



Department of Public Works

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MINUTES

APPROVED

Board of Supervisors Solid Waste Committee (BOSSWC) Wednesday, June 08, 2022, at 1:00p.m.

PRESENT: Supervisor Ryan Campbell; Supervisor David Goldemberg; Mark Plummer, Sonora City Council; 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; County Counsel; Diane Green, Solid Waste Specialist; Amy Welch, Solid Waste Technician; Monique Figueroa, Solid Waste Administrative Technician.

GUESTS: Vanessa Barberis, Waste Management, Andy Merrill, Sonora City Council Elect. A member of the public.

ABSENT: Jim Gareventa, Sonora City Council.

CALL TO ORDER

Supervisor Ryan Campbell called the meeting of June 08, 2022, to order at 1:00 p.m. Supervisor Campbell suggested we introduce ourselves first then address Assembly Bill 361 Consideration of Adopting Resolution 2022-03 Making Findings in Support of Allowing Remote Meetings Pursuant to AB361 (modified Brown Act Procedures During a Declared Emergency).

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

It was moved by Supervisor Goldemberg and seconded by Sonora City Council Member Mark Plummer.

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

Motion Carried 4 – 0 - 0

PUBLIC FORUM

Supervisor Campbell asked if anyone had any public comments at this time.

A member of the public mentioned that they see little to no recycling being done in Tuolumne County. This member also stated that they have come across people in the community who are not aware of how to recycle certain items. This resident also wanted it to

be known that Waste Management was still providing outdated information.

Jim McHargue, Solid Waste Director stated that as part of the new Cal Sierra/Waste Management Franchise Agreement we would be providing a new list of acceptable recycling items and how to and what can be recycled.

Mr. McHargue introduced Vanessa Barberis, Waste Management to comment at this time.

Ms. Barberis stated that she was not aware of outdated pamphlets being handed out or distributed to their customers but that Cal Sierra/Waste Management plans to increase education and outreach in the future with additional mailers and brochures instructing residents on the proper way to recycle.

Mr. McHargue took this time to mention that himself and Kim MacFarlane, Public Works Director attended the college and career fair at Don Pedro High School where they were able to provide young adults with important information regarding recycling.

Supervisor Goldemberg mentioned that there are several places that accept batteries at this time in Tuolumne County.

Mr. McHargue mentioned that the increase incentive for recycling has not yet gone into effect and will not along with several other changes by the Governor of California until after July 1, 2022.

Andy Merrill, Sonora City Council Elect questioned why Cal Sierra/Waste Management only provides recycle pick up every other week, and if there were any future plans for composting services.

Mr. McHargue clarified with Mr. Merrill if he meant organics waste/yard waste when stating composting services. Mr. Merrill answered yes, which the County has been discussing in their new franchise agreement but the issue we must consider right now are the changes made to the law as of January 1, 2022, now includes food waste with composting and yard waste. Currently the County is not yet there but we are working on this. As to recycle every other week it was originally designed that way based on the cost it adds to the service. If we need to review that plan, we can.

Mr. Merrill stated his concern is fire mitigation, people need to dispose of their dry brush. If we could provide a curbside service for the residents to get rid of their flammable materials that would be ideal.

Supervisor Campbell mentioned this is an issue that we have discussed before and advised Mr. Merrill to look up SB 1383 in California and see what the County is now going to be responsible for.

Supervisor Goldemberg wanted to mention that he had just received an email from The Tuolumne River Trust stating that today is "Happy World's Oceans Day".

John La Torre, At-Large Public Committee Member wanted to comment regarding recycle being every other week, he stated that is his neighborhood recycle bins are not full enough for a weekly pick up so it works better for a full can to be picked up every other week. If any

one of his neighbors need to use another neighbor's recycle cart for a one-time pick up, they may do so.

COMMITTEE BUSINESS

A. Consideration of the Minutes of the meeting on May 11, 2022

Supervisor Campbell asked if anyone had any public comments.

It was moved by Supervisor Goldemberg and seconded by Councilman Plummer to approve the Minutes of the May 11, 2022, meeting.

Supervisor Campbell called for a vote: Ayes 5; Noes 0; Abstain 0.

Motion carried 5 – 0 – 0

ACTION ITEMS

- Consideration of the Cal Sierra/Waste Management Inc. franchise agreements (collection and transfer station) and amendments for term extensions.

Mr. McHargue stated that we are currently in the process of working on two different agreements with Cal Sierra/Waste Management. One is for the weekly curbside collection and the other is the transfer station. Briefly speaking to the transfer station agreement that it is still in progress and has been. We just received word this morning that there was some progress on one item of the transfer station agreement, so we hope to be bringing that agreement to the Solid Waste Committee for approval. Regarding the collection agreement there was one question that needed to be discussed further. Mr. McHargue shares his screen with everyone to show a list of three questions that were key to last month's discussion of the franchise collection agreement.

1. Is the 3.9% in lieu of rate increase acceptable?
2. Is the CPI index change acceptable?
3. Have the priority issues been adequately addressed?
 - a. Recycling collected with trash for landfill disposal.
 - b. Winter service interruptions
 - c. Customer service improvements.

Regarding question number one, Mr. McHargue turns it over to Ms. Barberis to explain why the 3.9% increase is needed and what it will be used for.

Ms. Barberis wanted to clarify that during last month's discussion of the Cal Sierra/Waste Management agreement that there was a point of confusion about the request for an initial

rate increase and how rate increases would be handled in the contract going forward. Meeting with county staff and legal counsel instead of moving their annual rate adjustments to Nov 1st and having it reoccur every November what Cal Sierra/Waste Management has asked for is to change the annual rate increase to only the month of January and starting January 2023 that would be the 3.9 % instead so this would not be in addition to an annual increase this would be in place of the annual increase. As for how and what the 3.9% consists of Ms. Barberis stated the following all contribute to the increase.

- Replacement of residential, commercial, and roll -off collection vehicles and containers over the term of the agreement. Rate impact: 2.4%
- Free disposal of up to 1,000 tons of waste for County community partnerships. Rate impact: 0.4%
- Winter service credit for missed collections due to snow road conditions. Rate impact: 0.5%
- State required outreach and education for AB341, AB1826, and SB1383 up to \$30,000 annually. Rate impact: 0.2%
- Increase County building and facility waste services from \$82,000 annually to \$148,000 annually. Rate impact: 0.4%

All these factors total the 3.9% increase or a \$1.49 rate impact to residents. Ms. Barberis states this is a reminder that the 3.9% will be in place of the annual increase and not in addition too. Ms. Barberis also notifies the Solid Waste Committee that with the cost of inflation today the 3.9% is lower than what the index would be in January. Ms. Barberis states she would be happy to answer any questions at this time.

Mr. Plummer has a question regarding the 3.9% increase and what it is being compared to.

Mr. McHargue states that it is being compared to what the CPI (Consumer Price Index) would be this coming January 2023.

Mr. Plummer questions if we have any idea where the index is currently.

Mr. McHargue explained that as of January 1, 2022, Cal Sierra/Waste management received a CPI increase of 3.15% and we believe it is still rising and anticipate it to continue to increase.

Mr. Plummer asked why would winter service credits be part of the 3.9% when that means no service was provided, then no work was done.

Ms. Barberis wanted to be clear that in the past it has always been Cal Sierra/Waste Management's practice to return the following week if there had been an interruption to service due to weather and service any extra bags that were placed out. It was never in their contract to provide a credit for missed pickups due to weather interruptions. At the County's request Ms. Barberis states that residents will have the option of calling in for a credit if they do not want to wait for service, and therefore it is factored into the 3.9% increase.

Mr. La Torre wanted to take this time to clarify that if the Solid Waste Committee approves the 3.9% are, we to believe that as a minimum and if the CPI were to increase would we use that index instead.

Mr. McHargue clarified that no it would only be the 3.9% no matter what the index increased to.

Ms. Holcomb and Supervisor Campbell needed the same clarification as Mr. La Torre when it came to the 3.9% increase.

Mr. McHargue stated that there is a 3.9% rate increase proposed by Cal Sierra/Waste Management as of January 1, 2023. This would be over any CPI Index, and we would not see another increase until January 1, 2024 which would then be the CPI Index rate.

Supervisor Goldemberg spoke up about vouchers being issued for resident's who had extra trash to dispose of. Would these vouchers still be available to County residents?

Ms. Barberis answered that every year there is a onetime mailing of two vouchers for 1cy worth of garbage, and this service would indeed continue.

Diane Green, Solid Waste Specialist mentioned that she has had trouble in the past automatically receiving her vouchers and that she has had to call to receive them.

Ms. Barberis will investigate that issue and make sure everyone is receiving their vouchers.

Supervisor Campbell asked if there was any public comment.

Mr. Plummer expressed doubt that the city of Sonora would be increasing their services By 0.4%.

Mr. McHargue clarified that these numbers pertain to the County of Tuolumne only. The City of Sonora will have an opportunity to renegotiate their contract with Cal Sierra/Waste Management separately.

Ms. Barberis stated that the City of Sonora renegotiated their City Franchise Agreement at the end of 2019 and free city services were increased to current levels.

Mr. McHargue stated that he did not need the committee to vote on anything at this time but that he would like to move on to question number two, Is the CPI Index change acceptable?

Mr. McHargue explained that we have been talking about the 3.9% in lieu of CPI and what he would like to discuss today is what has been proposed by Cal Sierra/Waste Management is a change in the CPI from the standard CPI which we are currently using to a new one. Mr. McHargue showed the committee a slide that represented the current Consumer Price Index for All Urban Consumers. What this chart shows is the new CPI that Cal Sierra/Waste Management is requesting compared to what we have been using for the past several years.

Supervisor Goldemberg stated obviously the new CPI that Cal Sierra/Waste Management is proposing is slightly higher and asks if the current CPI we are using is the one based on the San Francisco greater area.

Mr. McHargue confirms it was.

Supervisor Goldemberg states he doesn't like to see rates increase for residents but accepts the request from Cal Sierra/Waste Management.

Ms. Holcomb questions if this new CPI is the best for Tuolumne County to use since the proposed CPI is based off water, sewer, and garbage as a group service. In Tuolumne County these three services are complete separate.

Mr. McHargue replies that yes, our garbage service is handled individually but the CPI is based on what the costs to maintain these types of utilities is rather than them being billed together.

Ms. Holcomb then replies that it would seem to her that water and sewer are much more costly to maintain than trash and perhaps it would be best if Tuolumne Count continued with the current CPI.

Ms. Barberis chimed in and mentioned that when considering an index, it not only looks at the price of an item but also the change over a period. The difference with a specific water, sewer, trash index is that it is based off fuel, steal, raw materials rather than all products such as bread, milk, and eggs.

Ms. Holcomb states she does understand the concept of the water, sewer, and trash specific index but still feels that it would make more sense to go with the current CPI since garb is much less to maintain that water and sewer.

Mr. McHargue states that it is his experience over the years that the trash and garbage industry is one of the highest risk professions and there is a huge cost to maintain these companies because of the liability alone.

Ms. Holcomb agrees that that does make sense and ask Mr. McHargue what his opinion is regarding the change in CPI as requested by Cal Sierra/Waste Management.

Mr. McHargue advised the committee that he has met with the county auditor, and they feel It is a reasonable request that was made by Cal Sierra/Waste Management. The previous County, I came from used a trash specific index and that just makes more sense because of the factoring of raw materials, steel, maintenance, fuel, vehicles, and liability insurance. All things that are unique and specific to the garb service.

Mr. Plummer states that it looks like to him that the new index is roughly about 50% higher than what we are currently using right now. He is concerned about end pricing, just like and IRA this CPI will go up because it will be building on itself. If this is the case, then we should be hesitant to change.

Supervisor Campbell states he has a similar question to Mr. Plummer's and adds that in terms of real dollars he would like to know is the increase on the percentage every year or the total rate. The best thing for us to do would be the option that has less impact to the residents.

Mr. McHargue replied that the increase would be 3.2% for the proposed CPI. We are talking about a percentage of the cost to provide that service.

Supervisor Campbell asked if we are going to be voting on this matter today.

Mr. McHargue confirmed that we are not but that we would like to get a consensus on the 3.9% increase and see where majority stands.

Cody Nesper, County Counsel stated we are trying to get the committees input so that we can come back with a draft for everyone to review and make a recommendation to the board. Also, something to keep in mind when discussing and deciding on the new CPI is that there is verbiage in the contract agreement with Cal Sierra/Waste Management stating that the CPI shall not be greater than 6% nor less than 0% in any 1year. There is also a 10% cap on revenues.

Ms. Holcomb agreed that there are limits in the contract. She stated that she would like to propose that due to the significant increase to the CPI in 2024 could we possibly change it to where we would meet halfway for the first year and then gradually increase years after that.

Ms. Barberis replied that is something she would have to take back to her company for discussion and let us know in our next meeting.

Mr. Plummer stated he now has a better understanding of the increases.

Mr. McHargue moves on to question number three. Have the priority issues been adequately addressed?

Mr. McHargue advises everyone to look at their agenda packets where he has revised the three main concerns the county has had with Cal Sierra/Waste Management. He has added verbiage to each of the issues. First major issue is recycling collected with trash for landfill disposal. Mr. McHargue states that the County has spoken to Cal Sierra/Waste Management and they have agreed not to comingle the recycle with the garbage unless there is some act of god and they have no choice and will provide written notice to the county and then a written approval will be given then they may do so. Second major issue was the winter service interruptions. Ms. Barberis has already informed the committee of Cal Sierra/Waste Management's Winter Service Plan and that verbiage has been added to the agreement. We have also added that prior to November 1st of each year both the County and the hauler will meet to identify which customers will be impacted and how to notify residents in a timely manner. Lastly, we have customer service improvements. We have added some language regarding all County customers telephone calls to be answered by a local customer service center as well as accommodating all reasonable request from County customers. Cal Sierra/Waste Management has also agreed to make the local customer service office open to County customers during normal office hours. We really wanted to make sure that the committee issues were heard and addressed.

Ms. Holcomb excusing herself from the meeting.

Supervisor Campbell asked if there was any public comment at this time.

Supervisor Goldemberg states he agrees with the verbiage added to the section regarding recycling being collected with trash. He does question the added verbiage regarding the

winter service interruptions stating that those customers below the elevation of 3500 ft. He does not recall us putting an exact number on the elevation.

Mr. McHargue clarifies that this is just a planning and preparation exercise this does not bind us to any specific elevation.

Mr. Goldemberg states as far as customer service goes; he is happy that customer service will be improving.

Supervisor Campbell states he does not have an issue with any of the added verbiage to the Cal Sierra/Waste Management agreement.

Supervisor Campbell asked if there were any other public comments.

Mr. La Torre questions the verbiage regarding overweight containers and the volume that they can hold.

Ms. Barberis states that very rarely do they get a complaint of overweight containers. This has not been a huge deal in the past and do not anticipate that changing.

Mr. La Torre then questions if there is such a thing as a prevailing party in arbitration.

Mr. Nesper states that is something he will have to investigate and report back to the committee.

Mr. La Torre's last comment was that there was no last name for Melissa at the City of Sonora listed on the last page of today's agenda.

Mr. Plummer mentioned that Melissa Eads is now formerly the City Administrator.

Supervisor Campbell asked if there were an additional public comment. None noted.

Mr. McHargue mentions that we may come back on June 29, 2022, for a special meeting. Currently, he feels we all have a good understanding of the 3.9% increase, the change in CPI and our priority issues.

Supervisor Campbell states that there is support for the 3.9% over the CPI. Although there is a desire to have more information on changing to the new CPI Index. He feels that the verbiage on all the updates were good.

Mr. McHargue asked Ms. Barberis if she could bring back to the committee information used by her company in other areas regarding the water, sewer, and trash specific index.

At this time everyone checked their schedules to see if they were available for a special June 29, 2022 meeting.

Mr. Plummer stated he will communicate to Council Member Jim Garaventa the date and time of the special meeting and if he is not available then Mr. Plummer will come in his place. He also asked that is Cal Sierra/ Waste Management could bring back a comparison between both CPIs at a fixed amount for a 10yr period, so we can see what that would look

like and compare.

Ms. Barberis agreed.

Supervisor Campbell stated that if there were no other public comments, we would be moving on to the next action item.

- Treated Wood Waste discussion and possible action.

Mr. McHargue asked Mr. La Torre if he would like to speak on this issue.

Mr. La Torre stated he has been a building contractor for several years and is very grateful that he has had a place to take his pressure treated wood waste. Due to recent mandates from the state the rules have changed. He then stated he recently contacted a Waste Management facility and held for 16 minutes before someone answered and then they directed him to the Sonora Transfer Station. He spoke to a worker who told him he now must dispose of his treated wood on a separate day than his construction or garbage debris and the rate would be \$44.38 for the first 500lbs and .08 cents after that. When he informed his customers of this the feedback, he got was that they would just burn it. This is a huge concern for everyone because of the toxic fumes that would then be placed into the air.

Ms. Barberis replied that once the state put a mandate out stating no one could accept fer treated wood unless it was taken to a special hazardous waste landfill in CA. At this time this was when Cal Sierra/ Waste Management stopped accepting pressure treated wood waste. Once the mandates were lifted and clearance was issued to collect pressure treated wood it still needed to be completely separate from garbage and be transferred in a separate truck to the nearest landfill which is in Merced County.

Mr. McHargue stated most of todays discussion has been centered around the Cal Sierra/Waste Management collection agreement. We are currently working on the Transfer Station agreement, and this is going to be one of the items we can add. Ms. Barberis and Mr. McHargue will get together to discuss what added language they want to use.

Supervisor Campbell asked for public comment.

A member of the public asked where exactly at the Transfer Station do they store pressure treated wood.

Ms. Barberis stated it is next to where the carpet and mattresses are stored. There is no need to bring it on a separate day. Pressure Treated Wood will be separated from other debris.

Mr. Merrill asked if we already have programs for other hazardous waste material such as mattresses, e-waste, carpet, and batteries. Mr. Merrill wanted to know why there an issue with treated wood waste being so costly to dispose of.

Mr. McHargue states that as of 2021 the state has new requirements of how to dispose of treated wood. It would need to be disposed of at a hazardous waste facility. The cost of handling hazardous waste is way more than handling of carpet and mattresses. Since

changing their regulations back, there is confusion about how to handle but room for discussion and opportunity for us to make improvements.

COMMITTEE MEMBER REPORTS

No reports.

NEXT MEETING

There may be a special meeting on 6/29/2022 at 1:00 pm. Mr. McHargue will keep us Posted.

ADJOURNMENT

Supervisor Campbell asked if anyone had anything further to comment.

Seeing none, Supervisor Campbell adjourned the meeting at 2:47 p.m.

Next regular scheduled meeting will be July 13, 2022.