TO IMPROVE
18 THEIR PRODUCTION CAPABILITIES, EFFICIENCY,
19 SAFETY STANDARDS AND EARNINGS, WHILE ADDING
20 ADDITIONAL JOB FOR THE COMPANY THAT USES
21 RECYCLABLE MATERIALS IN ITS MANUFACTURING
22 PROCESS.
23 IT'S BEEN A COMPANY THAT'S BEEN
24 AROUND SINCE '46, WITH THE PRESENT MANAGEMENT
25 HAVING BEEN AROUND SINCE THE MID '70S, SO IT'S

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1 A LONG-TIME FAMILY BUSINESS. IT'S BEEN VERY

2 SUCCESSFUL.

3 THE COMPANY MANUFACTURES AND

4 DISTRIBUTES OVER 1600 SIZES OF CORRUGATED STOCK

5 BOXES FOR IMMEDIATE DELIVERY, AND SUPPLY

6 CUSTOM-MADE-TO-ORDER STYLES AND SIZES. IT'S A

7 FULL-SERVICE PACKAGING HOUSE FEATURING

8 EVERYTHING FROM LARGE-SCALE INDUSTRIAL CARTONS

9 TO MULTI-COLOR, FANCY PRINT DISPLAYS FOR RETAIL

10 MERCHANDIZING. IT MAINTAINS ONE OF THE LARGEST

11 INVENTORIES OF CORRUGATED BOXES FOR RESALE IN THE

12 SOUTHERN

13 CALIFORNIA MARKET.

14 IS THERE ANY QUESTIONS THAT THE

15 BOARD MEMBERS MAY HAVE ON THIS?

16 CHAIRMAN PENNINGTON: QUESTIONS?

17 MEMBER JONES: MR. CHAIRMAN?

18 CHAIRMAN PENNINGTON: YES, MR. JONES.

19 MEMBER JONES: JUST A COUPLE. WHEN I

20 HAD MY BRIEFING WE WERE TALKING ABOUT THEY'RE

21 PUTTING UP A BUNCH OF THEIR OWN MONEY TO DO

22 THIS AT THE SAME TIME. RIGHT?

23 MR. DELHOTAL: YES.

24 MEMBER JONES: SO WHEN I SEE A NEW

25 BAILER SYSTEM FOR 135,000 I CAN ASSUME THAT'S

1 BEING PAID FOR ON THEIR NICKEL --

2 MR. DELHOTAL: EXACTLY.

3 MEMBER JONES: -- AND NOT OURS?

4 MR. DELHOTAL: ON THEIR NICKEL, OR BY A

5 COMMERCIAL BANK - -

6 MEMBER JONES: BECAUSE I THINK IT'S --

7 AS WE TALKED ABOUT IN OUR -- IN THE BRIEFING,

8 YOU KNOW, MAKING THEM MORE EFFICIENT --

9 MR. DELHOTAL: EXACTLY.

10 MEMBER JONES: --FOR THE COLLECTION

11 AND--

12 MR. DELHOTAL: YEAH.

13 MEMBER JONES: -- AND COMPACTION OF

14 WASTE THAT THEY CREATE INTERNALLY ISN'T WHAT

15 THIS WAS INTENDED --

16 MR. DELHOTAL: YEAH, I KNOW.

17 MEMBER JONES: -- WHAT THIS PROGRAM WAS

18 INTENDED FOR.

19 MR. DELHOTAL: THE BAILER SYSTEM WAS

20 ABOUT 135,000 AND THE WHOLE REQUEST FOR

21 EQUIPMENT'S ABOUT A MILLION-FOUR.

22 MEMBER JONES: RIGHT.

23 MR. DELHOTAL: SO THAT'S -- IT'S EASILY --

24 MEMBER JONES: SO WE'LL SAY --

25 MR. DELHOTAL: YEAH, EXACTLY.

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1 ANY FURTHER QUESTIONS?

2 MEMBER RHOADS: I GUESS I HAVE ONE.

3 CHAIRMAN PENNINGTON: MR. RHOADS.

4 MR. DELHOTAL: SURE.

5 MEMBER RHOADS: I CAN'T REMEMBER, BUT

6 IN MY BRIEFING WAS I TOLD THAT YOU WOULD BE

7 LEAVING US SOON?

8 MR. DELHOTAL: NO, BECAUSE I PROBABLY

9 WASN'T AT YOUR BRIEFING, AND I APOLOGIZE FOR

10 THAT. BUT, YES, I'LL BE HEADING OUT OF HERE,

11 TODAY IS ACTUALLY MY LAST DAY.

12 MEMBER RHOADS: THAT'S A SHAME.

13 MR. DELHOTAL: YEAH, I'M GOING TO MISS

14 IT. JUST HAD AN OFFER FROM AN OLD BOSS THAT I

15 COULDN'T PASS UP. I APPRECIATE ALL THE HELP

16 AND SUPPORT THAT'S BEEN PROVIDED ME SINCE I'VE

17 BEEN HERE. THANKS.

18 CHAIRMAN PENNINGTON: WELL, WE'LL MISS

19 YOU.

20 OKAY. I'LL ENTERTAIN A MOTION.

21 SENATOR ROBERTI: I'LL MOVE.

22 MEMBER RHOADS: I'LL SECOND.

23 I'VE BEEN DOING TOO MUCH TALKING

24 TODAY, I SHOULD NOT DO THIS. BUT THIS MIGHT BE

25 ONE OF THOSE ITEMS WHERE WE MAY ALSO WANT TO

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1 CONTACT THE LEGISLATORS AND LET THEM KNOW ABOUT

2 THE--

3 CHAIRMAN PENNINGTON: THAT'S A FINE

4 IDEA FOR ME.

5 OKAY. SENATOR ROBERTI MOVES

6 ADOPTION OF RESOLUTION 98-3 82, SECONDED BY MR.

7 RHOADS.

8 IF THERE'S NO FURTHER DISCUSSION,

9 WILL THE SECRETARY CALL THE ROLL?

10 THE SECRETARY: BOARD MEMBER EATON?

11 MEMBER EATON: AYE.

12 THE SECRETARY: FRAZEE?

13 MEMBER FRAZEE: AYE.

14 THE SECRETARY: JONES?

15 MEMBER JONES: AYE.

16 THE SECRETARY: RHOADS?

17 MEMBER RHOADS: AYE.

18 THE SECRETARY: ROBERTI?

19 MEMBER ROBERTI: AYE.

20 THE SECRETARY: CHAIRMAN PENNINGTON?

21 CHAIRMAN PENNINGTON: AYE.

22 MOTION CARRIES.

23 OKAY. NOW WE'LL MOVE TO ITEM

24 NUMBER NINE, CONSIDERATION OF STAFF

25 RECOMMENDATION ON THE ADEQUACY OF THE FINAL

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SITING ELEMENT, SUMMARY PLAN AND THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN FOR LAKE COUNTY.

MS. FRIEDMAN: REMEMBER ME?

CHAIRMAN PENNINGTON: WE REMEMBER YOU WELL. YOU TOO, PAT.

MS. FRIEDMAN: GOOD AFTERNOON, BOARD MEMBERS. ILA LEWIS WILL BE MAKING THE PRESENTATION FOR STAFF, AND THIS IS ILA'S FIRST TIME.

CHAIRMAN PENNINGTON: VERY GOOD. WELCOME.

MS. LEWIS: GOOD AFTERNOON MR. CHAIRMAN AND BOARD MEMBERS. MY NAME IS ILA LEWIS, OF THE OFFICE OF LOCAL ASSISTANCE.

THE ITEM BEFORE YOU IS THE ADEQUACY OF THE SITING ELEMENT SUMMARY PLAN AND COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN FOR LAKE COUNTY.

IN JULY OF 1998, LAKE COUNTY SUBMITTED THEIR SITING ELEMENT AND SUMMARY PLAN TO THE BOARD FOR APPROVAL. TO HIGHLIGHT THE SITING ELEMENT, THE EASTLAKE SANITARY LANDFILL IS EXPANDING BY THE ADJACENT CANYON WITHIN THE EXISTING WASTE MANAGEMENT UNIT TO MEET THE

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1 15-YEAR LANDFILL CAPACITY REQUIREMENT.

2 IT IS PERMITTED TO RECEIVE

3 CONSTRUCTION DEBRIS AND NONHAZARDOUS WASTE. IT

4 ALLOWS SCAVENGING AND ACCEPTS DISPOSAL OF DEAD

5 ANIMALS. THE LAKEPORT TRANSFER STATION

6 TRANSPORTS ITS MATERIAL TO EASTLAKE SANITARY

7 LANDFILL.

8 IN RESPONSE TO THE BOARD’S COMMENTS

9 TO THE PRELIMINARY SITING ELEMENT THE FOLLOWING

10 CORRECTIONS WERE MADE: AN IMPLEMENTATION

11 SCHEDULE, CURRENT DISPOSAL CAPACITY, AND MORE

12 DISCUSSION OF THE EXPANSION FOR THE EXISTING

13 EASTLAKE SANITARY LANDFILL WERE PROVIDED; THE

14 COUNTY IS CURRENTLY IN THE PERMITTING PROCESS

15 FOR THE SUBTITLE D LINED EXPANSION.

16 THE SUMMARY PLAN INDICATES THAT THE

17 CITIES AND COUNTIES -- THE COUNTY WILL

18 IMPLEMENT AN INTEGRATED WASTE MANAGEMENT

19 SYSTEM TO INCLUDE SOURCE REDUCTION, RECYCLING,

20 COMPOSTING, AND SPECIAL WASTE PROGRAMS TO

21 ENSURE 5O PERCENT BY YEAR 2000. AN

22 IMPLEMENTATION SCHEDULE INDICATING MILESTONES

23 FOR EACH TASK IS PROVIDED.

24 IN RESPONSE TO THE BOARD’S COMMENTS

25 ON THE PRELIMINARY SUMMARY PLAN, THE FOLLOWING

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COMMENTS AND CORRECTIONS WERE MADE: THE BOARD HAS GRANTED APPROVAL ON ALL THE REQUIRED SRRES, HHWES, AND NDFES, THEREFORE, ADDITIONAL COPIES ARE NOT NECESSARY; NEW MAPS OF ALL PERMITTED SOLID WASTE FACILITIES COUNTYWIDE HAVE BEEN INCLUDED; AND, A MRF IS NO LONGER BEING CONSIDERED, THEREFORE, THERE IS NO ALLOCATION OF REVENUES OR FUNDING SOURCES NECESSARY FOR THE MRF.

WITH THE SUBMITTAL OF THE SUMMARY PLAN AND SITING ELEMENT LAKE COUNTY WILL HAVE COMPLETED THE REQUIREMENTS FOR A COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN.

STAFF RECOMMENDS APPROVAL OF THE LAKE COUNTY COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN.

THIS CONCLUDES MY PRESENTATION.

THANK YOU.

CHAIRMAN PENNINGTON: OKAY. THANK YOU. QUESTIONS?

MEMBER JONES: MR. CHAIRMAN?

CHAIRMAN PENNINGTON: MR. JONES.

MEMBER JONES: I’LL MOVE RESOLUTION NUMBER 98-325, THE CONSIDERATION OF THE APPROVAL OF THE COUNTY SITING ELEMENT FOR LAKE

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COUNTY.

CHAIRMAN PENNINGTON: WOULD YOU LIKE TO WRAP ALL THREE OF THEM IN ONE MOTION?

MEMBER JONES: AND I WOULD ALSO, IN THAT-- CAN I DO THAT?

CHAIRMAN PENNINGTON: SURE, YOU CAN PUT ALL THREE IN.

MEMBER JONES: ALL RIGHT. I'D ALSO LIKE TO INCLUDE RESOLUTION 98-326, CONSIDERATION OF THE APPROVAL OF THE COUNTY SUMMARY PLAN FOR LAKE COUNTY. AND IN THAT SAME MOTION I'LL ADD RESOLUTION 98-327, THE APPROVAL OF THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN FOR LAKE COUNTY.

CHAIRMAN PENNINGTON: OKAY.

MEMBER FRAZEE: I'LL SECOND.

CHAIRMAN PENNINGTON: OKAY. MR. FRAZEE SECONDS. OKAY. MR. JONES MOVES ADOPTION, AND MR. FRAZEE SECONDS, THE ADOPTION OF RESOLUTIONS NUMBER 98-325, 98-326, AND 98-327. IF THERE IS NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL, PLEASE?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

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THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

WE'LL MOVE TO CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF POINT ARENA IN MENDOCINO COUNTY. JUDY FRIEDMAN.

MS. FRIEDMAN: GOOD AFTERNOON AGAIN BOARD MEMBERS. ILA LEWIS WILL ALSO BE MAKING THIS PRESENTATION FOR STAFF.

MS. LEWIS: GOOD AFTERNOON AGAIN. MY NAME, AGAIN, IS ILA LEWIS OF THE OFFICE OF LOCAL ASSISTANCE.

THE ITEM BEFORE YOU IS THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF POINT ARENA, MENDOCINO COUNTY.

1 POINT ARENA HAS A POPULATION OF

2 APPROXIMATELY 500, ABOUT TWO HOURS FROM MAJOR

3 TRANSPORTATION CORRIDORS.

4 THERE WAS SOME CONFUSION ON HOW

5 POINT ARENA RELATES TO THE MENDOCINO SOLID

6 WASTE PLANNING AUTHORITY. IT WAS ASSUMED POINT

7 ARENA -- THAT BEING SERVED BY THE AUTHORITY'S

8 HAZMOBILE WAS SUFFICIENT TO MEET PLANNING

9 REQUIREMENTS, AND SINCE THE BOARD DETERMINED IT

10 IS NOT, THE FOLLOWING EFFORTS ARE BEING MADE BY

11 POINT ARENA.

12 THEY ARE DEVELOPING PUBLIC

13 EDUCATION, ASSESSING THE HOUSEHOLD HAZARDOUS

14 WASTE NEEDS AND HABITS OF THE PUBLIC, THEY'RE

15 WORKING WITH THEIR BUSINESSES PROMOTING AND

16 WORKING MORE CLOSELY WITH THE HAZMOBILE IN

17 REDUCING THE USE OF HOUSEHOLD HAZARDOUS WASTE

18 BY PROMOTING ALTERNATIVES AND PROVIDING AN

19 EXCHANGE PROGRAM.

20 IN RESPONSE TO THE BOARD'S COMMENTS

21 ON POINT ARENA'S DRAFT HHWE THE FOLLOWING

22 CORRECTIONS/COMMENTS WERE MADE: A MORE

23 DETAILED TIME LINE WAS PROVIDED FOR SHORT- AND

24 LONG-TERM OBJECTIONS; FURTHER CLARIFICATION OF

25 COST-EFFECTIVENESS, NEED, AND SUITABILITY WERE

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PROVIDED IN A STATEMENT THAT NO FORMAL AGREEMENT EXISTS BETWEEN THE AUTHORITY AND POINT ARENA FOR THE HAZMOBILE. STAFF RECOMMENDS APPROVAL OF POINT ARENA'S HHWE. AND THIS CONCLUDES MY PRESENTATION, THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU. ANY QUESTIONS? IF THERE'S NO QUESTIONS I WILL BE HAPPY TO ENTERTAIN --

MEMBER FRAZEE: MR. CHAIRMAN, I WOULD MOVE ADOPTION OF RESOLUTION 98-404.

CHAIRMAN PENNINGTON: OKAY. AND I'LL SECOND IT. MR. FRAZEE MOVES ADOPTION OF RESOLUTION 9 8-404, SECONDED BY THE CHAIRMAN. IF THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

WE'LL MOVE TO ITEM NUMBER 11,

CONSIDERATION OF STAFF RECOMMENDATION ON THE

ADEQUACY OF THE REVISED NONDISPOSAL FACILITY

ELEMENT FOR THE UNINCORPORATED AREA OF SOLANO

COUNTY. JUDY FRIEDMAN.

MS. FRIEDMAN: GOOD AFTERNOON, AGAIN,

BOARD MEMBERS. ERIC BISSINGER WILL MAKE THE

PRESENTATION FOR STAFF.

MR. BISSINGER: GOOD AFTERNOON CHAIRMAN

AND BOARD MEMBERS.

THE ITEM BEFORE YOU IS THE REVISED

NONDISPOSAL FACILITY ELEMENT, OR NDFE, FOR

SOLANO COUNTY.

ALL NEW WASTE DIVERSION FACILITIES

NEEDING A SOLID WASTE FACILITY PERMIT MUST BE

FOUND IN THE NONDISPOSAL FACILITY ELEMENTS.

SOLANO COUNTY HAS REVISED THEIR NDFE DUE TO THE

PERMITTING OF SEVERAL NEW FACILITIES, INCLUDING

THE CONTRA COSTA LANDSCAPING/GOODYEAR ROAD

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COMPOSTING FACILITY, TRAVIS AIR FORCE BASE COMPO STING FACILITY, AND THE CHANGES TO THE B&J DROPBOX LANDFILL COMPOSTING FACILITY. THIS GIVES THE COUNTY THE OPPORTUNITY TO REVISE SOME OUTDATED INFORMATION IN THE EXISTING NDFE. THE REVISED NDFE INCLUDES UPDATED INFORMATION ON ALL FACILITIES UTILIZED BY THE CITIES AND COUNTY. SOME OF THE REVISIONS HAVE INCLUDED CHANGES TO PERMIT CONDITIONS, CHANGES IN THE TYPES OF AMOUNTS MATERIAL ACCEPTED AT DIFFERENT FACILITIES, AND THE LOCATIONS OF DIFFERENT FACILITIES. THE NDFE ADEQUATELY IDENTIFIED AND DESCRIBED THE FACILITIES LOCATED IN THE JURISDICTION AND THOSE FACILITIES TO BE USED OUTSIDE THE JURISDICTION TO REACH THE MANDATED DIVERSION GOALS. THE NDFE MEETS ALL STATUTORY AND REGULATORY REQUIREMENTS. THEREFORE, STAFF RECOMMENDS TO APPROVE THE FINAL NDFE. THANK YOU.

CHAIRMAN PENNINGTON: ANY QUESTIONS ON THIS ONE?

MEMBER JONES: ERIC CONVINCED ME.

CHAIRMAN PENNINGTON: OKAY.

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MEMBER JONES: MR. CHAIRMAN, I'D LIKE TO MOVE RESOLUTION 98-406.

CHAIRMAN PENNINGTON: OKAY.

MEMBER FRAZEE: I'LL SECOND.

CHAIRMAN PENNINGTON: ADOPTION OF RESOLUTION 98-406 HAS BEEN MOVED BY MR. JONES, AND SECONDED BY MR. FRAZEE. IF THERE IS NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL, PLEASE?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES. ITEM NUMBER 12, CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE AMENDED NONDISPOSAL FACILITY ELEMENT FOR THE

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SONOMA COUNTY WASTE MANAGEMENT AGENCY. JUDY FRIEDMAN.

MS. FRIEDMAN: GOOD AFTERNOON, BOARD MEMBERS. I BELIEVE THIS IS OUR LAST ITEM, SO WITH THAT I'LL TURN THE PRESENTATION OVER TO ILA LEWIS AGAIN.

MS. LEWIS: GOOD AFTERNOON ONCE AGAIN. MY NAME IS ILA LEWIS, OF THE OFFICE OF LOCAL ASSISTANCE.

THE ITEM BEFORE YOU IS THE ADEQUACY OF THE AMENDED NDFE FOR SONOMA COUNTY WASTE MANAGEMENT AGENCY.

THE ORIGINAL NDFE WAS APPROVED BEFORE THE BOARD IN SEPTEMBER OF 1995. THE AMENDED NDFE WAS SUBMITTED TO THE BOARD ON JUNE 30TH, 1998.

THE AMENDED NDFE HAS THE FOLLOWING CHANGES: THE ADDITION OF NEW FACILITIES THAT WERE NOT INCLUDED IN THE ORIGINAL NDFE AND ARE NEEDED TO INCREASE CAPACITY REQUIREMENTS. THE NEW FACILITIES ARE GRAB-AND-GROW, AN INDEPENDENT COMPOSTER, LAGUNA SUBREGIONAL COMPO STING FACILITY TO HANDLE SLUDGE, WEST SONOMA COUNTY DISPOSAL SERVICE, AND TIMBER COVE RECYCLING.

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SONOMA IS ALSO CONDENSING SONOMA
COUNTY WASTE MANAGEMENT AGENCY MEMBER
JURISDICTIONS' NDFE INTO ONE REGIONAL AGENCY
NDFE.
THE AMENDED NDFE ALSO UPDATES
INFORMATION ON PERMIT STATUS, MATERIALS
ACCEPTED, AND EXPANSION.
THE CENTRAL LANDFILL WILL
BE REORGANIZED WITH TIPPING
FLOOR, NEW RECYCLING/REUSED AREA, AND
PERMANENT HHWE FACILITY.
THEREFORE, THE STAFF RECOMMENDS THE
APPROVAL OF THE AMENDED NDFE FOR THE SONOMA
COUNTY WASTE MANAGEMENT AGENCY.
AND THAT CONCLUDES MY PRESENTATION.
THANK YOU.
CHAIRMAN PENNINGTON: VERY GOOD. ANY
QUESTIONS ON THIS ONE? NO QUESTIONS?
MEMBER FRAZEE: IF NOT, MR. CHAIRMAN,
I'LL MOVE ADOPTION OF RESOLUTION 98-405.
MEMBER JONES: I'LL SECOND.
CHAIRMAN PENNINGTON: MR. FRAZEE MOVES
ADOPTION OF RESOLUTION 9 8-405, MR. JONES
SECONDS THE MOTION.
IF THERE'S NO FURTHER DISCUSSION,

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WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

WE’VE DONE ITEM 14. WE’LL MOVE TO ITEM 15, CONSIDERATION AND APPROVAL OF STANDARDIZED PROCESS FOR ALL BOARD GRANT PROGRAMS. KARIN FISH.

MS. FISH: GOOD AFTERNOON, CHAIRMAN PENNINGTON, AND BOARD MEMBERS, KARIN FISH, LIKE TUNA, DIRECTOR --

CHAIRMAN PENNINGTON: JUST FOR THE HALIBUT.

MS. FISH: -- OF THE DIVISION OF ADMINISTRATION.

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AT THE OCTOBER 6TH BOARD MEETING,
WHEN THE BOARD WAS AWARDING THE LOCAL NONPROFIT
GRANTS FROM THE OIL PROGRAM, A CONCERN WAS
RAISED BY BOARD MEMBERS THAT THERE WAS A
LIMITED AMOUNT OF FUNDING AVAILABLE FOR THIS
EFFORT. AND THIS WAS ESPECIALLY TROUBLESOME
WHEN THERE WAS -- THERE CONTINUED TO BE A
SUBSTANTIAL CASH BALANCE IN THE OIL FUND.
CONCERNS WERE ALSO RAISED ABOUT THE SCORING
CRITERIA AND THE PROCESS USED TO SCORE AN
APPLICANT.
STAFF WERE DIRECTED TO REVIEW OUR
GRANT PROCESS AND MAKE RECOMMENDATIONS TO
IMPROVE THIS PROCESS, AS WELL AS CONSIDER OTHER
OPTIONS TO LIMIT THE TERMS OF THE GRANT
AGREEMENTS AND SHORTEN THE APPROVAL TIMES. A
REQUEST WAS ALSO MADE TO HAVE THE STAFF COME
BACK TO THE BOARD WITH A FULL ACCOUNTING OF THE
OIL FUND.
THIS ITEM BEING PRESENTED IS THE
RESULT OF STAFF'S ANALYSIS OF THE ISSUES
RAISED, AND STAFF RECOMMENDATIONS TO IMPROVE
OUR PROCESSES.
IN JANUARY WE WILL COME BACK WITH
AN ITEM THAT WILL PRESENT AN UPDATE ON THE OIL

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FUND, AND INDICATE IF ANY FUNDS HAVE BEEN MADE
AVAILABLE AS A RESULT OF THE ACTIONS TAKEN HERE
TODAY. IT WILL ALSO PRESENT POSSIBLE OPTIONS
FOR ALLOCATING ADDITIONAL FUNDS TO THE LOCAL
NONPROFIT GRANT PROGRAM.
WE DID GET SOME ADDITIONAL
INFORMATION THIS MORNING, I THINK FROM THREE
DIFFERENT JURISDICTIONS, AND YOU’VE BEEN
PROVIDED COPIES, AND THERE ARE COPIES AT THE
BACK OF THE ROOM.
SO AT THIS POINT I WOULD LIKE TO
INTRODUCE SARA AVILA FROM THE FINANCIAL
ASSISTANCE BRANCH, AND SHE’LL PRESENT THE
ISSUES AND THE RECOMMENDATIONS.
MS. AVILA: MY NAME IS SARA AVILA, WITH
THE FINANCIAL ASSISTANCE BRANCH.
WHAT I’M GOING TO DO IS JUST STATE
THE KEY ISSUES, AND THEN STATE OUR
RECOMMENDATION.
THE FIRST ISSUE WAS THE SCORING
consistency OF GRANT APPLICATIONS. BOARD
MEMBERS HAD EXPRESSED CONCERN OVER THE SCORING
CONSISTENCY WHEN MORE THAN ONE REVIEW PANEL IS
USED TO SCORE GRANT APPLICATIONS.
WE ARE GOING TO RECOMMEND THAT WE

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1 CONTINUE THE IMPLEMENTATION OF A BLIND REVIEW
2 OF AT LEAST 10 PERCENT OF THE GRANT
3 APPLICATIONS IN EACH COMPETITIVE GRANT CYCLE.
4 THE SECOND ISSUE WAS THE TIMELINESS
5 OF THE RETURNED SIGNED AGREEMENTS BY GRANTEES.
6 THERE IS SOME CONCERN THAT ENTITIES WHO HAVE
7 BEEN AWARDED GRANTS TO NOT ALWAYS RETURN SIGNED
8 AGREEMENTS IN A TIMELY MANNER.
9 ORIGINALLY STAFF RECOMMENDED THAT
10 ENTITIES COULD HAVE UP TO SIX MONTHS TO SIGN
11 THEIR GRANT AGREEMENTS TO THE BOARD. HOWEVER,
12 WE ARE NOW GOING TO RECOMMEND ESTABLISHING A
13 90-DAY DEADLINE FOR THE SIGNED RETURN GRANT
14 AGREEMENTS FOR COMPETITIVE AND NONCOMPETITIVE
15 GRANTS.
16 THE THIRD ISSUE WAS THE EXTENSION
17 OF THE GRANT AGREEMENT. BOARD MEMBERS HAD
18 EXPRESSED CONCERN THAT NOT ALL GRANTEE S
19 COMPLETED THEIR PROJECTS WITHIN THE TERM OF THE
20 GRANT AGREEMENT.
21 STAFF IS RECOMMENDING THAT ALL
22 REQUESTS TO EXTEND GRANT AGREEMENTS BEYOND THE
23 THREE-YEAR TERM MUST COME BEFORE THE BOARD FOR
24 APPROVAL.
25 THE FOURTH IS SUE WAS LIMITATIONS ON

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1 THE AWARD OF THE COMPETITIVE GRANTS TO
2 APPLICANTS WITH OUTSTANDING ACCOUNTS
3 RECEIVABLE. STAFF IS CONCERNED THAT APPLICANTS
4 THAT OWE THE BOARD MONEY MAY REMAIN ELIGIBLE TO
5 RECEIVE GRANT FUNDS.
6 ORIGINALLY, STAFF RECOMMENDED THAT
7 A GRANT WOULD BE INELIGIBLE FOR A COMPETITIVE
8 GRANT IF AT THE CLOSE OF AN APPLICATION PERIOD
9 FOR THE COMPETITIVE GRANT THE APPLICANT HAS A
10 BOARD INVOICE OUTSTANDING MORE THAN 30 DAYS,
11 HOWEVER, THERE WAS SOME CONCERN THAT 30 DAYS
12 MIGHT NOT BE LONG ENOUGH.
13 SO STAFF IS NOW RECOMMENDING A
14 COMPETITIVE GRANT APPLICATION WITH AN
15 OUTSTANDING INVOICE MAY APPLY FOR A GRANT,
16 HOWEVER NO GRANT AGREEMENT WILL BE EXECUTED
17 UNTIL THE ENTITY HAS PAID THE OUTSTANDING DEBT.
18 IF THE DEBT IS PAID WITHIN 90 DAYS WE WILL
19 PROCESS THE GRANT AGREEMENT. IF THE DEBT IS
20 NOT PAID WITHIN 90 DAYS THE APPLICANT WILL NOT
21 RECEIVE FUNDING FOR THAT GRANT.
22 THE FIFTH IS SUE WAS METHODS TO
23 DISSEMINATE INFORMATION TO POTENTIAL GRANTEES.
24 THE BOARD ASKED STAFF TO RESEARCH WAYS TO
25 PROVIDE INFORMATION TO GRANTEES.

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1 CURRENTLY STAFF PROVIDES OUTREACH

2 IN THE FOLLOWING WAYS: THE PERMITTING AND

3 ENFORCEMENT STAFF ARE IN CONTACT WITH THE LEAS

4 AT THE ROUND-TABLE MEETINGS WHICH ARE HELD

5 THREE TIMES A YEAR, AND THE ENFORCEMENT

6 ADVISORY COUNCIL WHICH MEETS QUARTERLY. THEY

7 ALSO MEET WITH THE SOLID WASTE POLICY COMMITTEE

8 AT THE CALIFORNIA CONFERENCE OF DIRECTORS OF

9 THE ENVIRONMENTAL HEALTH ON THE FIRST WEDNESDAY

10 OF EVERY MONTH.

11 THE BOARD’S TIRE RECYCLING STAFF

12 HOLDS TIRE RECYCLING CONFERENCES EVERY TWO OR

13 THREE YEARS WHERE THEY DISSEMINATE GRANT

14 INFORMATION.

15 APPLICATIONS RELEASED BY THE HHW

16 AND USED OIL STAFF INCLUDES THE NAME AND NUMBER

17 OF TWO STAFF PEOPLE THAT ARE AVAILABLE TO

18 ANSWER QUESTIONS. HHW INFORMATION EXCHANGES

19 ARE HELD BIMONTHLY. THEY ALSO HOLD A STATEWIDE

20 ANNUAL HH CONFERENCE. THERE ARE USED OIL

21 FORUMS HELD TWICE A YEAR.

22 STAFF WILL BE ATTENDING THE CHA

23 ANNUAL CONFERENCE AND OTHER OPPORTUNITIES AS

24 THEY COME UP.

25 THIS YEAR STAFF SPONSORED REGIONAL

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1 WORKSHOPS THROUGH A GRANT TO THE LOCAL

2 GOVERNMENT COMMISSION ON PROGRAM PLANNING AND

3 PROGRAM EVALUATION.

4 BECAUSE OF WHAT WE ARE CURRENTLY

5 DOING TO DISSEMINATE THE INFORMATION STAFF IS

6 RECOMMENDING OPTION B, WHICH WOULD ALLOW A

7 POTENTIAL GRANT APPLICANT TO SUBMIT QUESTIONS

8 IN WRITING PRIOR TO SUBMITTAL OF THE

9 APPLICATION. THEN A QUESTION AND ANSWER SHEET

10 WILL BE PREPARED AND DISTRIBUTED TO ALL

11 POTENTIAL APPLICANTS PRIOR TO THE DATE THAT THE

12 GRANT APPLICATION IS DUE.

13 THIS CONCLUDES MY PRESENTATION.

14 CHAIRMAN PENNINGTON: THANK YOU.

15 QUESTIONS? MR. EATON.

16 MEMBER EATON: I THINK JUST -- AND PART

17 OF IT -- AND I APPRECIATE THE STAFF'S HELP WHEN

18 WE MET FOR OUR BRIEFING, TO GO BACK AND LOOK AT

19 SOME OF THESE THINGS.

20 BUT WITH REGARD TO THE EXTENSION,

21 DID WE TALK ABOUT THE EXTENSIONS WITH REGARD TO

22 IF THERE WERE ANY INTERNAL PROBLEMS, WITH

23 REGARD TO A JURISDICTION'S ABILITY TO GET

24 APPROVAL?

25 DO YOU REMEMBER THAT, WHERE WE SAID

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1 THAT THEY MIGHT BE ABLE TO COME BACK BECAUSE

2 THE BOARD OF SUPERVISORS OR. THE CITY COUNCIL

3 DIDN'T MEET AT A CERTAIN TIME, OR --

4 MS. FISH: RIGHT. WE -- AND WE HAD

5 KIND OF TALKED - - WE HAD THOUGHT THAT IT WAS

6 GOING TO BE DIFFERENT, VERSUS THE

7 NONCOMPETITIVE --

8 MEMBER EATON: RIGHT. RIGHT.

9 MS. FISH: RIGHT. WE WERE GOING TO

10 SHORTEN THE NONCOMPETITIVE, WITH THE IDEA THAT

11 -- NO, ACTUALLY, THE COMPETITIVE, WITH THE IDEA

12 THAT THEY HAD ALREADY RECEIVE APPROVAL BEFORE

13 THEY APPLIED FOR A COMPETITIVE GRANT.

14 BUT IN DISCUSSING THIS FURTHER WITH

15 PROGRAM STAFF, THEY WENT BACK AND LOOKED AT

16 THEIR RECORDS, AND IN SOME CASES THEY STILL HAD

17 TO GO BACK EVEN THOUGH IN A COMPETITIVE GRANT,

18 AND ASK FOR APPROVAL FOR THE AWARD.

19 SO THAT'S WHY WE DECIDED, WELL,

20 OKAY, WE'LL MAKE IT CONSISTENT, AND RECOMMEND

21 90 DAYS FOR BOTH COMPETITIVE AND

22 NONCOMPETITIVE.

23 MEMBER EATON: OKAY. THANK YOU.

24 MEMBER FRAZEE: MR. CHAIRMAN?

25 CHAIRMAN PENNINGTON: MR. FRAZEE.

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1 MEMBER FRAZEE: ON YOUR LAST STATEMENT
2 REGARDING THE DISSEMINATION OF INFORMATION, AND
3 MAKING AGENCIES AWARE OF THE PROGRAMS THAT ARE
4 AVAILABLE, I NOTICE THAT SAN JOAQUIN COUNTY
5 COMMENTS ON THE PRE-BID PROPOSAL. AND I THINK
6 ALL OF THAT IS KIND OF GENERAL.
7 IS THERE ANY PROPOSAL TO DO
8 SOMETHING SPECIFIC ON A PARTICULAR GRANT, WHERE
9 THERE IS SOMETHING THAT IS IN THE FORM OF A
10 PRE-BID CONFERENCE, WHERE IT DEALS ONLY WITH
11 THAT GRANT?
12 MS. FISH: WELL, WITH THE INDIVIDUAL
13 GRANTS THEMSELVES, YOU KNOW, I THINK THAT IT'S
14 KIND OF LEFT TO THE PROGRAM MANAGER TO
15 DETERMINE. AND MAYBE THEY COULD HELP ME OUT.
16 BUT, SOME OF THEM, BECAUSE THE AMOUNT OF
17 APPLICATIONS AND THE NUMBER OF PEOPLE THAT
18 WOULD APPLY, THEY DON'T HOLD A CONFERENCE
19 SOLELY FOR THAT PURPOSE.
20 AND THAT'S DIFFERENT THAN THE
21 CONTRACTING PROCESS, WHERE WE'LL HAVE 10 TO 15
22 INDIVIDUALS, POTENTIAL, TO BID AND WE DO DO
23 THAT ON A REGULAR BASIS.
24 MEMBER FRAZEE: YES.
25 MS. FISH: SO, THERE COULD BE AN

1 OCCASION WHERE THERE IS A LIMITED NUMBER AND
2 THE INFORMATION HADN'T BEEN PROVIDED, AND SO
3 THE PROGRAM MAY GO FORWARD AND HAVE A
4 CONFERENCE SOLELY FOR THAT. BUT, NORMALLY I
5 THINK THEY USE THESE OTHER AVENUES TO GET THE
6 INFORMATION OUT.
7 MEMBER FRAZEE: THEN ON THE QUESTION OF
8 THE TIME ON GETTING SIGNED AGREEMENTS BACK. WE
9 HAVE A LETTER THAT WAS JUST GIVEN TO US FROM
10 MONTEREY COUNTY, IT DOESN'T SAY HOW MUCH TIME
11 THEY NEED, BUT IT WOULD LEAD ONE TO BELIEVE
12 THAT 90 DAYS IS NOT ENOUGH, ACCORDING TO THEIR
13 SCHEDULE. AND, YOU KNOW, IT SEEMS LIKE IT
14 SHOULD BE, BUT....
15 MS. FISH: I KNOW. AND THEY DIDN'T
16 OFFER AN ALTERNATIVE, SO I'M NOT SURE HOW MUCH
17 TIME THEY'RE NEEDING THERE.
18 MEMBER FRAZEE: WHAT WAS THE ORIGINAL
19 PROPOSAL, THOUGH?
20 MS. FISH: THE ORIGINAL PROPOSAL WAS
21 SIX MONTHS.
22 MEMBER FRAZEE: OH, OKAY. AND THEY
23 DIDN'T THINK THAT WAS ENOUGH TIME.
24 MS. FISH: I DON'T KNOW.
25 MEMBER FRAZEE: I MEAN, THAT'S THE GIST

OF THE LETTER HERE, SO --

MS. FISH: YEAH.

MEMBER FRAZEE: -- I JUST WONDERED WHAT THEIR REACTION WAS GOING TO BE ON 90 DAYS. YOU KNOW, EVEN THOUGH, AS THEY POINT OUT, THEY WOULD HAVE TO GO THROUGH SEVERAL STEPS, INCLUDING HEALTH DEPARTMENT, COUNTY COUNSEL, AND FINALLY THE BOARD, IT STILL SEEMS THAT THAT COULD BE ACCOMPLISHED IN 90 DAYS. AND, I WOULD CERTAINLY SUPPORT THAT AMENDMENT.

MS. FISH: I WOULD ASSUME SO, BUT IT WOULD JUST BE PRESUMPTION ON MY PART.

CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS?

OKAY. FERNANDO BERTONE.

MR. BERTONE: GOOD AFTERNOON, MR. CHAIRMAN, AND MEMBERS OF THE BOARD. MY NAME IS FERNANDO BERTONE WITH ENVIRONMENTAL MANAGEMENT TECHNOLOGY CONSULTANTS, AND A FORMER STAFF MEMBER AT THE WASTE BOARD FOR 10 YEARS.

CHAIRMAN PENNINGTON: YOU’VE BEEN AWAY A YEAR NOW, HAVEN’T YOU?

MR. BERTONE: I’D LIKE TO TALK ABOUT

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1 ITEMS NUMBER TWO, ITEM THREE, AND ITEM FIVE.
2 IN THE PRESENTATION THAT SARA GAVE
3 SOME OF MY CONCERNS WERE ADDRESSED, IN THAT I
4 FELT THAT A 90-DAY PERIOD FOR TIMELINESS OF
5 SIGNED AGREEMENTS WOULD BE MORE APPROPRIATE FOR
6 GRANT APPLICANTS -- OR, GRANT RECIPIENTS. AND
7 PART OF THAT, THERE SHOULD BE EXPLICIT
8 INSTRUCTIONS THAT IF AFTER 90 DAYS IT’S STILL
9 NOT RETURNED, THAT PERHAPS -- YOU KNOW, THE
10 GRANT FUNDS WOULD BE DISENCUMBERED.
11 THE QUESTION STILL ARISES, IF THE
12 MONIES ARE DISENCUMBERED WHAT WOULD HAPPEN TO
13 THOSE FUNDS? NOW, THERE’S TWO OPTIONS
14 AVAILABLE THERE. BECAUSE OFTENTIMES THE AMOUNT
15 OF -- THE NUMBER OF APPLICANTS, AND WHAT’S
16 REQUESTED, IT FAR EXCEEDS WHAT’S AVAILABLE.
17 50, IF MONEY IS DISENCUMBERED THE
18 TWO OPTIONS WOULD BE TO RESTORE BUDGET CUTS TO
19 GRANT RECIPIENTS, FARTHER UP THE LINE, OR TO
20 FUND GRANT APPLICANTS WHO RECEIVED A PASSING
21 SCORE, BUT WEREN’T ABLE TO BE FUNDED BECAUSE OF
22 THE LACK OF FUNDS. SO THOSE ARE TWO THINGS TO
23 CONSIDER.
24 I WOULD RECOMMEND THAT IF THERE
25 WERE ANY FUNDS AVAILABLE FROM DISENCUMBRANCES

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1 THAT IT BE USED TO FUND ANY APPLICATIONS THAT
2 WOULD NOT OTHERWISE HAVE BEEN FUNDED DUE TO
3 LACK OF MONEY.
4 ON ITEM THREE, THE EXTENSION OF THE
5 GRANT AGREEMENTS. IT'S BEEN MY EXPERIENCE
6 THAT, WHILE EXTENSIONS HAVE BEEN GRANTED, THE
7 EXTENSION HAS NEVER EXCEED THE THREE-YEAR
8 PERIOD IN WHICH THE FUNDS WERE AVAILABLE TO THE
9 BOARD FOR ALLOCATION.
10 I'M A LITTLE CONFUSED AS TO WHAT
11 THE THREE-YEAR CYCLE IS, ANYWAY. IS THE THREE
12 YEAR CYCLE UPON APPROPRIATION BY THE
13 LEGISLATURE AND THAT IS MADE AVAILABLE TO THE
14 WASTE BOARD? OR, IS THE CYCLE -- IS IT AFTER
15 THAT PERIOD?
16 MY THOUGHT WAS THAT -- SPECIFICALLY
17 FOR THE HOUSEHOLD HAZARDOUS WASTE AND FOR THE
18 TIRES -- AFTER THREE BUDGET YEARS THE MONEY
19 GOES AWAY, PERIOD. SO REQUESTING AN EXTENSION
20 BEYOND THE THREE-YEAR PERIOD MAY NOT EVEN BE
21 POSSIBLE. SO, THE QUESTION IS, WHAT THREE-YEAR
22 PERIOD ARE WE TALKING ABOUT? THE ONLY POSSIBLE
23 GRANT THAT WE'RE TALKING IS THE OIL GRANTS,
24 WHICH ARE ALLOCATED WITHOUT REGARD TO FISCAL
25 YEAR.

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1 I DON’T AGREE WITH THE

2 RECOMMENDATIONS THAT THE -- ANY GRANT

3 EXTENSIONS COME IN FRONT OF THE WASTE BOARD, IN

4 FRONT OF THE BOARD FOR APPROVAL.

5 I THINK WHAT THE BOARD SHOULD DO

6 WOULD BE THAT THEY DIRECT STAFF TO ESTABLISH

7 CRITERIA BY WHICH THE STAFF AND MANAGEMENT CAN

8 USE TO SAY YES OR NO ON THE EXTENSION.

9 CRITERIA INCLUDING INCLEMENT WEATHER THAT MAYBE

10 AFFECTED CONSTRUCTION, LITIGATION THAT MAY

11 RESULT, EARTHQUAKES, FLOODS, FIRES, THINGS OF

12 THAT NATURE. ALL THOSE THINGS DO HAVE AN

13 IMPACT ON THE IMPLEMENTATION OF A GRANT.

14 THE OTHER THING, TOO, IS WHAT --

15 CURRENTLY I HAVE ONE CLIENT WHO HAS A GRANT

16 AGREEMENT -- AN EXTENSION REQUEST IN NOW, THE

17 GRANT EXPIRES DECEMBER 31ST, 1998. SO WHAT

18 HAPPENS IF THE POLICY IS ADOPTED TO -- AND

19 STAFF RECOMMENDATIONS ARE ADOPTED TO BRING THE

20 EXTENSION BEFORE THE BOARD? IS THAT POLICY

21 RETROACTIVE, OR WHAT’S GOING TO HAPPEN TO THOSE

22 CURRENT REQUESTS?

23 I DON’T THINK THAT EXTENSIONS

24 SHOULD BE GIVEN TO GRANT RECIPIENTS WHO HAVE

25 SHOWN -- HAVE NOT SHOWN ANY TANGIBLE PROGRESS

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1 IN IMPLEMENTING THEIR GRANT. AND TANGIBLE
2 MEANING, YOU KNOW, HAVE THEY SUBMITTED THEIR
3 QUARTERLY OR PROGRESS REPORTS, WHAT PERCENTAGE
4 OF THE FUNDS THAT WAS AWARDED -- HOW MUCH HAS
5 BEEN SPENT, THOSE SORTS OF THINGS.
6 I'M AFRAID THAT REQUIRING BOARD
7 APPROVAL COULD FURTHER DELAY THE IMPLEMENTATION
8 OF PROGRAMS DUE TO THE BOARD'S PUBLIC NOTICING
9 REQUIREMENTS, THE AGENDA ITEM PREPARATION, AND
10 BOARD DELIBERATION.
11 AT MOST, I BELIEVE THE DEPUTY
12 DIRECTOR SHOULD GRANT APPROVAL OF THE REQUESTS
13 FOR EXTENSION BASED UPON BOARD STAFF REVIEW,
14 UTILIZING THE CRITERIA THAT THE BOARD HAS
15 DIRECTED THE STAFF TO ESTABLISH.
16 THE FINAL ITEM I'D LIKE TO DISCUSS
17 DEALS WITH METHODS TO DISSEMINATE ADDITIONAL
18 INFORMATION TO POTENTIAL APPLICANTS. THAT'S
19 ALWAYS BEEN THE BIGGEST BUGABOO IN ANY GRANT
20 PROGRAM.
21 BOARD STAFF RECOMMENDS THE QUESTION
22 AND ANSWER PERIOD, SO THAT THE POTENTIAL
23 APPLICANTS CAN HAVE THE OPPORTUNITY TO SUBMIT
24 QUESTIONS IN WRITING PRIOR TO THE END OF THE
25 APPLICATION PERIOD. ALTHOUGH NOT FORMAL, GRANT

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1 RECIPIENTS CAN DO THAT ALREADY.

2 WHAT'S NOT CLEAR IN THE BOARD STAFF

3 RECOMMENDATION IS THE TYPE OF QUESTIONS THAT

4 MAY BE ASKED. AND, MORE IMPORTANTLY, THE TYPES

5 OF QUESTIONS THE BOARD STAFF FEELS IS

6 APPROPRIATE TO ANSWER.

7 CAN THEY ASK QUESTIONS-- CERTAINLY

8 THEY CAN ASK QUESTIONS ABOUT, YOU KNOW, DOES A

9 RESOLUTION HAVE TO BE SUBMITTED WITH THE

10 APPLICATION? BUT CAN THEY ASK QUESTIONS

11 SPECIFIC TO THEIR GRANT PROPOSAL THAT THEY WANT

12 TO WRITE? DOES BOARD STAFF FEEL COMFORTABLE IN

13 ANSWERING THOSE QUESTIONS? I DON'T KNOW.

14 AS JUSTIFICATION FOR NOT

15 RECOMMENDING OPTION FIVE-D, BOARD STAFF STATED

16 THAT THE INSTRUCTIONS CONTAINED IN GRANT

17 APPLICATIONS ARE SPECIFIC ENOUGH THAT POTENTIAL

18 APPLICANTS CAN PREPARE AN ACCEPTABLE

19 APPLICATION PACKAGE.

20 THE OTHER STATEMENT IN NOT

21 RECOMMENDING OPTION FIVE-D WAS THAT BOARD STAFF

22 ALSO STATED THAT AN ENTITY THAT IS UNABLE TO

23 PREPARE AN ADEQUATE APPLICATION MAY BE UNABLE

24 TO OPERATE A SUCCESSFUL PROGRAM, AS OPERATING A

25 PROGRAM IS MORE COMPLICATED THAN COMPLETING AN

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1 ADEQUATE APPLICATION.

2 THAT SAME JUSTIFICATION CAN BE USED

3 FOR NOT SELECTING FIVE-B, WHICH IS WHAT STAFF'S

4 RECOMMENDATION IS.

5 THE INSTRUCTIONS FOR THE SEVEN-CYCLE

6 HOUSEHOLD HAZARDOUS WASTE PLANS, TO ME,

7 ARE PRETTY DETAILED. I MEAN, THEY'VE COME A

8 LONG WAY. AND THIS IS AN EVER-CHANGING

9 PROCESS, THEY'VE COME A LONG WAY. AND I THINK

10 THEY'RE VERY GOOD.

11 WHAT I WOULD RECOMMEND WOULD BE

12 INSTEAD OF A QUESTION AND ANSWER PERIOD, IT

13 WOULD BE MORE AFTER THE FACT. I WOULD

14 RECOMMEND THAT BOARD STAFF PROVIDE DETAILED --

15 AND I MEAN DETAILED -- COMMENTS TO THE

16 UNSUCCESSFUL GRANT APPLICANTS SO THAT THE

17 APPLICANT CAN IMPROVE THE APPLICATION FOR A

18 SUBSEQUENT FUNDING CYCLE. THE COMMENTS FOR

19 DENYING THE APPLICANT SHOULD BE AS DETAILED AS

20 THE INFORMATION THAT'S REQUESTED IN THE GRANT

21 APPLICATION.

22 AGAIN, IT'S BEEN--THERE HAVE BEEN

23 SOME SUCCESSES USING THAT. I BELIEVE IT WAS

24 WEST CONTRA COST WASTE MANAGEMENT AUTHORITY,

25 THEY WEREN'T SUCCESSFUL IN ONE HOUSEHOLD

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1 HAZARDOUS WASTE PLANT CYCLE. BOARD STAFF TOOK
2 THE TIME TO DISCUSS WITH THEM WHAT -- HOW THE
3 APPLICATION COULD BE IMPROVED. THE SUBSEQUENT
4 FUNDING CYCLE, THEY WERE APPROVED, THEIR
5 APPLICATION WAS APPROVED. AND, WHILE IT
6 DOESN'T TAKE AWAY THE STING OF NOT BEING
7 FUNDED, IT WILL HELP WITH SUBSEQUENT CYCLES.
8 SO THOSE ARE MY COMMENTS, AND I'D
9 BE HAPPY TO ENTERTAIN ANY QUESTIONS THAT YOU
10 MAY HAVE.
11 CHAIRMAN PENNINGTON: QUESTIONS?
12 MR. BERTONE: THANK YOU. V
13 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
14 WE DID HAVE ONE OTHER PERSON, JON
15 JENNINGS FROM MONTEREY COUNTY WHO COULDN'T
16 STAY, BUT LEFT A LETTER THAT THEY WOULD LIKE TO
17 HAVE MADE PART OF THE RECORD. SO, WITHOUT
18 OBJECTION, WE'LL DO THAT.
19 OKAY. WHAT'S YOUR PLEASURE, FOLKS?
20 MEMBER EATON: I'LL MOVE RESOLUTION 98-3 86,
21 RELATIVE TO THE CONSIDERATION OF APPROVAL
22 OF STANDARDIZED PROCESS FOR ALL BOARD GRANT
23 PROGRAMS.
24 CHAIRMAN PENNINGTON: I NEED A SECOND
25 THERE.

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1 MEMBER RHOADS: WELL, LET ME JUST -- IF I
2 COULD, COULD I MAKE A COMMENT?
3 CHAIRMAN PENNINGTON: SURE.
4 MEMBER EATON: I'LL WITHDRAW THAT
5 MOTION.
6 MEMBER RHOADS: DIDN'T STAFF RECOMMEND SOME
7 CHANGES TO THAT RESOLUTION, LIKE 90 DAYS
8 INSTEAD OF SIX MONTHS?
9 CHAIRMAN PENNINGTON: OH, I THOUGHT THE
10
11 MS. FISH: YEAH, AND- 1
MEMBER RHOADS: IN THAT CASE, I'LL
13 SECOND THAT.
14 MEMBER EATON: I'M KIDDING YOU.
15 MS. FISH: YEAH, WE DID MODIFY IT.
16 MEMBER EATON: SURE. WHY DON'T YOU
17 STATE THE MODIFICATIONS AND THEN I'LL MAKE THE
18 MOTION?
19 MS. FISH: OKAY. SO THE MODIFICATION
20 WOULD BE A 90 DAY DEADLINE, UNDER TWO, INSTEAD
21 OF THE SIX MONTHS.
22 AND THEY WOULD HAVE 90 DAYS TO
23 CLEAR AN OUTSTANDING INVOICE THAT WAS 30 DAYS
24 PAST DUE. I'M SORRY, AND THAT WAS UNDER ITEM
25 FOUR.

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1 MEMBER RHOADS: I'LL SECOND THE MOTION.

2 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

3

4 MEMBER EATON: I THINK I WITHDREW THE

5 MOTION, I PROBABLY SHOULD RESTATE IT JUST TO

6 KIND OF-

CHAIRMAN PENNINGTON: YOU PROBABLY

8 SHOULD.

9 MEMBER EATON: -- BE CAREFUL. I WOULD

10 MOVE THAT WE ADOPT RESOLUTION 98-3 86, WHICH

11 DEALS WITH THE CONSIDERATION OF APPROVAL OF

12 STANDARDIZED PROCESS FOR ALL BOARD GRANT

13 PROGRAMS, WITH THE FOLLOWING AMENDMENTS.

14 IN NUMBER TWO, RATHER THAN

15 READING THE ESTABLISHMENT OF A SIX-MONTH

16 DEADLINE FOR THE RETURN OF SIGNED

17 AGREEMENTS IT WOULD BE A 90-DAY DEADLINE FOR

18 THE RETURN OF SIGNED GRANT AGREEMENTS.

19 AND THEN UNDER NUMBER FOUR, NUMBER

20 FOUR SHOULD READ, "A GRANT APPLICANT IS INELIGIBLE

21 FOR A COMPETITIVE GRANT IF AT THE CLOSE

22 OF THE APPLICATION PERIOD FOR THE

23 COMPETITIVE GRANT, THE APPLICANT HAS A

24 BOARD INVOICE OUTSTANDING FOR MORE THAN

25 30 DAYS, AND THAT THEY HAVE 90 DAYS TO

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CLEAR THAT INVOICE."

AND WITH THAT, I OFFER THAT MOTION.

CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED BY MR. EATON, AND SECONDED BY MR. RHOADS, THE ADOPTION OF RESOLUTION 98-3 86, WITH AMENDMENTS.

IF THERE IS NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

AGENDA ITEM NO. 16: CONSIDERATION AND APPROVAL OF THE CONTRACT CONCEPT, SCOPE OF WORK, AND AWARD OF THE CMAS CONTRACT WITH KPMG PEAT MARWICK FOR INFORMATION

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TECHNOLOGY EVALUATIONS OF THE WASTE TIRE PROGRAM AND CAPTIVE INSURANCE FOR SOLID WASTE FACILITIES

CHAIRMAN PENNINGTON: OKAY, MOVING TO ITEM NO. 16, CONSIDERATION AND APPROVAL OF THE CONTRACT CONCEPT, SCOPE OF WORK, AND AWARD OF THE CMAS CONTRACT WITH KPMG PEAT MARWICK FOR INFORMATION TECHNOLOGY EVALUATIONS OF THE WASTE TIRE PROGRAM AND CAPTIVE INSURANCE FOR SOLID WASTE FACILITIES. PATTY ZWARTS.

MS. ZWARTS: GOOD AFTERNOON, CHAIRMAN PENNINGTON, AND BOARD MEMBERS, PATTY ZWARTS WITH THE OFFICE OF LEGISLATIVE AND EXTERNAL AFFAIRS. TO PROVIDE YOU WITH A LITTLE BIT OF CONTEXT WHY THIS CONTRACT IS BEFORE YOU TODAY, IT’S HERE BECAUSE TWO BILLS THAT WERE ENACTED LAST YEAR THAT BECOME EFFECTIVE JANUARY 1ST. AND, STAFF ARE ACTUALLY A LITTLE BIT AHEAD OF SCHEDULE HERE FOR THESE TWO BILLS THAT BECOME EFFECTIVE STILL IN JANUARY.

THE FIRST MEASURE, AB 715, BY THEN-ASSEMBLY WOMAN FIGUEROA, PROVIDES THAT IF EVIDENCE OF FINANCIAL ABILITY FOR CLOSURE, POST-CLOSURE OR CORRECTIVE ACTION IS DEMONSTRATED BY THE USE CAPTIVE INSURANCE THAT THE BOARD MAY

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1 APPROVE THE USE OF INSURANCE IF IT MEETS SPECIFIED

2 CRITERIA, THOSE WHICH ARE SPECIFIED IN THE BILL.

3 THE OTHER MEASURE IS AB 117, BY THEN,

4 AGAIN, ASSEMBLY WOMAN ESCUTIA. THIS MEASURE

5 REQUIRES THE BOARD TO PREPARE A REPORT TO THE

6 LEGISLATURE AND THE GOVERNOR, WITH A PRELIMINARY

7 REPORT DUE MAY 1ST AND A FINAL REPORT DUE JUNE

8 30TH.

9 WHAT IS PARALLEL ABOUT THESE TWO

10 PIECES OF LEGISLATION AND THE CONTRACT THAT'S

11 BEFORE YOU FOR CONSIDERATION TODAY, THAT THEY

12 BOTH HAVE VERY SHORT TIME FRAMES FOR WORKLOAD, IN

13 TERMS OF GATHERING INFORMATION, BOTH REQUIRE

14 EXPERTISE THAT IS NOT CURRENTLY FOUND AT THE

15 BOARD, BOTH IN CAPTIVE INSURANCE EXPERTISE, AS WELL

16 AS IN DOING PERFORMANCE EVALUATIONS AS RELATED TO

17 THE TIRE REPORT.

18 ALSO WHAT IS UNIQUE ABOUT THEM IS

19 THAT THEY REQUIRE INDEPENDENT REVIEW BY

20 INDEPENDENT AUDITOR. AGAIN, THAT IS A SERVICE THAT

21 THE CONTRACTOR WOULD PROVIDE.

22 AND, LASTLY, THEY BOTH HAVE

23 TIME-SPECIFIC NEEDS, IN TERMS OF THE TIRE REPORT TO

24 GET THE INFORMATION TO MEET THE STATUTORY

25 DEADLINES.

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AND, IN TERMS OF THE CAPTIVE INSURANCE INFORMATION, TO PROVIDE THE BOARD INFORMATION NECESSARY TO MAKE REGULATORY DECISIONS IN THE BEGINNING OF NEXT YEAR. TO THAT END, I'D LIKE TO HAND IT OVER TO FITZ FITZGERALD, WHO WILL SPEAK TO THE TIRE PORTIONS OF THE CONTRACT, AND RICHARD CASTLE WILL SPEAK TO THE OTHER PORTIONS.

MR. FITZGERALD: BYRON FITZGERALD, CURRENTLY ON LOAN TO THE LEGISLATIVE AND EXTERNAL AFFAIRS OFFICE. IT'S BEEN EIGHT YEARS SINCE I'VE TALKED TO THE BOARD FROM THIS SIDE OF THE MICROPHONE, SO.

THE AB 117 CONTRACT SUPPORT IS -- IT'S PART OF A TRIAD, IF YOU WILL. THE REPORT TO THE LEGISLATURE AND THE GOVERNOR'S GOING TO BE GENERATED FROM THREE SOURCES. ONE OF THEM IS COMMENTS THAT WE'VE GOT FROM THE STAKEHOLDERS, AND OVER THE PAST FEW MONTHS WE HAVE HAD SEVEN MEETINGS WITH STAKEHOLDERS, WRITTEN INPUTS, AND WE HAVE A RATHER SUBSTANTIAL INFORMATION THAT WILL GO INTO THE REPORT.

WHAT WE DON'T HAVE YET IS AN EVALUATION OF OUR CURRENT PROGRAMS, AND AN EVALUATION OF WHAT'S GOING ON IN OTHER STATES. IT'S

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1 SORT OF A -- ONE OF THEM IS, IF IT AIN'T BROKE, DON'T FIX
2 IT -- THAT'S LOOKING AT OUR OWN PROGRAMS TO SEE
3 WHERE WE'VE HAD SUCCESSES AND FAILURES. AND THE
4 OTHER IS, DON'T REINVENT THE WHEEL. IF OTHER STATES
5 HAVE TRIED SOMETHING AND IT'S WORKED, WE CAN STEAL
6 IT. IF THEY'VE TRIED SOMETHING AND IT HASN'T WORKED,
7 WE DON'T WANT IT. SO, THIS CONTRACT DEALS WITH THE
8 LATTER TWO, THE EVALUATION OF OUR OWN PROGRAMS,
9 AND LOOKING AT EXPERIENCES FROM OTHER STATES.
10 THERE ARE BASICALLY THREE TASKS
11 ASSOCIATED WITH THIS FROM AB 117. ONE IS EVALUATION
12 OF THE COMPONENTS OF OUR CURRENT WASTE TIRE
13 PROGRAM. THE SECOND ONE IS, BENCHMARK OUR
14 PROGRAMS AGAINST PROGRAMS OF OTHER STATES. AND
15 THE FINAL ONE IS, THE DEVELOPMENT OF ADDITIONAL
16 OPTIONS.
17 WHEN WE WORKED WITH THE
18 STAKEHOLDERS WE DEVELOPED A WHOLE SERIES OF
19 OPTIONS OF THINGS WE COULD DO, DIFFERENT ASPECTS
20 ABOUT THE PROGRAM.
21 WHAT WE'LL DO WHEN WE'VE FINISHED
22 LOOKING AT THESE TWO SECTIONS -- OUR CURRENT
23 PROGRAMS AND WHAT OTHER STATES HAVE DONE -- WE'LL
24 HAVE ADDITIONAL OPTIONS TO LOOK AT.
25 I CAN GO INTO MORE DEPTH LATER IF YOU

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1 WANT. BUT I'LL PASS IT ON OVER FOR DISCUSSION OF THE
2 OTHER PART OF THE CONTRACT.
3 MR. CASTLE: GOOD MORNING, CHAIRMAN
4 PENNINGTON, MEMBERS OF THE BOARD. MY NAME IS
5 RICHARD CASTLE FROM THE FINANCIAL ASSURANCES
6 SECTION.
7 AND THE OTHER PORTION OF THE
8 CONTRACT PROPOSAL IS FOR THE IMPLEMENTATION OF AB
9 715. THIS LEGISLATION PROVIDES THE BOARD WITH THE
10 ABILITY TO DETERMINE THE CRITERIA ESTABLISHING
11 STANDARD FOR REVIEW AS TO ADEQUACY OF THE
12 INSURANCE PROVIDED BY CAPTIVE INSURANCE CARRIERS
13 OR SOLID WASTE LANDFILLS --
14 CHAIRMAN PENNINGTON: YES?
15 MEMBER ROBERTI: MAY I ASK A QUESTION?
16 CHAIRMAN PENNINGTON: CERTAINLY,
17 SENATOR.
18 MEMBER: THESE SEEM TO BE RELATIVELY
19 UNRELATED ITEMS. WHY ARE THEY IN ONE CONTRACT?
20 MS. ZWARTS: AGAIN, I BELIEVE THAT THE
21 CONTRACT WHICH WE'RE PROPOSING CAN PROVIDE THE
22 OUTSIDE EXPERTISE ON BOTH THOSE ASPECTS. I KNOW
23 THAT THEY ARE UNIQUE, BUT IN TERMS OF THE
24 CONTRACTOR, THEY CAN PROVIDE BOTH THE FINANCIAL
25 AS WELL AS THE PERFORMANCE EVALUATION EXPERTISE

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1 THAT WE DO NOT PRESENTLY HAVE HERE ON STAFF.

2 MEMBER ROBERTI: ONE IS THE EFFICIENCY OF

3 THE WASTE TIRE PROGRAM. THE OTHER IS ANOTHER

4 PLANET. DISCUSSING THE RISK, OUR RISK OF CAPTIVE

5 INSURANCE. I MEAN, MAYBE IT COMPUTES SOMEWHERE,

6 BUT I HAVEN’T HEARD IT. IT JUST DOESN’T COMPUTE IN MY

7 MIND.

8 MS. ZWARTS: AGAIN, I BELIEVE THAT THE

9 SUBJECT MATTER MAY BE A BIT DIFFERENT, BUT THE

10 SCALE THAT THE CONTRACTOR WILL BE PROVIDING US, IN

11 TERMS OF EXPERTISE AND INDEPENDENT AUDIT IS THE

12 SAME FROM THE SAME CONTRACTOR, THAT’S WHY THEY

13 WERE PUT TOGETHER.

14 MEMBER ROBERTI: IT’S THE SAME

15 CONTRACTOR, SO THAT’S WHY THEY PUT THEM TOGETHER.

16 MS. ZWARTS: IT’S THE SAME CONTRACT, YEAH,

17 AND THE SAME CONTRACTOR, JUST DOING DIFFERENT

18 TASKS.

19 PEAT MARWICK HAS A WHOLE RANGE OF

20 SERVICES, FROM ACCOUNTING TO FINANCIAL SYSTEMS, TO

21 A WHOLE RANGE OF SERVICES.

22 MEMBER ROBERTI: WELL, MAYBE WE SHOULD

23 HAVE THE SAME CONTRACTOR. BUT I THINK THAT

24 CONTRACTOR SHOULD BE EVALUATED TWO SEPARATE

25 TIMES FOR TWO, WHAT STRIKES ME AS, EXTREMELY

1 DIFFERENT TASKS.

2 MEMBER RHOADS: MR. CHAIRMAN?

3 MEMBER ROBERTI: NOW, I MEAN, I'M NEW HERE,

4 SO I COULD BE TOTALLY WRONG. BUT, I MEAN, THAT'S

5 HOW IT STRIKES ME.

6 MS. ZWARTS: AND YOU ARE CORRECT, THEY

7 ARE DIFFERENT TASKS. BUT, AGAIN, IT'S THE SAME BASIC

8 TYPE OF WORK THAT'LL BE DONE BY THE CONTRACTOR, AN

9 INDEPENDENT AUDIT EXPERTISE THAT WE DON'T HAVE

10 HERE AT THE BOARD. AND THAT'S WHY, AGAIN, THOSE ARE

11 PUT TOGETHER. BUT, YOU'RE RIGHT, THEY ARE UNIQUE,

12 THE TWO PIECES OF LEGISLATION.

13 MEMBER RHOADS: THIS IS NOT SOMETHING

14 THAT WENT OUT FOR AN RFP. I MEAN, THIS IS -- IF I'M

15 READING THIS RIGHT, THE STATE HAS A LIST OF -- CALLED

16

17 MS. ZWARTS: THE CMAS. INDEED.

18 MEMBER RHOADS: -- CMAS CONTRACT. AND AS

19 AN AGENCY WE ARE ABLE TO TAKE COMPANIES OFF OF

20 THAT LIST AND SET UP CONTRACTS WITH THEM IN A VERY

21 SHORT PROCESS, SO THAT -- IN ORDER TO MEET THEIR

22 NEEDS. AND THEN THE GENERAL SERVICES APPROVES THIS

23 LIST BEFOREHAND.

24 AND I'M GUESSING WHAT YOU DID, YOU

25 SAW TWO NEEDS, AND YOU SAW -- INSTEAD OF GOING

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1 THROUGH AND GIVING US TWO SEPARATE PROPOSALS YOU
2 JUST SAID, WELL, I'LL JUST LUMP THESE TWO TOGETHER,
3 AS OPPOSED TO GIVING US --
4 MS. ZWARTS: YES. AND THEY ALSO HAD THE
5 SIMILAR TIME FRAMES.
6 CHAIRMAN PENNINGTON: MR. FRAZEE.
7 MR. CHANDLER: WELL, MR. CHAIRMAN, I THINK
8 MR. RHOADS IS CORRECT, BUT CERTAINLY THERE'S TWO
9 WAYS WE COULD EXECUTE THIS WORK. ONE IS--AS MS.
10 ZWARTS HAS JUST POINTED OUT, AND AS STAFF HAS
11 PROPOSED ORIGINALLY -- WHICH WAS TO SIMPLY COMBINE
12 THE TWO, ALBEIT INDEPENDENT, WORK EFFORTS HERE
13 INTO A SINGLE AGREEMENT.
14 HOWEVER, WE COULD JUST AS EASILY --
15 SINCE, AS MR. RHOADS POINTS OUT, THEY ARE ALREADY A
16 PRESELECTED, STATE-QUALIFIED CONTRACTOR PROVIDING
17 EXPERTISE IN THESE AREAS, BIFURCATE THE TWO SCOPES
18 OF WORK AND STRUCTURE TWO INDEPENDENT
19 AGREEMENTS, PROCESSING THE TWO SEPARATE PIECES OF
20 PAPERWORK. AND IT'S MORE OF A MECHANICAL PROCESS,
21 BUT IF IT WOULD SUIT THE BOARD TO PROCESS TWO
22 SEPARATE AGREEMENTS AROUND THE WORK THAT MR.
23 FITZGERALD JUST DESCRIBED, AND MR. CASTLE JUST
24 DESCRIBED, WE COULD DO THAT AS WELL. IT'S THE
25 PLEASURE OF THE BOARD.

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1 MEMBER ROBERTI: -- I UNDERSTAND THIS --
2 YOU KNOW, I GUESS CMAS ISA PRESELECTED, SO I
3 UNDERSTAND THAT. SO I UNDERSTAND THE EFFICIENCY
4 OF TIME PUTTING THEM TOGETHER. BUT, I KIND OF THINK
5 IT'S A BAD PRECEDENT FOR US TO GET IN A MIND SET, THE
6 STAFF AND THE BOARD TO GET IN A MIND SET THAT WE
7 COMBINE THESE THINGS.
8 BECAUSE, WE'RE ALREADY RUSHING
9 THINGS, APPARENTLY, BY GOING THROUGH CMAS. OKAY?
10 AND NOW TO DOUBLE-EFFICIENCY OURSELVES, WHICH
11 MAY NOT END UP BEING ANY EFFICIENCY AT ALL BECAUSE
12 WE'RE MIXING APPLIES AND ORANGES, TO PUT THE TWO
13 TOGETHER I THINK JUST MEANS WE'RE CUTTING CORNERS
14 TOO FAST. THIS IS MY OWN FEELING.
15 AND, SO I'D LIKE TO HAVE THE ASSURANCE
16 THE STAFF HAS EVALUATED EACH ONE OF THESE
17 SEPARATELY BEFORE I VOTE. AND THEN I MIGHT END UP
18 VOTING JUST THE SAME WAY ANYWAY, PROBABLY WILL.
19 BUT, I WANT TO HAVE THE FEELING THE STAFF EVALUATED
20 THEM SEPARATELY.
21 CHAIRMAN PENNINGTON: HAVE WE DONE THIS
22 BEFORE? HAVE WE COMBINED SIMILAR KINDS OF
23 CONTRACTS?
24 MS. ZWARTS: THAT I'D HAVE TO ASK OUR
25 ADMIN, WHICH -- I HAVEN'T DONE TOO MANY CONTRACTS

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1 --

2 MR. CHANDLER: WELL, WE'VE CERTAINLY USED

3 THIS MECHANISM. I MEAN, WE'RE THE MASTER OF

4 BRINGING THESE KINDS OF CONTRACTS FORWARD. AND I

5 WOULD SAY CERTAINLY THERE HAS BEEN A WIDE RANGE

6 OF SCOPES, IF YOU WILL, IN THOSE WORK STATEMENTS.

7 BUT I'M SURE THIS CHALLENGES THE BREADTH OF THE

8 SCOPE OF THOSE WORK STATEMENTS, IN AS MUCH AS

9 WE'RE TACKLING IMPLEMENTATION OF TWO PIECES OF

10 LEGISLATION, BUT THERE MAY BE THE LAST POINT IN

11 WHICH THERE ARE SIMILARITIES.

12 CHAIRMAN PENNINGTON: LET'S HAVE RICHARD

13 FINISH HIS PART THERE, AND THEN WE CAN....

14 MR. CASTLE: OKAY. LET ME SEE IF I CAN PICK

15 UP WHERE I LEFT OFF. AND THEN IF THERE'S ANY

16 QUESTIONS, OBVIOUSLY I'LL TRY TO FILL IN THE BLANKS.

17 FROM KPMG PEAT MARWICK, THE

18 RESEARCH AND ANALYSIS NECESSARY FOR A COMPLETE

19 THIRD-PARTY REVIEW OF CAPTIVE INSURER EVALUATION

20 STANDARDS, WHICH IS NECESSARY FOR THE BOARD TO

21 ADEQUATELY REVIEW CAPTIVE INSURERS FROM

22 THROUGHOUT THE NATION, BECAUSE THESE CAPTIVE

23 INSURERS ARE NOT GOING TO COME FROM CALIFORNIA,

24 THEY'RE GOING TO BE LICENSED OUTSIDE OF CALIFORNIA.

25 IT'S NOT AVAILABLE FROM ANY KNOWN

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1 STATE AGENCY THAT WE KNOW OF AT THIS TIME. AND WE
2 SPECIFICALLY CONTACTED THE CALIFORNIA DEPARTMENT
3 OF INSURANCE IN AN ATTEMPT TO OBTAIN THIS
4 INFORMATION. HOWEVER, THE DEPARTMENT OF
5 INSURANCE WAS NOT ABLE TO PROVIDE ANY IN-DEPTH
6 INFORMATION REGARDING THE LAWS AND PRACTICES OF
7 OTHER STATES IN RELATION TO CAPTIVE INSURERS. AND,
8 OBVIOUSLY, THAT WAS THE FIRST ROUTE WE WENT, AND
9 WE DID NOT GAIN ANYTHING IN THAT PROCESS.
10 THE CONTRACT IS INTENDED TO BUILD ON
11 SOME PRELIMINARY EVALUATION THAT'S ALREADY BEEN
12 DONE OF AB 715, AND ADDITIONAL INFORMATION IS NOW
13 NEEDED REGARDING THE IMPACT ALTERNATIVES FOR
14 MITIGATING POTENTIAL RISK ASSOCIATED WITH THIS, AND
15 APPROPRIATE CRITERIA AND BEST PRACTICES FOR THE
16 BOARD'S REVIEW OF THESE CAPTIVE INSURERS, WHICH WE
17 DEFINITELY ANTICIPATE HAVING COME TO THE BOARD IN
18 JANUARY. THE LEGISLATION WILL BE EFFECTIVE IN
19 JANUARY.
20 AND THERE'S A NUMBER OF OPERATORS
21 ALREADY THAT HAVE HAD CAPTIVE INSURERS FOR THEIR
22 CLOSURE AND POST-CLOSURE MAINTENANCE. AND WE
23 DEFINITELY EXPECT THEM TO BE BACK REQUESTING THE
24 APPROVAL OF THEIR CAPTIVE INSURERS NOW THAT WE
25 HAVE THE STATUTORY ABILITY TO DO SO. AND WE NEED

1 THE CRITERIA TO MAKE THOSE APPROVALS. THE

2 LEGISLATION LAYS OUT SOME BASIC INFORMATION, BUT

3 THEN THERE'S ADDITIONAL INFORMATION THAT WE

4 BELIEVE WOULD BE NECESSARY TO MAKE A FULL DECISION

5 ON THESE.

6 AND I CAN ADD A LOT MORE. I DON'T

7 KNOW HOW MUCH INFORMATION YOU WANT AT THIS

8 POINT, SO.

9 MEMBER JONES: MR. CHAIRMAN?

10 CHAIRMAN PENNINGTON: MR. JONES.

11 MEMBER JONES: I SEE -- I MEAN, OBVIOUSLY,

12 THESE ARE TWO VERY SEPARATE ISSUES. I'VE GOT A

13 LITTLE BIT OF A PROBLEM WITH WE'RE ANALYZING ALL

14 THE STUFF, BUT THIS BOARD HASN'T MADE ANY POLICY

15 DECISIONS BASED ON INFORMATION THAT WAS GIVEN US

16 ON AB 715, TO DETERMINE HOW WE ARE GOING TO TREAT

17 THAT LEGISLATION.

18 YOU KNOW, I MEAN, AS FAR AS THE

19 LEGISLATION GOT PASSED, WE FOUND OUT AN AWFUL LOT

20 ABOUT CAPTIVE INSURERS IN OTHER STATES SINCE THAT

21 LEGISLATION GOT PASSED.

22 WE'VE GOT SOME PRETTY MONUMENTAL

23 ISSUES, IT WOULD SEEM LIKE, WHEN WE'RE TALKING

24 ABOUT -- AND I'M NOT SAYING THAT I'M OPPOSED OR FOR

25 THIS, AS MUCH AS I AM CONCERNED ABOUT THE IDEA THAT

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IN SOME STATES IT TAKES A $100,000 BOND TO BE A CAPTIVE INSURER. AND IF A $100,000 BOND IS THE LIMIT OF WHAT IT TAKES TO BE A CAPTIVE INSURER, AND WE'RE INSURING, I DON'T KNOW, $100 MILLION WORTH OF POTENTIAL LIABILITY, I THINK WE NEED TO HAVE A DISCUSSION ABOUT THAT SO THAT WHEN PEAT MARWICK GOES OFF AND STARTS EVALUATING ALL THESE DIFFERENT PROGRAMS, WOULDN'T THEY NEED THAT TO KNOW IN CERTAIN COMBINATIONS HOW THIS THING MIGHT WORK? YOU KNOW, HOW MUCH IS LIQUID? I MEAN, HOW MUCH OF THE ASSETS ARE LIQUID, SO IF THERE IS A MAJOR DISASTER IT'S ACCESSIBLE? AS OPPOSED TO, YOU KNOW, IT'S IN VERMONT, OR IT'S IN NEW HAMPSHIRE, IT'S IN WHEREVER THE HECK IT'S AT, AND IT.... YOU KNOW WHAT I'M SAYING? WE'RE EVALUATING A PROGRAM, BUT I DON'T THINK THERE'S MANY PARAMETERS ABOUT WHAT WE'RE THINKING.

MR. CASTLE: AND IF I MAY, ACTUALLY THAT'S WHAT WE WERE LOOKING AT THE CONTRACTOR AT THIS POINT TO DO, IS TO BRING US THOSE TYPES OF THINGS FOR THE BOARD TO MAKE THE DECISION ON HOW THE BOARD WOULD LIKE TO SET UP THE REGULATIONS TO MAKE THIS EVALUATION OF CAPTIVE INSURERS. THEY WEREN'T GOING TO BRING US AN EVALUATION OF CAPTIVE INSURERS AT THIS POINT, BUT

1 WHAT INFORMATION IS OUT THERE TO DO THAT

2 EVALUATION, SO THAT THE BOARD CAN MAKE THE

3 DECISION AS SOON AS POSSIBLE, SO THAT WE CAN GET

4 SOME KIND OF CRITERIA IN PLACE, SO THAT WE CAN MAKE

5 ADEQUATE DECISIONS WHEN THE CAPTIVE INSURERS COME

6 BEFORE US. IT'S NOT TO ACTUALLY LOOK AT ANY SPECIFIC

7 INSURER AT THIS TIME, IT'S TO LOOK AT THE DIFFERENT

8 REQUIREMENTS IN THE DIFFERENT STATES.

9 MEMBER JONES: OKAY. NOW, IS THE --

10 BECAUSE ALL THESE PROGRAMS -- NOW, YOU'RE TELLING

11 ME THAT ON JANUARY 1ST THEY'RE GOING TO START

12 COMING FORWARD ON AB 715 REQUESTS. PROBABLY. AND

13 YOU'RE PROBABLY RIGHT.

14 CHAIRMAN PENNINGTON: I THINK THEY

15 ALREADY HAVE.

16 MR. CASTLE: WELL, AS YOU REMEMBER, WE

17 HAVE ONE--

18 MEMBER JONES: I KNOW WE'VE GOT WASTE --

19 MR. CHANDLER: I UNDERSTAND WE HAVE A

20 LETTER FROM, I BELIEVE IT'S REPUBLIC, REGARDING -- IT'S

21 REPUBLIC? AND WHAT'S THE REST OF THE NAME OF THE

22 COMPANY, ELLEN (PHON), MY MIND IS BLANK AT THIS

23 POINT.

24 WHAT WAS YOUR QUESTION, RICHARD?

25 WE HAVE -- BESIDES WASTE MANAGEMENT,

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1 WE HAVE VFI, WE HAVE ALLIED WASTE. THEN WE HAVE A
2 LETTER FROM ONE OF THE USA WASTE SITES, I'M TRYING
3 TO REMEMBER THE NAME OF THE SITE THAT -- ITS
4 CHIQUITA LANDFILL THAT WAS --
5 MEMBER JONES: THAT'S A REPUBLIC SITE NOW.
6 MR. CASTLE: YES, REPUBLIC IS COMING
7 FORWARD, AND THEY'VE IDENTIFIED THAT THEY WOULD
8 PROBABLY USE CAPTIVE INSURANCE ALSO. SO, THAT'S
9 FOUR MAJOR OPERATORS, NOT FOUR FACILITIES, THAT
10 WOULD BE COMING FORWARD VERY SOON.
11 MR. CHANDLER: YOU KNOW, IF I CAN REFRESH
12 YOUR MEMORY, WE DID HAVE SOME INTERNAL BRIEFINGS
13 BACK IN OCTOBER, MR. JONES. AND IF YOU RECALL, THE
14 BOARD IS REQUIRED TO BASICALLY MAKE ITS DECISIONS
15 AROUND BASIC CRITERIA THAT WOULD ALLOW THE BOARD
16 TO APPROVE CAPTIVES THAT DEAL WITH FINANCIAL
17 STRENGTH. CERTAINLY THE ADEQUACY OF THE LICENSING
18 REQUIREMENTS. AND, OF COURSE, THERE'S ADDITIONAL
19 ROOM FOR US TO MAKE MORE POLICY RECOMMENDATIONS
20 ON ANY REGULATIONS THAT MIGHT GOVERN THIS
21 PROGRAM.
22 WHAT RICHARD'S JUST DESCRIBED IS FOR
23 US TO GET AN OVERVIEW OF WHAT ARE THE LICENSING
24 REQUIREMENTS IN MANY STATES AROUND THE COUNTRY
25 THAT DO ALLOW CAPTIVES, SO THE BOARD CAN THEN

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1 MAKE ITS OWN DECISION AS TO WHAT LEVEL OF REVIEW
2 OR LICENSING REQUIREMENTS DO WE WANT FOR THE
3 STATE OF CALIFORNIA.
4 IN ADDITION, WE NEED TO LOOK AT THE
5 FINANCIAL STRENGTH OF THESE CAPTIVES, OF WHICH ARE
6 GOING TO VARY AS THEY COME IN FOR APPLICATION,
7 WHAT CRITERIA DO WE WANT TO APPLY FOR THESE
8 APPLICANTS RELATIVE TO THE KIND OF FINANCIAL
9 STRENGTH WE WOULD EXPECT TO SEE ON AN APPLICATION.
10 AND, LASTLY, SINCE THE LEGISLATION
11 LEFT OPEN ADDITIONAL POLICY ROOM FOR THE BOARD --
12 WELL, WHEN WE ADD CONDITIONS TO STRENGTHEN, IF
13 NECESSARY, TO PROTECT THE PUBLIC'S HEALTH AND
14 SAFETY, WHAT ADDITIONAL POLICY RECOMMENDATIONS
15 WE MAY WANT TO CRAFT INTO OUR ULTIMATE
16 REGULATIONS.
17 SO, YOU KNOW, THIS WORK IS
18 TIME-CRITICAL, AND ONE IN WHICH I WOULD LIKE TO SEE
19 IT BUILD ON EARLIER WORK WE'VE ALREADY BRIEFED MR.
20 JONES ON. I UNDERSTAND THAT PART. THIS CONTRACT
21 WOULD PUT, WOULD ACCUMULATE THAT INFORMATION SO
22 WE WOULD PICK AND CHOOSE WHAT PIECES WORK AND
23 WHAT PIECES DON'T WORK, AND THIS IS ON OUR TIME
24 BECAUSE THE LEGISLATION SAID UP TO $10,000, OR ANY
25 AGREED-UPON FIGURE ABOVE THAT, WHERE THE

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1 OPERATOR AND THE BOARD AGREES THAT IT'S GOING TO
2 COST MORE MONEY TO DO THE EVALUATION.
3 THIS MONEY IS JUST TO-- SO THAT WE
4 HAVE OUR FACTS. THIS ISN'T ANY OF THE MONEY -- OR,
5 ANY OF THE WORK THAT WOULD GO INTO THE SPECIFIC
6 EVALUATIONS FOR ANY OF THESE COMPONENTS. IS THAT
7 RIGHT?
8 MR. CHANDLER: THAT'S CORRECT. THE
9 STATUTE, FOR EXAMPLE, REQUIRES AN A-MINUS RATING
10 FROM AM BEST. HOW FREQUENTLY DO WE WANT TO GET
11 THAT RATING THAT WE NEED TO MAKE DECISIONS
12 AROUND, OR WHAT KIND OF REPORTING AROUND THAT AM
13 BEST RATING IS APPROPRIATE, AND HOW DOES THAT --
14 HOW IS THAT GOING TO BE HANDLED?
15 CERTAINLY, THE COST OF GOING OUT AND
16 GETTING AN AM BEST RATING IS SOMETHING THAT -- THE
17 STATUTE ALLOWS WILL BE BORNE BY THE INDUSTRY. BUT
18 THE CRITERIA THAT WE MAY WANT TO USE RELATIVE TO
19 FREQUENCY OF REPORTING, AS I SAID, THE ADDITIONAL
20 POLICY CONSIDERATIONS IS ALL WORK THAT IS STILL YET
21 TO BE COMPLETED.
22 CHAIRMAN PENNINGTON: OKAY.
23 MR. CHANDLER: AND SO, MR. CHAIRMAN, IF IT
24 WOULD BE THE PLEASURE OF THE BOARD, I WOULD JUST AS
25 EASILY, AS I SAID, SEPARATE THIS -- THESE TWO SUBJECT

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1 AREAS INTO TWO SEPARATE AGREEMENTS IF THAT'S THE
2 PLEASURE OF THE BOARD, AND HAVE A SINGLE CONTRACT
3 DEALING WITH THE IMPLEMENTATION OF 117 AND THAT
4 KIND OF FINANCIAL ANALYSIS OVER THE PERFORMANCE OF
5 OUR PROGRAMS IN THE TIRE ARENA, USING TIRE FUNDS, OF
6 COURSE. AND THEN A SEPARATE AGREEMENT THAT
7 WOULD DEAL WITH THE CAPTIVE INSURANCE REVIEW,
8 AGAIN UTILIZING THE MECHANISM THAT THE STATE
9 PROVIDES THROUGH THE MASTER SERVICES AGREEMENT.
10 MEMBER ROBERTI MR. CHAIRMAN?
11 CHAIRMAN PENNINGTON: SENATOR?
12 SENATOR ROBERTI: YES. I TEND TO THINK --
13 OBVIOUSLY, THE ANALYSIS ON THIS HAS ALREADY TAKEN
14 PLACE, SO -- WHICH IS FINE. AND, HOWEVER, I THINK FOR
15 MY OWN VOTE I WOULD PREFER TWO SEPARATE
16 AGREEMENTS, EVEN THOUGH THE ANALYSIS HAS ALREADY
17 TAKEN PLACE, AS A SORT OF SELF-DISCIPLINE FOR US,
18 THAT IN THE FUTURE WE ANALYZE THESE THINGS IF IT
19 SHOULD COME UP. AND I'M SURE LEGISLATION
20 (INDISCERNIBLE) AFFECTING US (INDISCERNIBLE) WITH US
21 TO REPORT BACK ON--WITH ANALYSES. THAT WE JUST
22 MAKE SEPARATE ANALYSES EACH TIME. SO, IT'S OUR OWN
23 SELF-DISCIPLINE, NO TIME BETTER THAN THE PRESENT.
24 CHAIRMAN PENNINGTON: ALL RIGHT. IF WE
25 SPLIT THEM WILL WE BE ABLE TO STAY ON TRACK WITH

1 THE TIRE REPORT?

2 MS. ZWARTS: I BELIEVE THAT THE BOARD

3 WOULD APPROVE THE CONTRACT, BUT THEN DIRECT STAFF

4 TO GO BACK AND REDRAFT THE SCOPE OF WORK, I

5 BELIEVE. ISN'T THAT WHAT THE -- AND DO A SEPARATE

6 CONTRACT FOR EACH, THAT THAT IS WHAT THE BOARD IS

7 REQUESTING.

8 CHAIRMAN PENNINGTON: RIGHT.

9 MS. ZWARTS: AND I BELIEVE WE COULD, IF THE

10 BOARD APPROVES THAT.

11 CHAIRMAN PENNINGTON: OKAY.

12 MS. ZWARTS: AND THEN JUST, LIKE I SAID,

13 DIRECT STAFF TO REWRITE THE CONTENTS OF THE AGENDA

14 ITEM TO TWO SEPARATE CONTRACTS.

15 MEMBER JONES: WE COULD DO THAT IN A

16 RESOLUTION NOW --

17 CHAIRMAN PENNINGTON: WELL, IN A MOTION

18 NOW, YES.

19 MEMBER JONES: YEAH, AND THE MOTION

20 SAYING 5O AND 8O.

21 MALE VOICE: RIGHT.

22 MEMBER JONES: THAT WORKS.

23 CHAIRMAN PENNINGTON: OKAY. ANYONE

24 WANT TO TRY A MOTION, OR DO YOU WANT ME TO? WELL,

25 OKAY, I'LL MOVE THAT THE BOARD ADOPT THE CONTRACT

1 CONCEPT AND SCOPE OF WORK AS APPLIES TO THE AB 117
2 PORTION OF THE AGENDA ITEM. I RECOMMEND APPROVAL
3 OF THE SCOPE OF WORK UNDER THE CMAS AGREEMENT
4 WITH PEAT MARWICK FOR AN AMOUNT NOT TO EXCEED
5 $50,000 FROM THE TIRE RECYCLING MANAGEMENT FUND
6 FOR WASTE TIRE ACTIVITIES. SPECIFICALLY, THIS MEANS
7 APPROVAL OF TASKS ONE, TWO AND THREE AS ITEMIZED IN
8 THE ATTACHED STATEMENT OF WORK. AND THEN THE
9 OTHER PORTION WOULD BE SEPARATED OUT AND HANDLED
10 AS A SECOND CONTRACT.
11 MS. ZWARTS: AND THAT'S TASKS FOUR
12 THROUGH, I BELIEVE, NINE.
13 CHAIRMAN PENNINGTON: ALL RIGHT, FOUR.
14 THROUGH NINE. RIGHT.
15 MEMBER EATON: I'LL SECOND THAT MOTION.
16 CHAIRMAN PENNINGTON: OKAY. IS THERE ANY
17 DISCUSSION ON THAT? OKAY. IF NOT, THE CHAIR MOVES
18 AND MR. EATON SECONDS THE SPLIT MOTION.
19 WOULD THE SECRETARY CALL THE ROLL?
20 THE SECRETARY: BOARD MEMBER EATON?
21 MEMBER EATON: AYE.
22 THE SECRETARY: FRAZEE?
23 MEMBER FRAZEE: AYE.
24 THE SECRETARY: JONES?
25 MEMBER JONES: AYE.

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THE SECRETARY: RHOADS?

MEMBER RHOADS: AYE.

THE SECRETARY: ROBERTI?

MEMBER ROBERTI: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION CARRIES.

WE'LL MOVE TO ITEM 18,

CONSIDERATION OF APPOINTMENT/RENEWAL OF TWO

LOAN COMMITTEE MEMBERS FOR THE RECYCLING

MARKET DEVELOPMENT LOAN PROGRAM.

MS. TRGOVCICH: I'M CAREN TRGOVCICH,

DEPUTY DIRECTOR OF THE WASTE PREVENTION AND

MARKET DEVELOPMENT DIVISION.

I WILL MAKE THIS ITEM VERY BRIEF,

SINCE I PROVIDED YOU WITH AN OVERVIEW OF THE

PROGRAM PRIOR TO ITEM NUMBER 19. ONCE AGAIN,

THIS ITEM IS CONSIDERATION OF THE REAPPOINTMENT

OF TWO OF OUR LOAN COMMITTEE MEMBERS.

AS I STATED, THE LOAN COMMITTEE IS

COMPRISED OF NINE MEMBERS WHO ARE REPRESENTED

BOTH WITH THE GEOGRAPHICAL DISTRIBUTION, AS

WELL AS A DISTRIBUTION BETWEEN PUBLIC AND

PRIVATE LENDING EXPERIENCE.

THE TWO MEMBERS THAT WE ARE

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1 REQUESTING BE REAPPOINTED ARE MICHAEL MCCRAW,
2 HE REPRESENTS THE SOUTHERN REGION OF
3 CALIFORNIA, AND HE REPRESENTS PUBLIC LENDING
4 INTERESTS. SECONDLY, WE ARE RECOMMENDING
5 REAPPOINTMENT OF LUPE VELA. LUPE REPRESENTS,
6 ONCE AGAIN, THE SOUTHERN REGION OF THE STATE
7 AND PUBLIC LENDING INTERESTS.
8 THERE IS A THIRD POSITION THAT WE
9 WILL BE BRINGING BACK TO YOU. IF YOU LOOK ON
10 PAGE 18-5 OF YOUR PACKAGE YOU WILL SEE THAT
11 THERE IS AN OPEN POSITION. WE ARE CURRENTLY
12 RECRUITING FOR THAT OPEN POSITION, AND THAT
13 WILL BRING ANOTHER PRIVATE LENDER ON BOARD TO
14 THE LOAN COMMITTEE.
15 BUT, THIS ITEM SEEKS APPROVAL OR
16 CONSIDERATION OF REAPPOINTMENT OF MICHAEL
17 MCCRAW AND LUPE VELA.
18 CHAIRMAN PENNINGTON: OKAY. ANY
19 QUESTIONS ON ANY OF THE -- EITHER OF THESE
20 INDIVIDUALS?
21 MEMBER JONES: THEY’RE RE-UPPING.
22 CHAIRMAN PENNINGTON: RE-UPPING.
23 MEMBER JONES: MR. CHAIRMAN, I’D LIKE
24 TO MAKE A MOTION TO ADOPT RESOLUTION 98-3 83.
25 MEMBER FRAZEE: I’LL SECOND.

1 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
2 MOVED BY MR. JONES, SECONDED BY MR. FRAZEE, THE
3 ADOPTION OF RESOLUTION 98-3 83.
4 IF THERE'S NO FURTHER DISCUSSION,
5 WILL THE SECRETARY CALL THE ROLL?
6 THE SECRETARY: BOARD MEMBER EATON?
7 MEMBER EATON: AYE.
8 THE SECRETARY: FRAZEE?
9 MEMBER FRAZEE: AYE.
10 THE SECRETARY: JONES?
11 MEMBER JONES: AYE.
12 THE SECRETARY: RHOADS?
13 MEMBER RHOADS: AYE.
14 THE SECRETARY: ROBERTI?
15 MEMBER ROBERTI: AYE.
16 THE SECRETARY: CHAIRMAN PENNINGTON?
17 CHAIRMAN PENNINGTON: AYE.
18 MOTION CARRIES.
19 WE DID ITEM 19. WE'LL MOVE TO ITEM
20 23, CONSIDERATION OF APPROVAL TO BEGIN THE 45-DAY
21 COMMENT PERIOD FOR REGULATIONS PERTAINING
22 TO FEDERAL SUBTITLE D FLEXIBILITIES FOR
23 MUNICIPAL SOLID WASTE LANDFILLS RECEIVING 20
24 TONS OR LESS PER DAY. JULIE NAUMAN.
25 MS. NAUMAN: GOOD AFTERNOON MR.

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CHAIRMAN AND MEMBERS.
SADIE GALOS WILL MAKE
THE PRESENTATION. AND IN THE INTEREST OF
GIVING YOU SOME CONTEXT ON THIS, SHE'LL GIVE
YOU A LITTLE BACKGROUND ON SUBTITLE D
FLEXIBILITIES. WHILE WE'RE ONLY ASKING FOR THE
45-DAY COMMENT PERIOD, WE THOUGHT IT WOULD BE
USEFUL TO SPEND A LITTLE TIME EXPLAINING TO YOU
THE CONTEXT OF SUBTITLE D.

MS. GALOS: YES. GOOD AFTERNOON,
CHAIRMAN PENNINGTON, AND BOARD MEMBERS.
FIRST I'D LIKE TO MAKE A CORRECTION
ON ATTACHMENT 1, AND THAT'S.... ON THE FIRST
LINE OF THE TITLE PLEASE DELETE "EMERGENCY."
TO GIVE YOU SOME CONTEXT, I'D LIKE
TO GIVE YOU A BRIEF BACKGROUND OF HOW WE GOT TO
THIS POINT.
IN OCTOBER OF 1991 NEW FEDERAL
REGULATIONS, KNOWN AS SUBTITLE D OF TITLE 40 OF
THE CODE OF FEDERAL REGULATIONS, REQUIRED
MUNICIPAL SOLID WASTE LANDFILLS TO COMPLY WITH
NEW FEDERAL STANDARDS. SUBTITLE D REQUIRED A
NUMBER OF CHANGES IN THE WAY LANDFILLS ARE
DESIGNED, OPERATED, AND ULTIMATELY CLOSED.
VARIOUS ALTERNATIVES WERE INCLUDED FOR

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1 QUALIFYING SMALL LANDFILLS WHERE STATE PROGRAMS

2 ARE APPROVED BY U.S. EPA.

3 IN SEPTEMBER OF 1993 THE BOARD

4 ADOPTED REGULATIONS TO OBTAIN U.S. EPA-APPROVED

5 STATE STATUS, AND BECAME AN APPROVED STATE IN

6 OCTOBER OF 1993. CALIFORNIA THEN HAD THE

7 AUTHORITY TO IMPLEMENT THE FULL FLEXIBILITY

8 ALLOWED FOR COMPLIANCE WITH THE FEDERAL

9 REGULATIONS.

10 NEW SUBTITLE D REGULATION BECAME

11 EFFECTIVE ON OCTOBER 27, 1997. THEY ALLOW THE

12 DIRECTOR OF AN APPROVED STATE TO ESTABLISH

13 ALTERNATIVE FREQUENCIES FOR DAILY COVER AND

14 EXPLOSIVE GAS MONITORING.

15 THESE ALTERNATIVES APPLY ONLY TO

16 SMALL MUNICIPAL SOLID WASTE LANDFILLS THAT

17 RECEIVE 20 TONS OR LESS PER DAY, BASED ON AN

18 ANNUAL AVERAGE.

19 ON APRIL 29TH OF THIS YEAR, THE

20 BOARD ADOPTED EMERGENCY REGULATIONS TO

21 IMPLEMENT THIS FLEXIBILITY IN CALIFORNIA. THE

22 REGULATIONS WERE APPROVED BY THE OFFICE OF

23 ADMINISTRATIVE LAW AND BECAME EFFECTIVE ON

24 OCTOBER 28TH. THEY ARE EFFECTIVE FOR 120 DAYS,

25 UNTIL FEBRUARY 25TH, 1999.

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AS A FOLLOW-UP TO THE EMERGENCY
REGULATIONS, AND TO CONTINUE TO ALLOW
ALTERNATIVES FOR DAILY COVER AND QUARTERLY GAS
MONITORING FOR SMALL LANDFILL OPERATORS, THIS
ITEM IS BEFORE THE BOARD FOR CONSIDERATION OF
APPROVAL OF FORMAL NOTICE OF THE PERMANENT
REGULATIONS TO THE OFFICE OF ADMINISTRATIVE
LAW.
AS SHOWN ON ATTACHMENT 1, PAGE 23-5
OF YOUR PACKET, THE PROPOSED TITLE 27
REGULATION CHANGES ARE THE SAME AS THE
EMERGENCY REGULATIONS.
SECTION 20060, APPLICABILITY OF
FEDERAL SUBTITLE D RELATED STANDARDS TO SMALL
LANDFILLS, IS AMENDED TO ADD SUBSECTION (B.)
IN SECTION 20680, DAILY AND
INTERMEDIATE COVER, SUBSECTIONS (A) AND (C)
ARE AMENDED, AND SUBSECTION (F) IS ADDED.
IN SECTION 20919.5, EXPLOSIVE
GASSES CONTROL, SUBSECTION (B-2) IS AMENDED,
AND SUBSECTION (F) IS ADDED.
STAFF RECOMMEND THAT THE BOARD
APPROVE FORMAL NOTICE OF PROPOSED REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW.
AND THIS CONCLUDES MY PRESENTATION.

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ARE THERE ANY QUESTIONS OF STAFF?

CHAIRMAN PENNINGTON: OKAY. QUESTIONS?

IF NOT, I'LL ENTERTAIN A MOTION.

MEMBER JONES: MR. CHAIRMAN, I'LL MAKE

A MOTION THAT WE PUT THIS FORWARD TO START THE

45 DAYS, AND NOTIFY THEM -- I'M LOOKING FOR THE

RIGHT--

CHAIRMAN PENNINGTON: WELL, HOW ABOUT

IF YOU SAY APPROVE THE 45-DAY COMMENT PERIOD

FOR THE REGULATIONS PERTAINING TO THE FEDERAL

SUBTITLE D FLEXIBILITY FOR MUNICIPAL SOLID

WASTE LANDFILLS RECEIVING 20 TONS OR LESS PER

DAY?

MEMBER JONES: OKAY.

CHAIRMAN PENNINGTON: I'LL SECOND IT.

I'LL SECOND YOUR MOTION.

MR. JONES MOVES, THE CHAIRMAN

SECONDS, THE ADOPTION OF THE RESOLUTION TO MOVE

A 45-DAY COMMENT PERIOD.

AND IF THERE'S NO FURTHER

DISCUSSION, WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

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1 THE SECRETARY: JONES?

2 MEMBER JONES: AYE.

3 THE SECRETARY: RHOADS?

4 MEMBER RHOADS: AYE.

5 THE SECRETARY: ROBERTI?

6 MEMBER ROBERTI: AYE.

7 THE SECRETARY: CHAIRMAN PENNINGTON?

8 CHAIRMAN PENNINGTON: AYE.

9 ITEM 24, CONSIDERATION AND APPROVAL

10 OF THE 1999 ANNUAL RULEMAKING CALENDAR. PATTY

11 ZWARTS AGAIN.

12 MS. ZWARTS: HELLO AGAIN, CHAIRMAN

13 PENNINGTON, AND BOARD MEMBERS. PATTY ZWARTS

14 WITH THE OFFICE OF LEGISLATIVE AND EXTERNAL

15 AFFAIRS.

16 BEFORE YOU TODAY, WE HAVE GOT THE

17 1999 ANNUAL RULEMAKING CALENDAR, WHICH 23 REG

18 PACKAGES ARE BEFORE YOU FOR YOUR CONSIDERATION.

19 THIS IS SOMETHING THAT ALL STATE

20 AGENCIES DO EVERY YEAR AS A MEANS OF NOTICING

21 THE PUBLIC ON THOSE REGULATIONS THAT THEY ARE

22 CONSIDERING DOING. IT DOESN’T, CERTAINLY,

23 LIMIT THE BOARD TO DOING OR NOT DOING ANY OF

24 THESE REGS. BUT, AGAIN, THERE IS A REQUIREMENT

25 TO PUT THOSE ON THE PUBLIC NOTICE.

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1 I HAVE CHRIS PECK HERE WITH ME

2 TODAY WHO WILL PRESENT IN MORE DETAIL WHAT IS

3 IN THE ITEM THAT IS BEFORE YOU TODAY.

4 MR. PECK: GOOD AFTERNOON, MR. CHAIRMAN,

5 BOARD MEMBERS, CHRIS PECK WITH THE LEGISLATIVE

6 AND EXTERNAL AFFAIRS OFFICE.

7 AS PATTY MENTIONED, THE GOVERNMENT

8 CODE ESSENTIALLY REQUIRES THE BOARD TO ADOPT A

9 CALENDAR OF THOSE RULEMAKING ACTIVITIES IT

10 EXPECTS TO UNDERTAKE DURING THE FOLLOWING

11 CALENDAR YEAR, AND SUBMIT THAT TO THE OFFICE OF

12 ADMINISTRATIVE LAW, OAL, BY THE END OF JANUARY

13 EACH YEAR.

14 STAFF HAS IDENTIFIED TWO PROPOSED

15 REGULATIONS THAT ARE DRIVEN BY RECENTLY-ENACTED

16 STATUTES, THAT IS STATUTES ENACTED THIS YEAR,

17 AND THOSE ARE IDENTIFIED IN WHAT’S REFERRED TO

18 AS OAL AS SCHEDULE A. THOSE TWO ITEMS BEING

19 THE RECYCLED CONTENT PLASTIC TRASH BAGS

20 RULEMAKING, AND POTENTIAL REGULATIONS AT LEAST

21 RELATED TO AB 715, THE CAPTIVE INSURANCE

22 PROGRAM THAT WAS JUST DISCUSSED UNDER THE CMAS

23 CONTRACT.

24 IN ADDITION TO THOSE TWO THERE ARE

25 21 OTHER RULEMAKING ACTIVITIES, 16 OF WHICH ARE

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1 CONTINUED FROM LAST YEAR'S RULEMAKING CALENDAR
2 FOR THE 1998 RULEMAKING CALENDAR. SO MOST OF
3 WHAT YOU SEE ON THE CALENDAR IS ACTUALLY A SORT
4 OF SHIFT TIME-WISE OF RULEMAKING ACTIVITIES
5 THAT ARE UNDERWAY ALREADY AT THE BOARD. MANY
6 OF THOSE THINGS ARE UNDER NOTICE ALREADY, OR
7 HAVE BEEN APPROVED BY THE BOARD TO NOTICE.
8 I WANTED TO POINT OUT THERE IS ONE
9 ADDENDUM TO ATTACHMENT 2. ATTACHMENT 2 IS THE
10 PAGE-BY-PAGE SUMMARY OF EACH OF THE PROPOSED
11 RULEMAKINGS. THERE WERE TWO THAT WERE
12 INADVERTENTLY EXCLUDED, THOSE BEING THE HEARING
13 PANEL APPEALS FROM AB 59, AND ALSO THE WASTE
14 TIRE MONOFILL REGULATIONS, AND THAT I BELIEVE
15 WAS HANDED OUT TO THE BOARD MEMBERS AND
16 IDENTIFIED AS AGENDA ITEM 24, ADDENDUM TO
17 ATTACHMENT 2.
18 THOSE SUMMARY SHEETS ACTUALLY ARE
19 PUBLISHED BY OAL IN THE CALIFORNIA REGULATORY
20 NOTICE REGISTER, USUALLY AROUND MARCH OR APRIL
21 EVERY YEAR. IT'S A VERY FAT PUBLICATION.
22 SO, STAFF IS ASKING TODAY, OR
23 RECOMMENDING THAT THE BOARD SELECT OPTION A,
24 AND THAT IS TO APPROVE THE RULEMAKING CALENDAR
25 FOR SUBMITTAL TO OAL. AND YOU CAN DO THAT WITH

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1 THE ADOPTION OF RESOLUTION 98-403.

2 AND I'D BE HAPPY TO ANSWER ANY

3 QUESTIONS ABOUT THIS.

4 CHAIRMAN PENNINGTON: ANY QUESTIONS ON

5 THIS ONE? QUESTIONS ON THIS ONE?

6 THERE DON'T SEEM TO BE, SO I'LL

7 ENTERTAIN A MOTION.

8 MEMBER FRAZEE: YES, MR. CHAIRMAN, I'D

9 MOVE RESOLUTION 98-403 ON THE RULEMAKING

10 CALENDAR.

11 MEMBER JONES: I SECOND.

12 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

13 MOVED BY MR. FRAZEE, AND SECONDED BY MR. JONES,

14 THE ADOPTION OF RESOLUTION 98-403, TO APPROVE

15 THE 1999 RULEMAKING CALENDAR.

16 IF THERE'S NO FURTHER DISCUSSION,

17 WILL THE SECRETARY CALL THE ROLL?

18 THE SECRETARY: BOARD MEMBER EATON?

19 MEMBER EATON: AYE.

20 THE SECRETARY: FRAZEE?

21 MEMBER FRAZEE: AYE.

22 THE SECRETARY: JONES?

23 MEMBER JONES: AYE.

24 THE SECRETARY: RHOADS?

25 MEMBER RHOADS: AYE.

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1 THE SECRETARY: ROBERTI?

2 MEMBER ROBERTI: AYE.

3 THE SECRETARY: CHAIRMAN PENNINGTON?

4 CHAIRMAN PENNINGTON: AYE.

5 THE MOTION CARRIES.

6 THAT CONCLUDES OUR BUSINESS FOR

7 TODAY. IF THERE'S ANYBODY THAT WANTS TO MAKE A

8 LITTLE COMMENT, WE'VE GOT A LITTLE OPEN

9 DISCUSSION RIGHT NOW.

10 IF NOT, WE WILL RECESS UNTIL 9:30

11 TOMORROW MORNING.

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I, DEANNE MEINBERG, do hereby certify;

That the proceeding was reported by me and was thereafter transcribed by computer under my direction into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing proceeding and caption named, nor in any way interested in the outcome of the cause named in said caption.

Executed January 18, 1999, at San Rafael, California.

Deanne Meinberg

DEANNE MEINBERG

Official Reporter