



Department of Public Works

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AGENDA TUOLUMNE COUNTY BOARD OF SUPERVISORS Solid Waste Committee

December 14, 2022, at 1:00 p.m.

This is a Virtual/Remote Meeting Only

ZOOM MEETING

Meeting ID: 861 4618 2401

Passcode: 844306

<https://tuolumne-ca-gov.zoom.us/j/86146182401?pwd=dVR2b1hxR2NwYWJJelkrQ29ES0liZz09>

1. INTRODUCTIONS

2. ASSEMBLY BILL 361

Consideration of Adopting Resolution 2022-08 Making Findings in Support of Remote Meetings Pursuant to AB361 (Modified Brown Act Procedures During a Declared Emergency).

3. PUBLIC FORUM

The public may speak on any item not on the printed agenda. No action may be taken by the Committee. The amount of time allocated for the public forum is limited to 15 minutes.

4. COMMITTEE BUSINESS

A. Consideration of Approving the Minutes of the Special Meeting on August 31, 2022.

5. STAFF REPORTS

- Big Oak Flat Update
- Pressure Treated Wood
- Clean California Grant Update

6. DISCUSSION ITEMS

- Discussion of creating a Green Waste Program.
- Update on Illegal Dumping in Tuolumne County.

7. COMMITTEE MEMBER REPORTS

8. NEXT MEETING – January 11, 2023

9. ADJOURNMENT

The Board of Supervisors Solid Waste Committee serves as an advisory group to the Board of Supervisors by reviewing, commenting on and recommending new and/or modifications to existing policy related to the Solid Waste Collection, management and disposal systems within the County.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Department of Public Works at (209) 533-5601. Notifications 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting

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Road Superintendent
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SURVEYING

County Surveyor
Warren Smith, L.S.
209.533.5626

Solid Waste Committee/Local Task Force

County of Tuolumne

**FINDINGS OF THE SOLID WASTE COMMITTEE/LOCAL TASK FORCE
AUTHORIZING REMOTE TELECONFERENCE MEETINGS
OF THE SOLID WASTE COMMITTEE/LOCAL TASK FORCE
FOR THE PERIOD DECEMBER 14, 2022- JANUARY 6, 2023
PURSUANT TO THE RALPH M. BROWN ACT.**

WHEREAS, all meetings of SOLID WASTE COMMITTEE/LOCAL TASK FORCE and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, a required condition of Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,

1 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which
2 formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a
3 gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did
4 not rescind the proclaimed state of emergency; and,

5 **WHEREAS**, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set
6 expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and
7 other Executive Orders but did not rescind the proclaimed state of emergency; and,

8 **WHEREAS**, as of the date of this Findings, neither the Governor nor the state Legislature have
9 exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency
10 either by proclamation or by concurrent Findings the state Legislature; and,

11 **WHEREAS**, the California Department of Industrial Relations has issued regulations related to
12 COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of
13 Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the
14 measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel
15 more than six feet, especially indoors; and,

16 **WHEREAS**, the SOLID WASTE COMMITTEE/LOCAL TASK FORCE finds that state or local
17 officials have imposed or recommended measures to promote social distancing, based on the California
18 Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title
19 8 of the California Code of Regulations, Section 3205(5)(D); and,

20 **WHEREAS**, as a consequence, the SOLID WASTE COMMITTEE/LOCAL TASK FORCE does
21 hereby find that it shall conduct its meetings by teleconferencing without compliance with Government
22 Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with
23 the requirements to provide the public with access to the meetings as prescribed by Government Code
24 section 54953(e)(2).

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1 **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the SOLID WASTE
2 COMMITTEE/LOCAL TASK FORCE, County of Tuolumne, State of California, in regular session
3 assembled on December 14, 2022 does hereby resolve as follows:

4 Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this
5 Findings by this reference.

6 Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social
7 Distancing. SOLID WASTE COMMITTEE/LOCAL TASK FORCE hereby proclaims that state officials
8 have imposed or recommended measures to promote social (physical) distancing based on the California
9 Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title
10 8 of the California Code of Regulations, Section 3205(5)(D).

11 Section 3. Remote Teleconference Meetings. The SOLID WASTE COMMITTEE/LOCAL
12 TASK FORCE is hereby authorized and directed to take all actions necessary to carry out the intent and
13 purpose of these Findings including, conducting open and public meetings in accordance with Government
14 Code section 54953(e) and other applicable provisions of the Brown Act.

15 Section 4. Effective Date. These Findings shall take effect immediately upon its adoption and
16 shall be effective until the earlier of (i) January 6, 2023, or (ii) such time the SOLID WASTE
17 COMMITTEE/LOCAL TASK FORCE adopts a subsequent Findings in accordance with Government
18 Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to
19 teleconference without compliance with Section 54953(b)(3).

20 ADOPTED this ____ day of _____, 2022 by SOLID WASTE COMMITTEE/LOCAL
21 TASK FORCE, by the following vote:

22
23 YES:

24 NO:

25 ABSENT:

26 ABSTAIN:



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Director

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MINUTES

UNAPPROVED

Board of Supervisors Solid Waste Committee (BOSSWC) SPECIAL MEETING

Wednesday, August 31, 2022, at 1:00p.m.

PRESENT: Supervisor Ryan Campbell; Supervisor David Goldemberg, Monique Holcomb; At-Large Public Committee Member; John La Torre Jr., At-Large Public Committee Member.

STAFF: Kim MacFarlane, Director of Public Works; Jim McHargue, Solid Waste Director; Cody Nesper; Deputy County Counsel, Diane Green, Solid Waste Specialist; Amy Welch, Solid Waste Technician I; Monique Figueroa, Solid Waste Technician I; Blossom Scott-Heim; Supervising Engineer.

GUESTS: Melissa Eads; City of Sonora; Vanessa Barberis, Public Sector Manager Waste Management, Brad Cea, Public Sector Director Waste Management; Jim Garcia; District Manager Waste Management, Jason Bohn, Waste Management Legal Counsel; Burns Refuse, Jason Revord; 1pileatatime; Polly Sperry, Member of the Public; Ty Robben, Member of the Public.

ABSENT: Matt Hawkins; Sonora City Council Member.

CALL TO ORDER

Supervisor Ryan Campbell called the meeting of August 31, 2022, to order at 1:05 p.m. Supervisor Campbell suggested we introduce ourselves first then address Assembly Bill 361 Consideration of Adopting Resolution 2022-06 Making Findings in Support of Allowing Remote Meetings Pursuant to AB361 (modified Brown Act Procedures During a Declared Emergency).

Jim McHargue, Solid Waste Director stated this was a standard action that we take every month re-authorizing the resolution because we are within the 30 days of our last meeting.

Supervisor Campbell asked if there was any public comment. None noted regarding AB361.

It was moved by John La Torre, At-Large Public Member and seconded by Supervisor David Goldemberg.

Supervisor Campbell Called for the vote: Ayes; 4 Noes; 0; Abstain 1.

Motion Carried 4- 0 - 0

PUBLIC FORUM

Supervisor Campbell asked if anyone had any public comments at this time. He also stated that in the future for a special meeting "Public Forum" is not required, however since it is on the agenda today, we will ask at this time if there is any public comment. Please keep in mind this is the part of the meeting where a member of the public can speak on any item not on the agenda, no action can be taken, and fifteen minutes will be devoted to public comments.

Ty Robben, Member of the Public, wanted to discuss Waste Management and the breach of contract with Cal Sierra/Waste Management.

Supervisor Campbell asked Mr. Robben to please hold off on any further comments because it appears that what he has to say is regarding the Cal Sierra/ Waste Management contracts and that is an item on today's agenda.

COMMITTEE BUSINESS

A. Consideration of the Minutes of the meeting on August 10, 2022

Supervisor Campbell asked if anyone had any public comments.

None noted.

It was moved by Ms. Holcomb and seconded by Mr. La Torre to approve the Minutes of the August 10, 2022, meeting.

Supervisor Campbell called for a vote: Ayes 4; Noes 0; Abstain 0.

Motion carried 4 – 0 – 0

ACTION ITEMS

- **Consideration and recommended approval of the Cal Sierra/Waste Management Inc. waste transfer station franchise agreement 10+ year extension.**

Mr. McHargue stated that previously we did not have the final draft to provide to the committee, hence the special meeting. It is now attached to the agenda for review and that the following corrections had been made.

- ❖ **Term:** Cal Sierra/ Waste Management has requested a 10-year extension and the county does support that request because it makes sense to have both contracts the Cal Sierra/Waste Management Franchise Agreement as well as the Cal Sierra/ Waste Management Transfer Station terms synched up and terminating at the same time.

- ❖ **Rate Adjustments:** In the payment section of the contract, it has been updated to state that the current All Urban CPI will change to the Water Sewer Trash CPI. There is also an addition of an extra ordinary adjustment included.
- ❖ **Insurance:** This section of the contract has been updated to standard county insurance requirements.
- ❖ **Recycling:** The Cal Sierra/ Waste Management Transfer Station will add signage informing customers that they can take their segregated and clean recycle to the buy-back center at no cost. The scale house will also inform customers they can reduce disposal costs by taking their recycling to the CS/WM recycle center.
- ❖ **Household Hazard Waste:** Cooperation with County on annual Household Hazardous Waste (HHW) collection event at the Cal Sierra Buy Back Center and provision of no cost non-HHW disposal.
- ❖ **Green Waste:** Four annual Green Waste Dollar Drop-Off Days at The Earth Resource Facility to help with the wildfire threat due to vegetation.
- ❖ **Treated Wood Waste:** Treated Wood Waste (TWW) will be accepted at the Cal Sierra/Waste Management Transfer Station with no extra fee or surcharge. It will now be considered as garbage and carry the same rate.

Supervisor Campbell asked if there was any public comment.

Mr. Robben stated he was a scale house attendant at the Cal Sierra/Waste Management Transfer Station. He believes was terminated for being a whistleblower regarding fraud, racketeering and unlawful behavior on behalf of Cal Sierra/Waste Management. Mr. Robben states that he saw firsthand residents of Tuolumne County being overcharged for recyclable materials such as oil, paint, and e-waste. He was forced to operate unsafe equipment, unregistered vehicles, and that senior citizens were not receiving a senior citizen's rate. Mr. Robben also stated that he documented these allegations and informed Mr. McHargue of them.

Brad Cea, Public Sector Director Waste Management stated that these unfounded claims are unfortunate, disconcerting, and frustrating especially since they are coming at a time where long hours of negotiations have already occurred to work towards a new agreement. These allegations have been investigated and found to be untrue. Mr. Cea stated that this is not the appropriate format for this type of discussion and that he is happy to speak with any committee member or Board of Supervisor regarding these claims but for now we need to stick to the merits of the contract and not meritless claims. Mr. Cea went on to state that he wanted to comment on a claim that the Board of Supervisors had received this morning from the State of California from a Weighmaster inspection regarding the scale at the Cal Sierra/ Waste Management Transfer Station. There were two violations given, one for not displaying the permit at the scale house, and the second was for not displaying a sticker at the scale house. Both violations have been resolved and had nothing to do with the claims made here today. Mr. Cea wanted to thank the residents of Tuolumne County, local businesses, the Board of Supervisors, Cody Nesper, Deputy County Counsel Mr. McHargue and Kim MacFarlane, Director of Public Works for all their hard work.

Supervisor Campbell commented that all our efforts made in the past months still holds true today and he appreciates Cal Sierra/ Waste Management has been so willing to work with the County's changes and requests.

Monique Holcomb, At-Large Public Committee Member, stated she has three questions. First was when did the Solid Waste Department first hear of these allegations, second are these claims being made by one individual or multiple people, and lastly why didn't this issue come to the Solid Waste Committee or if it's appropriate to bring it to the Solid Waste Committee.

Mr. Nesper stated the County was first made of these allegations on July 8, 2022, Mr. Robben is the only one making these claims and that these allegations do not have anything to do with today's agenda item although they may affect approving a new contract and can not be discussed at this time due to an investigation. Mr. Nesper said he can confirm that the violations from the State of California Weighmaster Inspection have been resolved and they had nothing to do with Mr. Robben's claims. Lastly Mr. Nesper informed everyone that per the Cal Sierra/Waste Management Agreement they must follow all laws and if in doing so would be a breach of contract and grounds for termination of the contract.

Supervisor Campbell asked if there had been previous discussion of these claims and stated that if there were accusations being stated that had merit there would be need for concern however that has not yet been proven and his focus at this time is the wording of the new contract, and the responsibility of Cal Sierra/Waste Management's role and the responsibilities of the rate payers.

John La Torre, At-Large Public Committee Member asked Mr. Robben if he felt his concerns today had been heard. Mr. Robben could not answer without going into more description of his claims. Mr. Robben did state that at the beginning yes, he felt heard. Mr. La Torre then asked Mr. Robben if he had a lawyer at this time. Mr. Robben stated that there is not a lawsuit at this time but there may be a class action lawsuit in time.

Supervisor Campbell asked if anyone had any comments. None noted. Supervisor Campbell went on to say that this is not the final say regarding the Cal Sierra/Waste Management Transfer Station Agreement it is only a recommendation to take it to the board and that they will have the final say.

Mr. La Torre asked if item # 7, Treated Wood Waste of the list of changes for the Cal Sierra/Waste Management Transfer Station Agreement has there been any feedback from Cal Sierra/ Waste Management.

Mr. Nesper stated that he could respond to this question and then stated that all the terms have been reviewed with Cal Sierra/Waste Management and they are aware of the changes.

Supervisor Goldemberg stated that we have been discussing this contract for a while now and there have been many discussions back and forth. One issue that is important to him is # 6 on the list is Green Waste. This is an important item for him because he is also the Chair on the Fire Safety Committee. He is also appreciative of #7 Treated Wood Waste offering a place for residents to take this material at no additional charge so that no one resorts to

burning this material.

It was moved by Supervisor Goldemberg and seconded by Public Committee Member Holcomb.

Supervisor Campbell called for a vote: Ayes 4; Noes 0; Abstain 0.

Motion carried 4 – 0 – 0

COMMITTEE MEMBER REPORTS

None.

NEXT MEETING

The next meeting will be on October 12, 2022, at 1:00 pm.

ADJOURNMENT

Supervisor Campbell asked if anyone had anything further to comment.

Seeing none, Supervisor Campbell adjourned the meeting at 1:58 p.m.