San Luis Obispo County Integrated Waste Management Authority BOARD MEETING AGENDA

Wednesday, October 11, 2023

In-person Meeting:

1:30 PM

City of San Luis Obispo Council Chambers 990 Palm Street, San Lu

990 Palm Street, San Luis Obispo, CA. 93401



Mission Statement:

The Mission of the IWMA is to provide coordinated efforts to follow state waste and recycling policy on behalf of member agencies through practical, cost-effective programs, education, and technical support.

IWMA BOARD MEMBERS:

Jan Marx, President, City of San Luis Obispo Robert Robert, Vice-President, City of Grover Beach Charles Bourbeau, Past-President, City of Atascadero James Guthrie, City of Arroyo Grande John Hamon, City of El Paso de Robles Laurel Barton, City of Morro Bay Robert Enns, Special Districts Scott Newton, City of Pismo Beach

To submit a written public comment – The IWMA Board welcomes your input. Indicate the agenda item number and email it to sdelgiorgio@iwma.com, or US mail at 870 Osos Street, San Luis Obispo CA. 93401. Written public comments must be submitted by 9:00 AM, the day of the meeting. All correspondence will be distributed to each Board Member and will become part of the official record of the Board Meeting.

Americans with Disabilities Act Compliance - In compliance with the Americans with Disabilities Act (ADA), the IWMA is committed to including the disabled in all its services, programs, and activities. If you need special aid to participate in this meeting, please contact Sasha Del Giorgio, Clerk of the Board, at least 72 hours before the meeting to enable the IWMA to make reasonable arrangements to ensure accessibility to the meeting. The IWMA Clerk of the Board can be reached at (805) 781-2192 and through email at sdelgiorgio@gmail.com.

Call to Order Led by President Jan Marx.

2. Roll Call

Taken by Clerk of the Board, Sasha Del Giorgio.

3. Pledge of Allegiance
Led by President Jan Marx.

Non-Agenda Public Comment Period

Presentations

- 4. Nexstera Tech Presentation
- 5. Executive Directors Report Led by Peter Cron.

Consent Agenda Public Comment Period

Consent

- 6. Executive Committee Minutes Receive and File—September 1, 2023

 Recommendation: That your Board receive and file the September 1, 2023, IWMA Executive Committee Minutes.
- 7. Board Minutes Review September 13, 2023 Page 7 Recommendation: That your Board approve the September 13, 2023, IWMA Board Meeting Minutes.
- 8. Receive and File Monthly Financial Reports Page 11
 Recommendation: That your Board receive and file the attached monthly financial reports.

Regular Agenda Public Comment Period

Regular Agenda

9. Discussion of the Status of County of San Luis Obispo's Consideration of Rejoining the IWMA Page 16

Recommendation: That your Board a): discuss the request from the County to return to the IWMA, per the terms proposed in the draft 2023 County Joinder Agreement to the Second Amended and Restated Joint Powers Agreement. b): Approval of Joinder as to form, and should the County rejoin the IWMA including such terms, circulate the Joinder Agreement for review and approval/execution by member agencies.

Closed Session Agenda Public Comment Period

Closed Session

10. Public Employee Performance Evaluation- Executive Director

Recommendation: Pursuant to Government Code § 54957(b)(1) – Title: Executive Director.

Adjournment

Upcoming Meetings and Events		
Board of Directors Meetings Executive Committee Meetings	•	December 13, 2023 December 1, 2023

Item No. 6 October 11, 2023

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Sasha Del Giorgio, Clerk of the Board

RE: Executive Committee Minutes Receive and File-September 1, 2023

BACKGROUND:

N/A

RECOMMENDATION:

That your Board receive and file the September 1, 2023, IWMA Executive Committee Minutes.

FISCAL IMPACT:

N/A

ATTACHMENTS:

A. 2023-09-01 EC Minutes

Executive Committee Meeting Minutes

September 1, 2023, 11:00 AM 870 Osos St San Luis Obispo, CA 93401

Executive Committee Members Present:

Jan Marx, President, City of San Luis Obispo Robert Robert, Vice President, City of Grover Beach Charles Bourbeau, Past President, City of Atascadero

1. Call To Order

President Marx called The Executive Committee to order on June 30, 2023, at 10:01 AM.

2. Roll Call

Roll Call was taken by Sasha Del Giorgio, Clerk of the Board.

3. Pledge Of Allegiance

Led by President Marx.

Non-Agenda Public Comment Period

Public Comment was not made.

4. Executive Directors Report

Led by Executive Director, Peter Cron.

Consent Agenda Public Comment Period

Public Comment was not made.

Consent Agenda

5. Approve Executive Committee Meeting Minutes – June 30, 2023 Recommendation: That your Executive Committee approve the June 30, 2023,

IWMA Executive Committee Meeting.

Motion By Past President Bourbeau Second By Vice President Robert

Ayes:

Bourbeau, Robert, Marx

Regular Agenda Public Comment Period Public Comment was not made.

Regular Agenda

6. Review Board Meeting Draft Agenda – September 13, 2023
Recommendation: That your Executive Committee review, discuss, and approve the draft September 13, 2023, IWMA Board Meeting Agenda, and provide staff direction as deemed appropriate.

Motion By Past President Bourbeau Second By Vice President Robert

Ayes: Bourbeau, Robert, Marx

CARRIED (3 to 0)

Adjournment: 10:26 AM

Sasha Del Giorgio, Clerk of the Board San Luis Obispo County Integrated Waste Management Authority

Item No. 7 October 11, 2023

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Sasha Del Giorgio, Clerk of the Board

RE: Board Minutes Review – September 13, 2023

BACKGROUND:

N/A

RECOMMENDATION:

That your Board approve the September 13, 2023, IWMA Board Meeting Minutes.

FISCAL IMPACT:

N/A

ATTACHMENTS:

A. 2023-09-13 BOD Minutes

Board of Directors Meeting Minutes

Wednesday, September 13, 2023, 1:30 PM City of San Luis Obispo Council Chambers 990 Palm Street, San Luis Obispo, CA. 93401

IWMA Board of Directors:
Jan Marx, President, City of San Luis Obispo
Robert Robert, Vice President City of Grover Beach
Charles Bourbeau, Past President, City of Atascadero
James Guthrie, City of Arroyo Grande
John Hamon, City of El Paso de Robles
Laurel Barton, City of Morro Bay
Robert Enns, Special Districts
Scott Newton, City of Pismo Beach

1. Call To Order

President Marx called The Board Meeting to order on September 13, 2023, at 1:30 PM.

2. Roll Call

Board Members Present: Barton, Bourbeau, Enns, Guthrie, Marx, Robert. Board Members Absent: Hamon, Newton.

3. Pledge Of Allegiance

Led by Board Member Enns.

Non-Agenda Public Comment Period

Written Public Comment was made.

Presentations

4. Executive Directors Report

Led by Peter Cron.

Consent Agenda Public Comment Period

Public Comment was not made.

Consent Agenda

5. Executive Committee Minutes Receive and File – June 30, 2023

Recommendation: That your Board receive and file the June 30, 2023, IWMA Executive Committee Meeting Minutes.

6. Board Minutes Review –July 12, 2023

Recommendation: That your Board approve the July 12, 2023, IWMA Board Meeting Minutes.

7. Receive and File Monthly Financial Reports

Recommendation: That your Board receive and file the attached monthly financial reports for July 2023 and August 2023.

Motion By Enns Second By Bourbeau

To approve Items 5, 6, and 7.

Ayes: Enns, Bourbeau, Barton, Guthrie, Marx, Robert.

Noes: None

Absent: Hamon, Newton

CARRIED (6-0)

Regular Agenda Public Comment Period

Public Comment was not made.

8. Fiscal Year (FY) 20222023 Year-End Budget Review and Analysis

Recommendation: That your Board review discuss, and file the FY 2022/2023 year-end close analysis, and direct staff, as deemed appropriate.

No reportable action.

9. Fiscal Year (FY) 2023/2024 Final Budget Approval

Recommendation: That your Board review, discuss, and approve the FY 2023/2024 Final Budget, and direct staff, as deemed appropriate.

Motion By Enns Second By Bourbeau

To approve item 9 as recommended by staff, including the following amendment:

 Revisit the Fiscal Impact to the FY 2023/2024 Budget, should the County of San Luis Obispo rejoin the IWMA. Ayes: Enns, Bourbeau, Barton, Guthrie, Marx, Robert.

Noes: None

Absent: Hamon, Newton

CARRIED (6-0)

10. Discussion of the Status and Impacts of the County of San Luis Obispo's Consideration of Rejoining the IWMA

Recommendation: That your Board discuss the request from the County to return to the IWMA and provide staff with direction as deemed appropriate.

No reportable action.

Adjourned 2:16 PM

Sasha Del Giorgio, Clerk of the Board San Luis Obispo County Integrated Waste Management Authority TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Sasha Del Giorgio, Clerk of the Board

RE: Receive and File Monthly Financial Reports

BACKGROUND:

Presented below are the revenues, expenditures, and credit card expenditures for September 2023. The attached report's presentation of revenues is structured upon cash inflows and outflows, providing the Board with a more comprehensive and transparent understanding of the financial position of our agency.

Revenue Received Report \$309,562.60
Expenditure Report \$88,200.00
Credit Card Report \$4,999.02

RECOMMENDATION:

That your Board receive and file the attached monthly financial reports for September 2023.

FISCAL IMPACT:

September 2023 Revenue: \$309,562.60 September 2023 Total Expenditures: \$93,199.02

ATTACHMENTS:

- A. Exhibit A, Revenue Received Report September 2023
- B. Exhibit B, Expenditure Report September 2023
- C. Exhibit C, Credit Card Expenditure Report September 2023

San Luis Obispo County IWMA

Revenue's Received September 2023

	TOTAL
Income	
400 Non_Operation Revenue	
4150000 Interest Revenue	0.37
Total 400 Non_Operation Revenue	0.37
435 Operation Revenue	
4350200 CESQG Payment	2,941.36
4350820 Solid Waste Management Fee	301,907.68
4350955 Retail Take Back Fees	2,315.50
4450020 Hazardous Waste Credits	1,404.73
Total 435 Operation Revenue	308,569.27
4550000 Other Revenue	
4550065 Other Reimbursements	248.31
Total 4550000 Other Revenue	248.31
Unapplied Cash Payment Income	744.65
Total Income	\$309,562.60
GROSS PROFIT	\$309,562.60
Expenses	
Total Expenses	
NET OPERATING INCOME	\$309,562.60
NET INCOME	\$309,562.60

IWMA

Expense Report

Sep 1 - Sep 30 2023

AMOUNT	BRIEF DESCRIPTION	VENDOR NAME	PURCHASE ORDER DATE
\$1,800.00	Office Space Rent/Lease	Vintage Properties	09/01/2023
\$381.32	Employee retirement contrib	Nationwide Retirement PEHP	09/01/2023
\$130.01	Employee retirement contrib	Nationwide Retirement PEHP	09/01/2023
\$3,723.69	Employee retirement contrib	Nationwide Retirement Solutions PEBSCO 401A	09/01/2023
\$1,269.50	Employee retirement contrib	Nationwide Retirement Solutions PEBSCO 401A	09/01/2023
\$1,038.00	Employee retirement contrib	Nationwide Retirement Solutions Standard -457	09/01/2023
\$2,956.88	Employee retirement contrib	Nationwide Retirement Solutions Standard -457	09/01/2023
\$2,000.00	E-waste collection	Pacific Waste Services	09/01/2023
\$125.00	Landscape svcs	Rainscape	09/01/2023
\$127.00	Forklift maintenance	Quinn Company	09/05/2023
\$333.56	#1601-1274513-01	Digital West Networks inc.	09/01/2023
\$42.42		San Luis Garbage Co.	09/01/2023
\$9,131.95	October 2023	SDRMA	09/05/2023
\$19.95	Reverse osmosis system rent	Richetti Water Solutions	09/01/2023
\$60.00	Handyman services	Stephen Nelson	09/07/2023
\$4,910.98	Reusable oil containers	GEO Plastics	09/14/2023
\$130.00		Atlas Performance Industries, Inc.	09/13/2023
\$130.00		Atlas Performance Industries, Inc.	09/13/2023
\$50,000.00	Payroll funding	San Luis Obispo County IWMA	09/20/2023
\$40,482.50	HHW waste disposal and labor	Stericycle	09/05/2023
\$138.51		Amazon Capital Services inc.	09/21/2023
\$71.40	Utility-water	City of San Luis Obispo-water	09/15/2023
\$13,380.90	Compost Rebate Program	Gaspar Soilbuilders LLC	09/20/2023
\$295.00	Janitorial services	Executive Janitorial	09/20/2023
\$15.53		SoCalGas	09/15/2023
\$2,303.93	Outreach and Education	Science Discovery	09/18/2023
\$22,999.20	Outreach and Education	Science Discovery	09/18/2023
\$2,057.50	Legal Services	Adamski Moroski Madden Cumberland & Green	09/26/2023
\$1,269.50	EE Retirement - 401A	Nationwide Retirement Solutions PEBSCO 401A	09/15/2023
\$3,588.96	EE Retirement - 401A	Nationwide Retirement Solutions PEBSCO 401A	09/15/2023
\$375.89	EE Retirement - PEHP	Nationwide Retirement PEHP	09/15/2023
\$130.01	EE Retirement - PEHP	Nationwide Retirement PEHP	09/15/2023
\$1,038.00	EE Retirement - 457	Nationwide Retirement Solutions Standard -457	09/15/2023
\$2,508.39	EE Retirement - 457	Nationwide Retirement Solutions Standard -457	09/15/2023
\$2,966.40	EE Retirement - 457	Nationwide Retirement Solutions Standard -457	09/29/2023
\$1,038.00	EE Retirement - 457	Nationwide Retirement Solutions Standard -457	09/29/2023
\$366.74	EE Retirement - PEHP	Nationwide Retirement PEHP	09/29/2023
\$124.00	EE Retirement - PEHP	Nationwide Retirement PEHP	09/29/2023
\$3,499.68	EE Retirement - 401A	Nationwide Retirement Solutions PEBSCO 401A	09/29/2023
\$1,210.86	EE Retirement - 401A	Nationwide Retirement Solutions PEBSCO 401A	09/29/2023
\$9.85	Utility-electricity	PG&E	09/27/2023

PURCHASE ORDER DATE	VENDOR NAME	BRIEF DESCRIPTION	AMOUNT
09/17/2023	Marborg (American Marborg)	HHW restroom rental	\$109.74
09/17/2023	Marborg (American Marborg)	HHW restroom rental	\$109.74
09/17/2023	Marborg (American Marborg)	HHW restroom rental	\$109.74
09/17/2023	Marborg (American Marborg)	HHW restroom rental	\$109.74
09/17/2023	Marborg (American Marborg)	HHW restroom rental	\$109.74
09/30/2023	Keeping the Books	Bookkeeping Services	\$950.00
09/30/2023	Andrea Biniskiewicz	Social media management	\$2,560.00
09/30/2023	Amazon Capital Services inc.	#A3F4KQ2PNZ0D87	\$31.54

San Luis Obispo County IWMA

Credit Card Expenditure Report

September 2023

Date	Payee	Memo	Account		Amount
			5050070 Services and Supplies:Computer		
09/03/2023	Mailchimp	Mailing list	Software	\$	20.00
			5050070 Services and Supplies:Computer		
09/03/2023	Real World Training	Q Books Subscription	Software	\$	29.95
		S. Del Giorgio Member	5050255 Services and		
09/03/2023	CRRA	Renewal	Supplies:Memberships	\$	200.00
09/03/2023	USPS	Stamps	5050335 Services and Supplies:Postage	\$	132.00
09/11/2023	USPS	Stamps	5050335 Services and Supplies:Postage	\$	132.00
		Lite Plane 9/13/23-	5050070 Services and Supplies:Computer		
09/13/2023	Beaconstac	9/13/24	Software	\$	180.00
			5050290 Services and Supplies:Other Minor		
09/13/2023	Webstaurant	Green Slim Jims	Equipment	\$	3,546.41
			5050070 Services and Supplies:Computer		
09/14/2023	Microsoft	Microsoft 365	Software	\$	6.00
			5050070 Services and Supplies:Computer		
09/15/2023	Microsoft	Microsoft 365	Software	\$	513.00
09/19/2023	USPS	Stamps	5050335 Services and Supplies:Postage	\$	132.00
			5050255 Services and		
09/19/2023	Webstaurant	Membership	Supplies:Memberships	\$	107.66
TOTAL CRE	EDIT CARD CHARGES			\$4	1,999.02

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Peter Cron, Executive Director

RE: Discussion of the Status of the County of San Luis Obispo's Consideration of

Rejoining the IWMA.

BACKGROUND:

On March 21, 2023, the Board of Supervisors gave direction to county staff to initiate discussions with the San Luis Obispo County IWMA and its member agencies to rejoin the IWMA.

On April 12, 2023, your Board met to discuss the prospect of the County rejoining the JPA (Joint Powers Agreement) and gave IWMA staff direction to begin discussions. IWMA and County Department of Public Works (PW) staff have met and discussed the necessary coordination to bring the County back into the IWMA.

On June 14, 2023, your Board appointed an Ad Hoc Committee to engage work with IWMA Staff and members of the County Board of Supervisors to discuss the conditions and process of rejoining the IWMA and discuss representation on the IWMA Board.

Through negotiations, the 2023 Joinder Agreement was prepared and delivered to County Staff as a pathway for the Unincorporated County to rejoin the IWMA with a single seat on the board, and a single vote. Once the 2023 Joinder Agreement is adopted and signed by the County Board of Supervisors, the agreement will be circulated to the member jurisdictions of the IWMA for adoption.

The 2023 Joinder Agreement fundamentally addresses two issues:

- 1. It allows the County to rejoin the JPA with one seat and one vote on the IWMA Board.
- 2. It allows the IWMA Board to move its election of officers to the beginning of the calendar year.

RECOMMENDATION:

That your Board a): discuss the request from the County to return to the IWMA, per the terms proposed in the draft 2023 County Joinder Agreement to the Second Amended and Restated Joint Powers Agreement. b): Approval of Joinder as to form, and should the County rejoin the

IWMA including such terms, circulate the Joinder Agreement for review and approval/execution by member agencies.

FISCAL IMPACT:

N/A

ATTACHMENTS:

A. Draft 2023 County Joinder Agreement to the Second Amended and Restated JPA

2023 COUNTY JOINDER AMENDMENT TO SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT OF THE INTEGRATED WASTE MANAGEMENT AUTHORITY

- **A.** On or about May 10, 1994, an agreement was executed by and between the Cities and the County of San Luis Obispo forming a joint powers authority pursuant to the provisions of the Joint Exercise of Powers Act (the "Original JPA Agreement"), through which such member agencies created and established a public entity identified as the San Luis Obispo County Integrated Waste Management Authority ("IWMA").
- **B.** On or around 2001, the Cities, County, and certain special districts within the County ("Authorized Districts") executed a Memorandum of Agreement ("MOA") amending the Original JPA Agreement to include the Authorized Districts for representation on the IWMA Board.
- C. On or about November 15, 2021, the County withdrew from the IWMA, after which the remaining Cities and Authorized Districts elected to amend the Original JPA Agreement to reflect its withdrawal on the terms set forth in the Second Amended and Restated Joint Powers Agreement of the Integrated Waste Management Authority, which was adopted by the participating agencies in 2022 ("2022 JPA Agreement").
- **D**. On or about _____ 2023, the County officially elected to rejoin the IWMA, including on the terms set forth in the 2022 JPA Agreement, as amended hereby.

Based on the foregoing, the Cities, Authorized Districts, including the County through its joinder, hereby agree to the following amendments to the 2022 JPA Agreement reflecting the County's joinder.

- 1. <u>Title Amendment and List of Participating Agencies Attachment</u>. The Title of the 2022 JPA shall be amended to read "Second Amended and Restated Joint Powers Agreement to Establish an Integrated Waste Management Authority." The List of Participating Agencies attached to the 2022 JPA Agreement is replaced with the list attached to this Joinder Amendment.
- 2. <u>Definitions</u>. Section 1, entitled, "<u>Definitions</u>" shall be amended to include the following new definitions or amended definitions.
- A. County shall be added as a definition. "County" means any unincorporated areas of the County of San Luis Obispo.
- B. The following referenced definitions replace those of the same number in the 2022 JPA Agreement in their entirety.

- "1.17 "Members" means the Cities and the County who are members of this regional agency, formed pursuant to Public Resources Code section 40970 et seq, and the one (1) Authorized District Representative pursuant to Public Resources Code section 40977."
- "1.18 "Participating Agency" or "Participating Agencies" means and shall include the Cities, the County and the Authorized Districts who are signatories to this Agreement, including by way of joinder, delegating powers to the Authority pursuant to this Agreement, and participating in the governance of the IWMA."
- C. Notwithstanding the foregoing, the definition of "MRF", was inadvertently included within the definition of "Members", in the 2022 JPA Agreement, and such definition shall remain the definition of "MRF" and is not deleted.
- 3. Section 8, entitled "Boundaries" is amended and restated in its entirety to read:
- "Section 8. <u>Boundaries</u>. The boundaries of the Authority shall be the boundaries of the collective Participating Agencies. If a Participating Agency withdraws from the Authority, the boundaries shall be modified to exclude the area of the withdrawing agency. If a qualified agency joins the Authority, the boundaries shall be modified to include the area of the joining Participating Agency. Section 8 shall not prevent the Authority's use and/or operation of facilities outside of its boundaries within the County of San Luis Obispo."
- 4. Section 9, entitled "Organization" shall be amended as follows:
 - A. A new paragraph 9.2(g) is added providing:
 - "(g) <u>County</u>. The County shall be entitled to elect one representative to the Authority which representative shall consist of one (1) member from the Board of Supervisors. The County may elect to have an alternate member in addition to any official member but said alternate shall be an elected or appointed official and shall be able to vote only in the absence of the official representative."
 - B. Section 9.4(b), entitled, Officers, is replaced with the following:
 - "(b) Both the President and Vice President of the Board shall be elected each year at a meeting set for such purpose."
- 5. <u>County Joinder</u>. The County hereby joins the IWMA pursuant to the terms and conditions in the 2022 JPA Agreement as amended hereby, and the undersigned hereby consent.
- 6. <u>Omnibus Change</u>. Wherever references to "Cities" is used or "Cities and Authorized Districts", are used in the 2022 JPA Agreement, including in its recitals, such references shall expressly be read to include the County unless context expressly dictates otherwise.
- 7. <u>Ratification</u>. The 2022 JPA Agreement is hereby ratified and confirmed and shall continue in full force and effect in accordance with its terms and provisions, as amended hereby.
- 8. <u>Effective Date</u>. This Joinder Amendment shall take effect when adopted by the County and a majority of the other Members, with the Authorized Districts affirming continued participation

with the County's joinder and terms amended hereby, each pursuant to resolutions of such governing bodies authorizing such execution. This Joinder Amendment may be executed in counterparts which together shall constitute a single agreement. Electronically executed signatures may be accepted in lieu of originals if a Participating Agency has authorized electronic signatures through policy or otherwise.

PARTICIPATING AGENCIES

CITIES	AUTHORIZED DISTRICTS
Arroyo Grande	Avila Beach CSD
Atascadero	California Valley CSD
El Paso de Robles	Cambria CSD
Grover Beach	Cayucos Sanitary District
Morro Bay	Ground Squirrel Hollow CSD
Pismo Beach	Heritage Ranch CSD
San Luis Obispo	Los Osos CSD
	Nipomo CSD
COUNTY	Oceano CSD
The County of San Luis Obispo	San Miguel CSD
	San Simeon CSD
	Templeton CSD