



CONSENT CALENDAR



DRAFT MINUTES

**SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
MEETING OF THE BOARD OF DIRECTORS
July 28, 2016 – 2:00 p.m.
San Carlos Library Conference Room A/B**

Call To Order: 2:06PM

1. Roll Call

Agency	Present	Absent	Agency	Present	Absent
Atherton	X		Menlo Park	X	
Belmont	X		Redwood City	X	
Burlingame	X		San Carlos	X	
East Palo Alto		X	San Mateo	X	
Foster City	X		County of San Mateo	X	
Hillsborough	X		West Bay Sanitary District	X	

Alternate Member Cary Wiest attended representing Atherton

Member Michael Brownrigg of Burlingame attended via phone call from 8 Tennis Court, Albuquerque NM

Member Jay Benton of Hillsborough attended via phone call from 8492 Lahontan Drive Truckee CA

2. Public Comment

Persons wishing to address the Board on matters NOT on the posted agenda may do so.

Each speaker is limited to two minutes. If there are more than five individuals wishing to speak during public comment, the Chairman will draw five speaker cards from those submitted to speak during this time. The balance of the Public Comment speakers will be called upon at the end of the Board Meeting.

If the item you are speaking on is not listed on the agenda, please be advised that the Board may briefly respond to statements made or questions posed as allowed under The Brown Act (Government Code Section 54954.2). The Board's general policy is to refer items to staff for attention, or have a matter placed on a future Board agenda for a more comprehensive action or report and formal public discussion and input at that time.

None

3. Interim Executive Director's Report

Interim Executive Director Gans gave an overview of his staff report. He noted that the contract negotiation process is waiting for the new Executive Director to start work, and staff will be back in September with updates on the process. He also noted that he wanted to bring attention to the VRS sort labor issue explaining that that VRS is having difficulty supplying labor, and the County is asking for a more competitive wage to attract workers. He added that a \$1 per hour increase would increase SBR's cost by \$50,000 per year, and that staff would come back to the Board in September on this issue. He then noted issues that would be discussed in more detail later in the agenda. He handed out a pie chart graphically representing the financial process of the SBWMA that leads to Member Agencies setting rates, and explained where in that process the agency is, noting that staff is very close to being to provide a final rate impact for the Member Agencies. He noted that this year Recology and SBR have negative increases due to fuel costs decreasing.

Member Dehn asked as part of the future VRS discussion for a reminder in how the decision was made when the second shift of VRS workers started, and the \$11 for all wage was agreed on, and how that effected the budget.

4. Executive Director Appointment

Member Slocum noted that he was very pleased after a lengthy process to have the opportunity to make the motion to adopt the resolution authorizing the appointment of Joe La Mariana as Executive Director of the SBWMA effective August 1st. He noted that he had worked with Joe La Mariana for a long time at the County and he is the right person for the job.

Member Bonilla seconded the motion.

Member Weist commented on behalf of member Widmer, noting that Member Widmer is supportive of the hiring, but disappointed the salary couldn't keep nearer the figure of \$165,000 as originally posted.

Member Brownrigg commented that he would be enthusiastically voting in favor of this motion, and also noted that he was grateful to Staff Gans for stepping into the role in the interim and thanked him for his service.

Chair Grassilli agreed, and thanked Staff Gans as well, noted that he performed well.

Roll Call Vote:11-0-0-1

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton	X				Menlo Park	X			
Belmont	X				Redwood City	X			
Burlingame	X				San Carlos	X			
East Palo Alto				X	San Mateo	X			
Foster City	X				County of San Mateo	X			
Hillsborough	X				West Bay Sanitary Dist.	X			

Joe La Mariana thanked the Board for the vote, and acknowledged all committee members for their efforts throughout the process. He also thanked Staff Gans for his efforts as the interim, and acknowledged his predecessor Kevin McCarthy as well. He then acknowledged Recology, SBR and the SBWMA staff, and other RethinkWaste consultants and vendors. He also recognized colleagues that he has worked with over his career as well as his family. He noted that RethinkWaste is here to serve the rate payers, and added that the priorities that he'll focus on are closing the books on the 2017 rate setting process, pulling together the Franchise Agreement extension discussions committee, allocation for agency resources, having a voice in state legislation that will impact the agency, and maximizing relationships and maintaining a strong public service mentality.

Chair Grassilli added that he wanted to acknowledge Warren Slocum for chairing the search committee and the County staff for their efforts in the recruitment process.

5. Approval of Consent Calendar

Consent Calendar item(s) are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items be removed for separate action. *Items removed from the Consent Calendar will be moved to the end of the agenda for separate discussion.*

- A. Adopt the June 23, 2016 BOD Meeting Minutes
- B. Resolution Approving Payment to Recology for the Dual-Compartment Vehicle Collection Services Pilot Project (Approval item)
- C. Resolution Approving Property Insurance Policy Renewal (Approval item)
- D. Resolution Approving Emergency Purchase of Transfer Station Pump (Approval Item)

Member Stone noted that he would be abstaining from item 5A.

Member Bonilla made a motion to approve the consent calendar

Member Dehn seconded the motion

Roll Call Vote: 11-0-1-1

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton	X				Menlo Park	X			
Belmont	X		X (5A)		Redwood City	X			
Burlingame	X				San Carlos	X			
East Palo Alto				X	San Mateo	X			
Foster City	X				County of San Mateo	X			
Hillsborough	X				West Bay Sanitary Dist.	X			

6. Administration and Finance

- A. Resolution Approving Shoreway Tip Fee Increase (Approval item)

Staff Gans gave an overview and background of the discussion that had happened at the June Board Meeting. He noted that there were two points he wanted to address. One being that if commodity values are projected to improve in the coming year should tip fees be lowered, and two, should a preference be given to Franchised tip fees over non-Franchised tip fees. He called attention to table 4 of the staff report, which estimates the collection rate impact of the \$10 increase in tip fees, and noted that the estimated average rate impact on a residential customer with a 32 gallon can would be \$0.93 per month. He also pointed out Table 5 Franchise variance, and noted that factoring in the compensation decrease, the residential rate impact will be about half of what was anticipated.

Member Aguirre commented that she would like to see a wage increase for the VRS workers put into place, and she doesn't want to take a rate increase to the tax payers. She asked for clarification on whether the difference between a \$9 and \$10 increase would be \$0.93 to our rate payers per month.

Staff Gans answered yes per the budget but the decrease in compensation largely offsets the rate impact. He also added that a wage increase for the workers wouldn't have that much of an impact on the rate payer.

Member Aguirre asked to find a way to have a minimal rate impact and increase the wages for the VRS workers.

Member Weist noted that he had discussed this item with Member Widmer, and is would still like to see the Franchised tons being charged less than the Non Franchised tons he suggested a \$6-\$8 increase for Franchised tons, and \$10 for non-Franchised tons.

Staff Gans commented that this is a policy discussion.

Chair Grassilli asked what the dollar figure effect would be if the Franchised tons were charged less.

Staff Gans noted that he didn't have a dollar for dollar figure in an annual amount but noted that in the staff report section titled Balancing Franchised and Non Franchised Revenues, that 22% of tons are non-Franchised tons, 78% are Franchised. So they are not proportional, and an increase of \$5 per ton on non-Franchised tons, would be needed to be equivalent to \$1 reduction in Franchised tons, and an additional \$5 increase would drive customers away.

Chair Grassilli asked how to benefit of Recology's decreased costs would factor in.

Staff Gans noted that it's a different process.

Member Benton recalled the finance committee meeting when staff noted the need for tipping fee increases to balance the budget, and noted that the tipping fee increases were going to translate to pennies per month for residents, and he thought it was important to charge a tipping fee that would allow for operating the agency at break even and he supported leaving both Franchised and Non-Franchised tip fees being at \$10.

Member Brownrigg commented that he endorsed Member Benton's comments, and noted that he was struck in the report by the fact that even the \$10 increase could lead to a 20% reduction in Non-Franchised customers. He asked that customer numbers be tracked as the tip fee increases are put into place. He also noted that he supported the \$10 increase across the board which would increase the health of the Agency's reserves and put the SBWMA in a position to make capital improvements, and he thought this was the prudent and appropriate approach.

Member Bonilla agreed with Member Benton and Brownrigg.

Member Aguirre made a motion to approve Resolution 2016-29

Member Bonilla seconded the motion

Roll Call Vote:10-1-0-1

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton		X			Menlo Park	X			
Belmont	X				Redwood City	X			
Burlingame	X				San Carlos	X			
East Palo Alto				X	San Mateo	X			
Foster City	X				County of San Mateo	X			
Hillsborough	X				West Bay Sanitary Dist.	X			

B. Resolution Approving Review of Collection Services and Facility Operations Reports, Tonnage Data and Customer Service Systems Audit Findings for 2015 (Approval item)

Staff Gans gave an explanation for the reason for the reports being approved in items 6B and 6C, and the value to the financial and operational audits. These audits are a third party check to verify the integrity of the data that Recology and SBR report, and that sets the foundation for the rate setting process. He added that only minor issues were found, and he thought having this item as a resolution

and needing Board approval isn't necessary, but it is being brought to the Board because of the importance of the financial character of the information assessed.

Chair Grassilli asked if they needed to approve the resolution.

Counsel Savaree noted that there was a resolution on the agenda and suggested moving the resolution.

Member Benton asked if SBR's staffing vacancies in 2016 might impact their performance when the 2016 audit is completed.

Dwight Herring from South Bay Recycling noted that the short answer is no performance wouldn't be impacted. They have been able to do the work both operational and financially.

Member Benton asked if SBR is running short staffed are they improving their profit.

Staff Gans answered that there is a set staffing level in the contract, and it's his job to make sure that staffing levels are met. He added that to date SBR owes the SBWMA \$42,000 for staffing gaps. He also noted that he has asked SBR to get a staffing plan together so an agreement on staffing levels could be made, and for it to include where the SBWMA will get the credit for the \$42,000. Noting that options include a credit on the invoice or there might be additional things asked of SBR that may cost something extra. He noted that it's still in process and when negotiations are complete it will come back to the Board.

Member Dehn commented that in last year's audit it was found that many of the calls were coded incorrectly and she recalled that measures would be put into place to help people at the call center code calls correctly, and she wondered if there was a discrepancy in the way the auditors audited the coding and Recology's coding.

Mario Puccinelli of Recology noted that measures have been put into place to help calls get coded correctly. He added that the nature of the calls is very objective, and used the example of a possible missed pick up call, but they can use Route Ware to determine if the truck had been to the address and the carts weren't out. He noted that the audit helped Recology perform better this year, and that they have the most stringent call center as compared to other Recology companies.

Vice Chair Bronitsky thanked Recology and SBR for their continued excellent work on the Member Agencies behalf, and asked to agendaize a time to discuss doing audits less than annually. He noted that he couldn't remember the last time he had heard a complaint about Recology's service.

Chair Grassilli noted that over the last three years the auditing process has cost \$117,000 and returned \$28,000, and thought there should be a tonnage reporting audit, but perhaps not customer service every year.

Member Aguirre made a motion to approve Resolution 2016-29

Member Dehn seconded the motion

Roll Call Vote: 11-0-0-1

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton	X				Menlo Park	X			
Belmont	X				Redwood City	X			
Burlingame	X				San Carlos	X			
East Palo Alto				X	San Mateo	X			
Foster City	X				County of San Mateo	X			
Hillsborough	X				West Bay Sanitary Dist.	X			

C. Resolution Approving 2015 Financial and Accounting Systems Audit of Recology and SBR Findings (Approval item)

Member Slocum and Member Mueller are now absent at 2:57PM

Staff Fakira gave a brief overview of the findings of the financial audit, and noted that both audits had positive results.

Member Aguirre made a motion to approve Resolution 2016-29

Member Stone seconded the motion

Roll Call Vote: 9-0-0-3

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton	X				Menlo Park				X
Belmont	X				Redwood City	X			
Burlingame	X				San Carlos	X			
East Palo Alto				X	San Mateo	X			
Foster City	X				County of San Mateo				X
Hillsborough	X				West Bay Sanitary Dist.	X			

D. Staff Update on 2016 Contractor Compensation Adjustment Applications (Update item)

Staff Gans gave a brief overview of the staff report, pointing out that in the two tables in the staff report, there is \$1.1M reduction in operation expense from Recology, which translates to less cost, and less of a rate impact, and \$327,000 reduced compensation for SBR. He reiterated that the compensation decrease is largely related to lower fuel cost. He also noted that table 3 breaks down the rate setting process which is almost complete and staff will be back to the Board in September with the final compensation.

7. **Collection and Recycling Program Support and Compliance**

No Items

8. **Shoreway Operations and Contract Management**

No Items

9. **Informational Items Only (no action required)**

A. 2016 Finance and Rate Setting Calendar

B. June 2016 Check Register Detail

C. Technical Consultant Contracts - 2nd Quarter 2016

D. Potential Future Board Agenda Items

10. **Board Member Comments**

Member Benton thanked the Board Members present for allowing all the roll call votes.

Chair Grassilli thanked Member Benton and Member Brownrigg for calling in, and for the Board Members who attended, and asked to adjourn the meeting in honor of Hilary Gans for the good work he did as the Interim Executive Director.

Mario Puccinelli congratulated Joe La Mariana, and congratulated the Board on their choice. He also thanked Hilary Gans on behalf of Recology, and the SBWMA staff for their work.

11. Adjourn 3:05PM



STAFF REPORT

To: SBWMA Board Members
From: Joe La Mariana, Executive Director
Date: September 22, 2016 Board of Directors Meeting
Subject: Resolution Approving Annual Contract with Aaronson, Dickerson, Cohn & Lanzone for Legal Counsel Services for FY2016-2017

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No. 2016-32 attached hereto authorizing the Executive Director to execute a contract with Aaronson, Dickerson, Cohn & Lanzone (ADCL) to provide Legal Counsel services for FY2016-2017 with a not to exceed budget of \$65,000.

If approved, the contract for legal services between SBWMA and ADCL would be renewed for one additional year. Historically, contracts for legal services have been approved by the Board on a yearly basis.

Background

The contract with ADCL provides the attorney for the firm will:

- Act as general counsel to the Board and staff of the SBWMA;
- Regularly attend Board and TAC meetings;
- Prepare and review ordinances, resolutions, contracts, notices, agendas and other documents and papers necessary or appropriate in matters pertaining to the SBWMA;
- Provide legal advice, representation and assistance to the SBWMA, its Board and staff on all general legal matters pertaining to the SBWMA, including litigation and compliance with state and local laws.

The contract currently calls for Robert J. Lanzone to act as the lead attorney, with Jean B. Savaree providing backup coverage in Mr. Lanzone's absence. ADCL proposes that for the new contract, Jean B. Savaree would serve as lead attorney and Mr. Lanzone would provide backup services in Ms. Savaree's absence. The firm's resume is attached for the Board's review as Attachment A.

Fiscal Impact

The current hourly billing rate for ADCL is \$225.00 per hour. The total ADCL billing for the last four years is as follows:

2013	\$50,820
2014	\$42,351
2015	\$33,351.75
2016	\$25,233.75

This hourly rate of \$225.00 is well below the median hourly rate of \$276.00 for contract public agency attorneys on the Peninsula. ADCL proposes that the hourly rate be increased to \$250.00 per hour.

Within this hourly rate, ADCL will continue to provide all secretarial assistance necessary to accomplish the above-referenced tasks. Additionally, paralegal services provided by ADCL are not separately billed to SBWMA. Finally, all costs associated with the maintenance of ADCL's office are covered by the hourly billing rate including a computer system, which has WestlawNext research capability, and a law library.

If approved, a new contract will be executed with a not to exceed amount of \$65,000 which is the amount included in the proposed FY2016-2017 budget.

Attachments:

Resolution 2016-32

Exhibit A – DRAFT Professional Service Agreement with Aaronson Dickerson Cohn and Lanzone for FY1617 Legal Counsel Services

Attachment A – ADCL Firm Resume



RESOLUTION NO. 2016-32

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH AARONSON, DICKERSON, COHN & LANZONE FOR LEGAL COUNSEL SERVICES FOR FY2016-2017

WHEREAS, the South Bayside Waste Management Authority (SBWMA) Board of Directors has considered entering into a contract with Aaronson, Dickerson, Cohn & Lanzone (ADCL) for the purpose of providing the following services:

Annual Legal Counsel Services for FY2016-2017

NOW, THEREFORE BE IT RESOLVED that the South Bayside Waste Management Authority hereby authorizes the Executive Director to execute a contract with ADCL, attached hereto as Exhibit A.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 22 day of September, 2016, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton					Menlo Park				
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist				

I HEREBY CERTIFY that the foregoing Resolution No. 2016-32 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 22, 2016.

ATTEST:

Bob Grassilli, Chairperson of SBWMA

Cyndi Urman, Board Secretary



A Public Agency

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into as of the **23rd day of September, 2016** by and between the **South Bayside Waste Management Authority** hereinafter "SBWMA", and **Aaronson, Dickerson, Cohn & Lanzone (ADCL)** hereinafter "Consultant".

RECITALS

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

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

TERMS AND CONDITIONS

1. Services

The services to be performed by Consultant under this Agreement shall be to **Provide Legal Counsel Services for FY2016-2017** as outlined in Exhibit A.

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

2. Term of Agreement

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

3. Compensation

Payment under this Agreement shall be as per Exhibit A, not to exceed **\$65,000.00**
Invoices for payment shall be submitted monthly to SBWMA and shall be contain the information shown in Exhibit B hereto.

4. Authorization and Termination

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

5. Reliance of Professional Skill of Consultant

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

6. Relationship to Parties

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

7. Nonassignment

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

8. Amendments

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

9. Validity

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

10. Government Law/Litigation

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

11. Mediation

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

12. Entire Agreement

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

13. Indemnity

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

14. Insurance

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

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

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

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

b. Liability Insurance

Consultant shall take out and maintain during the life of this Agreement such bodily injury and property damage liability insurance as shall insure the Consultant and SBWMA, its employees, officers and member entities while performing work covered by this Agreement from any and all

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

15. Notice

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

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

Consultant: **Aaronson, Dickerson, Cohn & Lanzone**
Jean B. Savaree
1001 Laurel Street, Suite A
San Carlos, CA 94070
Phone: (650) 593-3117
Fax: (650) 453-3911

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

SBWMA

BY: _____
Joe La Mariana, Executive Director SBWMA

DATED: _____, 2016

APPROVED AS TO FORM:

Robert J. Lanzone, SBWMA ATTORNEY

DATED: _____, 2016

CONSULTANT:

BY: _____
Jean B. Savaree, ADCL

DATED: _____, 2016

NOTICE TO PROCEED

BY: _____
Cyndi Urman, Board Secretary

DATED: _____, 2016

EXHIBIT A (Scope of Work/Fee Schedule)

Jean B Savaree, providing legal services through the firm of Aaronson, Dickerson, Cohn & Lanzone, shall provide the following legal services to the South Bayside Waste Management Authority:

- Act as general counsel to the Board and staff of the SBWMA;
- Regularly attend Board and staff meetings;
- Prepare and review ordinances, resolutions, contracts, notices, agendas and other documents and papers necessary or appropriate in matters pertaining to the SBWMA;
- Provide legal advice, representation and assistance to the SBWMA, its Board and staff on all general legal matters pertaining to the SBWMA, including litigation and compliance with state and local laws.

Work will be completed on an agreed upon hourly rate of \$250 per hour.

Exhibit (Sample Invoice)

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

INVOICE

Your Company Name
 Address
 City State Zip
 Phone Number

Date:
 Project Number:
 Invoice Number:

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

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

TASK 1 TITLE/Description

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

TOTAL THIS TASK: \$400

TASK 2 TITLE/Description

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

TOTAL THIS TASK: \$600.00

TOTAL THIS INVOICE \$1,000.00

BILLING LIMITS:

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

AARONSON, DICKERSON, COHN & LANZONE

1001 Laurel Street, Suite A
San Carlos, CA 94070
Telephone: (650) 593-3117
Facsimile: (650) 453-3911
www.adcl.com

Municipal Law, Real Estate, Business Law, Estate Planning including Probate, Conservatorships and Elder Abuse, Credit Union Law, Employment Law including Anti-Harassment, Discrimination, Retaliation and Violence Prevention Training, Investigation and Litigation, Landlord-Tenant. Trial and Appellate Practice.

All Attorneys are Members of the San Mateo County Bar and the State Bar of California.

ROBERT J. LANZONE

(650) 593-3117, Ext. 204
rlanzone@adcl.com

Admitted to the California State Bar, 1970

Educational Background: University of Santa Clara (J.D. 1969); New York University, Carnegie Fellowship, Public Administration (1965); Queens College of the City University of New York (B.A. 1964).

Member: California State Bar Association; San Mateo County Bar Association - William R. Nagle Jr. Award (2006), Municipal Law Section Chair (1985-2005), Board Member (1977-1984), President (1983); Legal Aid Board (1980-1982).

Reported Cases: *Teamsters Local 856, et al. v. Priceless, LLC, et al.* (2003) 112 Cal.App.4th 1500; *Woodside v. Gava* (1989) 213 Cal.App.3d 488.

Present Work: Municipal Law, Real Estate, Business and Estate Planning. Deputy City Attorney, City of San Carlos; Deputy City Attorney, City of Foster City; Deputy Town Attorney, Town of Woodside; Attorney, South Bayside Waste Management Authority; Attorney, Saddle Creek Community Service District.

Prior Legal Experience: Interim City Attorney, City of San Bruno (2010-2011); Deputy District Attorney, Menlo Park Fire Protection District (2008-2010); City Attorney, City of San Carlos (1988-2008); Attorney, Provident Credit Union (1977-2005); Town Attorney, Town of Woodside (1985-2004); City Attorney, City of Half Moon Bay (1983-1996); City Attorney, City of Pacifica (1977-1983).

Community Affairs: San Carlos Rotary Club (2006-present); Provident Credit Union Board Member (2005-present); William Saroyan Foundation (1985-1990); Archdiocese of San Francisco, Board of Education (1985-1987); Judge Pro Tem, San Mateo County Superior Court (1983-1990); St. Charles School Board (1983-1985); San Carlos Educational Foundation, founder and member (1982-1984); San Carlos Chamber of Commerce, President (1980), Board Member (1977-1981); Kiwanis, member (1971-1977); Belmont Jaycees, Member (1970-1975), President (1972).

JEAN B. SAVAREE
(650) 593-3117, Ext. 214
jbs@adcl.com

Admitted to the California State Bar, 1981

Educational Background: University of San Francisco (J.D. with Honors, 1981) - Member: McAuliffe Honor Society, Moot Court Board, Program Director, Moot Court Honors Board (1980-1981); Michigan State University (B.S. 1976).

Member: California State Bar Association; San Mateo County Representative at State Bar Conference of Delegates (1992-1994), Co-Chair (1995), Chair (1996); San Mateo County Bar Association - Personnel Committee (1998-2001), Membership Committee (1997-2008), Co-Chair (2003-2004), Fee Arbitration Panel (1996-present), Women Lawyers Section - Educational Foundation Board of Directors, (1995-1998), Continuing Education Committee (1995-1997), Director (1992-1994), Municipal Law Section (1990-present), Chair (2005-present), Employment Law Section (1990-present); California Trial Lawyers Board of Directors, San Mateo County (1995-2000); California Women Lawyers Executive Committee, San Mateo County (1995-1998).

Reported Cases: *Teamsters Local 856, et al. v. Priceless, LLC et al.* (2003) 112 Cal.App.4th 1500; *Woodside v. Gava* (1989) 213 Cal.App.3d 488.

Present Work: Municipal Law and Employment Law (including litigation, training, investigations and consulting for public and private employers on Harassment, Discrimination, Retaliation, Violence Prevention, Personnel Policies and Procedures, Disciplinary Issues and Employment Contracts). Town Attorney, Town of Woodside; City Attorney, City of Foster City; Attorney, Coastside Fire Protection District; Attorney, Central County Fire Department; Attorney, Southern San Mateo County Police Consortium; Deputy City Attorney, City of San Carlos.

Prior Legal Experience: District Counsel, San Mateo County Harbor District (2011-2014); Deputy District Counsel, San Mateo County Harbor District (1989-2011); Department Attorney, Belmont-San Carlos Fire Department (1988-2011); Deputy City Attorney, City of Belmont (2004-2011); District Attorney, Menlo Park Fire Protection District (2008-2010); Deputy Town Attorney, Town of Woodside (1985-2005); City Attorney, City of Belmont (1994-2004); Deputy City Attorney, City of Foster City (1985-1997); Deputy City Attorney, City of Half Moon Bay (1985-1996).

Community Affairs: Rebuilding Together Volunteer (2008-present); California League of Cities - Community Services Policy Committee and Legislation Committee (2004-2006); Legal Aid Society of San Mateo County, Board of Directors (1996-2006), President (2001-2003), Treasurer (1999-2000); Legal Advocacy Committee Peninsula Representative (1997-1999).

GREGORY J. RUBENS
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Admitted to the California State Bar, 1987

Educational Background: McGeorge School of Law, University of the Pacific (J.D. 1987); University of California at Santa Barbara (B.A. 1983).

Member: California State Bar Association; San Mateo County Bar Association - Bench & Bar Committee (2006), Business and Business Litigation Section, Chair (2005-2008), Conservatorship Independent Counsel Panel (2005-present), Probate, Trust and Conservatorship Mediator Panel (2009-present); Alternative Dispute Resolution Section (1995-present), Estate Planning and Elder Law Section (1995-present), Real Estate Section (1995-present);

Present Work: Municipal Law, Estate Planning, Probate, Conservatorships (including Court Appointed Independent Counsel for Conservatees), Real Estate and Corporate Law (including small businesses and LLCs). Court Appointed Real Estate Partition Referee; Mediator for San Mateo County Superior Court Probate ADR Program (2009-present); Arbitrator, San Mateo County Superior Court; City Attorney, City of San Carlos; Legal Counsel, San Mateo County Telecommunications Authority (SAMCAT); Legal Counsel, Provident Credit Union; Attorney Peninsula Television, Inc.; Attorney, San Carlos Elms; Attorney, Redwood City-San Mateo County Chamber of Commerce; Deputy Town Attorney, Town of Woodside; Deputy City Attorney, City of Foster City; Deputy Attorney, Coastside Fire Protection District.

Prior Legal Experience: Deputy District Counsel, San Mateo County Harbor District (1989-2014); Deputy Attorney, Belmont-San Carlos Fire Department (1988-2011); Deputy City Attorney, City of Belmont (1994-2011); Interim City Attorney, City of San Bruno (2010-2011); Deputy District Attorney, Menlo Park Fire Protection District (2008-2010); Deputy City Attorney, City of Half Moon Bay (1994-1996).

Community Affairs: San Carlos Chamber of Commerce - President (2008 & 1999-2000), Board of Directors (1995-2007); Kiwanis International, San Carlos Kiwanis Club (1989-present), Director (1992-2008), President (1994-1996 & 1998-1999), Lt. Governor Div. 34 (2005-2006); Sequoia Union High School District Measure G and H Bond Advisory Committee (2002-2009); San Carlos Educational Foundation, Board of Directors (1998-2000).

CAMAS J. STEINMETZ

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Admitted to the California State Bar, 2002

Educational Background: University of California, Davis School of Law (J.D. 2002); University of California, Hastings (Visiting Student 2002); University of California, Santa Cruz, (B.A 1994); University of Bergen, Norway, (Exchange Student 1992).

Certificates: Leadership in Energy and Environmental Design Accredited Professional (LEED AP), U.S. Green Building Council.

Member: California State Bar Association (2002-present); San Mateo County Bar Association (2012-present); Urban Land Institute (2007- present).

Reported Cases: *Lin v. City of Pleasanton* (2009) 175 Cal.App.4th 1143.

Present Work: Land Use, Real Estate and Municipal Law (including California Environmental Quality Act (CEQA), Planning & Zoning Law, Williamson Act, California Coastal Act, Subdivision Map Act, Initiative and Referendum Law, Brown Act, and Public Records Act). Deputy Town Attorney, Town of Woodside; Deputy City Attorney, City of San Carlos; Deputy City Attorney, City of Foster City.

Honors and Awards: Northern California "Rising Star", Super Lawyers Magazine (2010); Public Law Grant Recipient, King Hall Legal Foundation (Summer 1999); California Bar Association Environmental Law Section Scholarship Recipient (Fall, 2000).

Prior Legal Experience: Associate Attorney, Manatt Phelps & Phillips, LLC (2007-2012); Associate Attorney, Bingham McCutchen, LLP (2006-2007); Associate Attorney, Jorgenson Siegel, McClure & Flegel, LLP (2002-2006) (serving as assistant to Town Attorney, Town of Portola Valley, City Attorney, City of Menlo Park, and Interim City Attorney, City of Morgan Hill); Contract Attorney, Peninsula Open Space Trust (POST) (2002-2004); Judicial Extern, Honorable Lawrence K. Karlton, United States District Court Judge, Eastern District (Spring, 2002); Legal Intern, United States Department of Justice, Environmental Enforcement Section (Summer, 1999).

Related Experience: Santa Clara County Legislative Advocate, Committee for Green Foothills (1995-1998); Legislative Assistant, Global Action & Information Network (1993-1995); Intern, San Mateo County Planning Department (Fall, 1994).

Community Affairs: UrbanPlan Volunteer (2009-present); Vice-President, California League of Conservation Voters, Santa Clara County Chapter (1995-1998); Moderator, Host & Producer, Common Ground TV (1996-1998); Guest Lecturer, Stanford University & DeAnza College Environmental Studies classes (1995-1998), Teachers Assistant, Environmental Ethics, University of California at Santa Cruz (Spring, 1994).

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Admitted to the California State Bar, 2011

Educational Background: University of California, Hastings College of the Law (J.D. 2011); University of California, Davis (B.A. 2007, Phi Beta Kappa).

Member: California State Bar Association; San Mateo Bar Association – Barristers and Municipal Law Sections.

Present Work: Municipal Law and General Civil Litigation. Deputy Town Attorney, Town of Woodside; Deputy City Attorney, City of San Carlos; Deputy City Attorney, City of Foster City; Deputy Attorney, Coastside Fire Protection District; Deputy Counsel, Central County Fire Protection District. Adjunct Professor, University of California, Hastings College of the Law – Legal Research and Writing.

Prior Legal Experience: Deputy District Counsel, San Mateo County Harbor District (2011-2014); Production Editor - Hastings Science and Technology Journal (2010-2011); Coach - Moot Court Teams, Wager Employment Law Competition (2011), Cardozo/BMI Entertainment and Communications Law Competitions (2010); Intern - City of Burlingame City Attorney's Office (2010); Intern - City of San Mateo City Attorney's Office (2009); Controller - UC Davis Associated Students (2006-2007); Student Services and Fees Administrative Advisory Committee - UC Davis (2006-2007).

Community Affairs: Judge - Hastings Moot Court Program (2011-present); Finance Committee - Cal Aggie Alumni Association (2011-present); San Carlos Chamber of Commerce - Board Member (2014-present).

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Admitted to the California State Bar, 2012

Educational Background: University of California, Hastings College of the Law (J.D. 2012); Stanford University (M.A. 2008); Stanford University (B.A. 2007, alpha Kappa Delta Phi).

Member: California State Bar Association; San Mateo Bar Association – Women Lawyers Section Educational Foundation, Barristers, Estate Planning Law Section and Municipal Law Sections.

Present Work: Municipal Law; General Civil Litigation; Estate Planning; Probate; Conservatorships; Real Estate; and Corporate Law (including small businesses and LLCs). Deputy City Attorney, City of San Carlos; Deputy City Attorney, City of Foster City; Deputy Attorney, Coastside Fire Protection District.

Prior Legal Experience: Attorney, Webb Legal Group (2012- 2013); Trial Team Litigation Extern, San Francisco City Attorney's Office (December 2011-April 2012); Certified Law Clerk, Rencher Law Group, P.C. (2010-2011); Teaching Assistant, University of California, Hastings College of the Law Legal Writing and Research Department (2011-2012); CALI/WITKIN Awards for Negotiations & Settlement, and Mediation.

Community Affairs: Arbor Bay School Board – Boardmember (2014-present).

JOAN A. BORGER
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Admitted to the California State Bar, 1983

Educational Background: University of California, Hastings College of the Law (J.D. 1983); Ohio State University (B.A 1979).

Present Work: General Municipal Law, including California Environmental Quality Act (CEQA), Land Use, Public Works, Public Contracting, Brown Act, Public Records Act, Political Reform Act.

Prior Legal Experience: City Attorney, City of Sunnyvale (2012-2015); Assistant City Attorney, City of Fremont (2006-2012); Interim City Attorney, City of Sunnyvale (2004-2005); Assistant/Senior Assistant City Attorney, City of Sunnyvale (2000-2006); Assistant City Attorney, City of Hayward (1993-2000); General Counsel, South San Francisco Conference Center Authority (1994-1996); Senior Research Attorney, California Court of Appeal, Sixth District (1990-1993); Assistant County Counsel, County of Ventura (1989-1990); Deputy County Counsel, Office of the County Counsel County of Riverside (1985-1987); Judicial Clerkship, California Court of Appeal, District 4 (1983-1985).



STAFF REPORT

To: SBWMA Board Members
From: Farouk Fakira, Finance Manager
Date: September 22, 2016 Board of Directors Meeting
Subject: Approval of Quarterly Investment Report for the Quarter Ended June 30, 2016

Recommendation

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

Analysis

The primary objective of the Investment Policy for the SBWMA is safety of principal, while meeting the cash flow needs of the Authority, through prudent investment of unexpended cash. As of June 30, 2016, the investment portfolio was in compliance with the Investment Policy. The portfolio contains sufficient liquidity to meet the next six months of expected expenditures by the Authority as well as by other third parties.

Fiscal Impact

The attached Investment Portfolio Summary indicates that as of June 30, 2016, funds in the amount of \$22,086,038 were invested, producing a weighted average yield of 0.48%.

Below is a summary of the changes from the last quarter.

	Qtr Ended 6/30/16	Qtr Ended 3/31/16	Increase (Decrease)
Total Portfolio	\$ 22,086,038	\$ 20,633,368	\$ 1,452,670
Weighted Average Yield	0.48%	0.44%	0.04%
Interest Earnings	\$ 23,006	\$ 22,840	\$ 166

The total portfolio balance increased by \$1,452,670. The increase is primarily due to transfers of excess operating cash into the investment portfolio and the required monthly debt service transfers into the bond account from operating funds. The higher portfolio balance combining with a slightly higher weighted average yield resulted in higher interest earnings.

A table comparison of the portfolio components is provided below:

	6/30/2016 Balance	% of Total	3/31/2016 Balance	% of Total	Change over Prior Quarter
SM County Pool	\$ 5,762,103	26%	\$ 5,750,398	28%	\$ 11,705
LAIF	10,003,104	45%	9,593,633	46%	409,471
Bond Account	6,320,831	29%	5,289,337	26%	1,031,494
Total Portfolio	\$ 22,086,038	100%	\$ 20,633,368	100%	\$ 1,452,670

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

Due to arbitrage restrictions, bond investments are not included in our LAIF rate or investment pool comparison. As of June 30, 2016, the bond reserve and payment accounts of approximately \$6.3 million were invested with the trustee in short-term investments.

As of June 30, 2016, investments in the County Investment Pool totaled 37% of SBWMA's funds available for investment pools (see Attachment 1). The percentage is within the range specified by the SBWMA Board.

The average yield of the portfolio in the quarter excluding the bond proceeds was 0.67%. LAIF is used as a benchmark and the average LAIF yield for the quarter ending June 30, 2016, was 0.55%. The San Mateo County Pool average yield for the quarter was 0.89%.

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

Attachments

- A – Summary of All Investments for Quarter Ending June 30, 2016
- B – Investment Portfolio 6/30/2016 - Chart
- C – Historical Summary of Investment Portfolio

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY

SUMMARY OF ALL INVESTMENTS

For Quarter Ending June 30, 2016

Category	Weighted Average Interest Rate	Historical Book Value	% of Portfolio	GASB 31 ADJ Market Value*	Interest Earned
Liquid Investments:					
San Mateo County Investment Pool (COPOOL)	0.89%	\$ 5,762,103	37%	5,779,735	12,771
Local Agency Investment Fund (LAIF)	0.55%	10,003,104	63%	10,009,318	10,235
Total - Investments	0.67%	15,765,207	100.00%	15,789,053	23,006
Bond Accounts - Cash with Fiscal Agents					
BNY Western Trust - Certificates of Deposit^ 2009A Reserve Fund Account	0.00%	-		-	-
BNY Western Trust - Dreyfus Cash Mgmt 670 Inv 2009A Reserve Fund Account	0.00%	4,130,108		4,130,108	-
BNY Western Trust - Dreyfus Cash Mgmt 670 Inv 2009A Payment Fund Account	0.00%	2,190,724		2,190,724	-
Total - Bond Accounts	0.00%	6,320,831		6,320,831	-
GRAND TOTAL OF PORTFOLIO	0.48%	22,086,038		22,109,884	23,006
Total Interest Earned This Quarter				23,006	
Total Interest Earned Fiscal Year-to-Date				85,446	

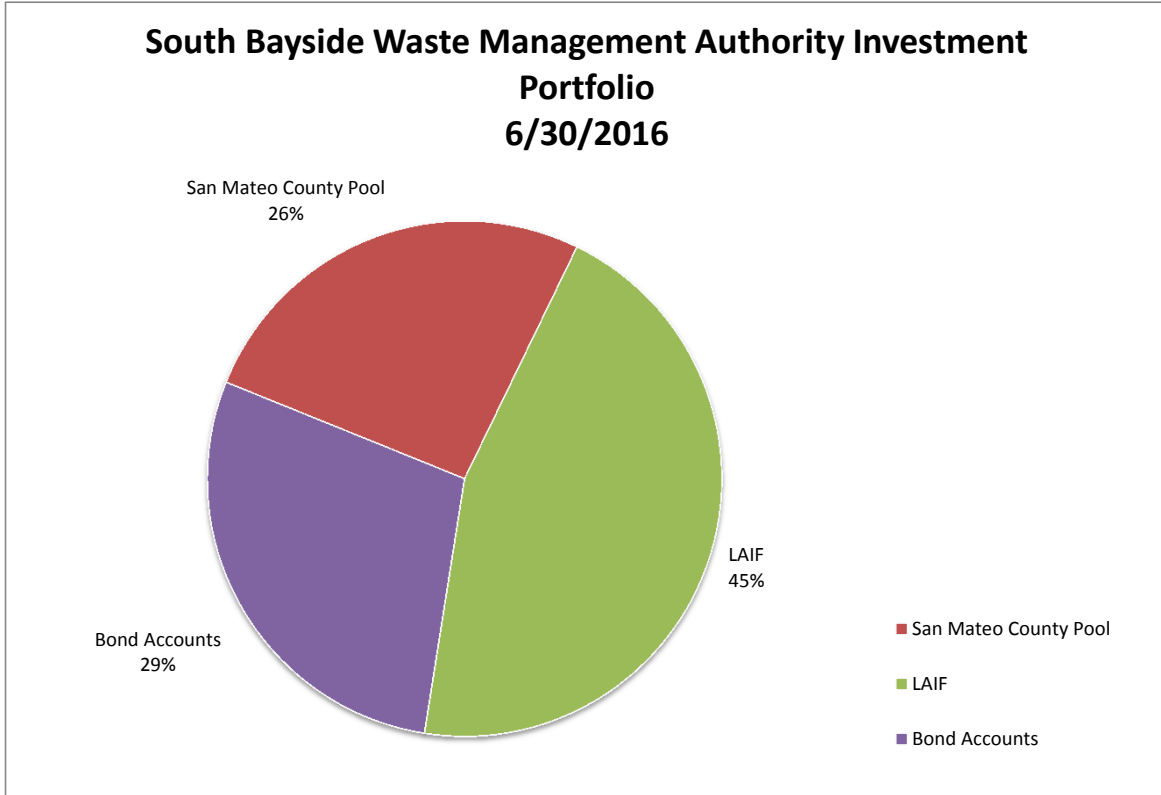
^ - The last Certificate of Deposit matured on 3/24/2016. There was no interest earned during the quarter.

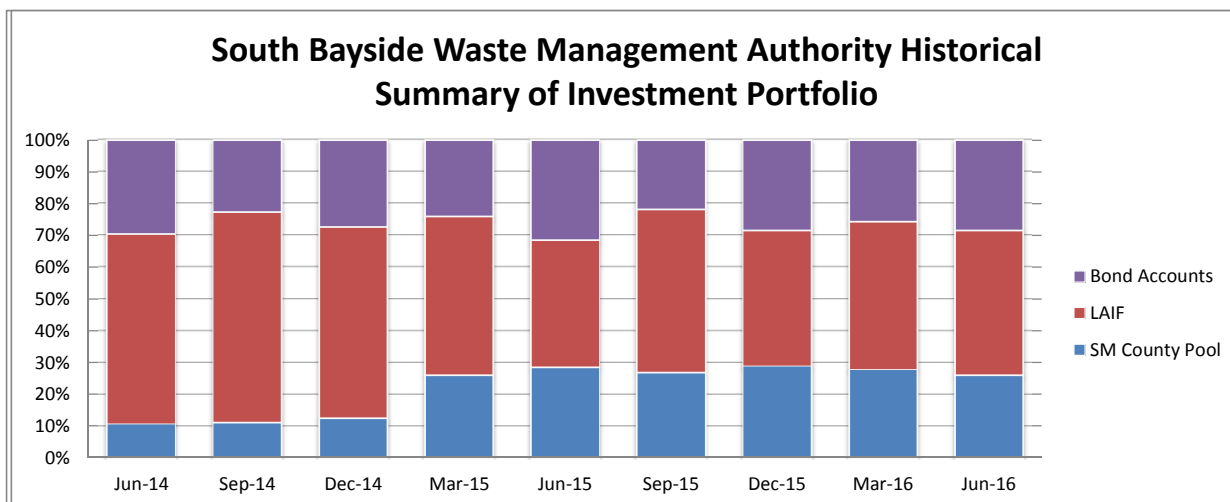
Note: SBWMA Board approved the following investment mix at its January 22, 2015 meeting:

LAIF - 50% to 70%

COPOOL - 30% to 50%

*Difference in value between Historical Value and Market Value may be due to timing of purchase. Investments in the investment pools may have been purchased when interest rates were lower or higher than the end date of this report. As interest rates increase or decrease, the value of the investment pools will decrease or increase accordingly. However, interest rate fluctuations does not have any impact to SBWMA's balance in the investment pools. The market values are presented as a reference only.





South Bayside Waste Management Authority Portfolio

	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16
SM County Pool	2,289,604	2,293,037	2,596,754	5,700,859	5,719,002	5,728,746	5,739,190	5,750,398	5,762,103
LAIF	12,591,585	13,448,147	12,456,035	10,864,026	7,971,342	10,878,169	8,385,354	9,593,633	10,003,104
Bond Accounts	6,257,859	4,628,312	5,659,274	5,264,849	6,296,018	4,631,288	5,662,254	5,289,337	6,320,831
Grand Total	\$ 21,139,048	\$ 20,369,496	\$ 20,712,063	\$ 21,829,734	\$ 19,986,362	\$ 21,238,203	\$ 19,786,798	\$ 20,633,368	\$ 22,086,038



STAFF REPORT

To: SBWMA Board Members
From: Farouk Fakira, Finance Manager
Date: September 22, 2016 Board of Directors Meeting
Subject: Resolution Authorizing Update to 401(a) Retirement Plan Trustees

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No. 2016-33 attached hereto authorizing the following action:

Appointing Joseph La Mariana and Farouk Fakira as Trustees of the 401(a) Plan.

Analysis

Upon the resignation of Kevin McCarthy, one of the two Trustees for the 401(a) Plan, it became incumbent to appoint a new Trustee for the 401(a) Plan. Joseph La Mariana is the new Executive Director and he will execute all the functions that Kevin did.

Duties of The Trustee:

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

Fiscal Impact

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

Attachments:

Resolution No. 2016-33



RESOLUTION NO. 2016-33

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

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

WHEREAS, Kevin McCarthy has resigned and the Board wishes to appoint a new Trustee for the 401(a) Plan.

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

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 22nd day of September, 2016, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton					Menlo Park				
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay San. District				

I HEREBY CERTIFY that the foregoing Resolution No. 2016-33 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 22, 2016.

ATTEST:

Bob Grassilli, Chairperson of SBWMA

Cyndi Urman, Board Secretary



STAFF REPORT

To: SBWMA Board Members
From: Joe La Mariana, Executive Director
Date: September 22, 2016 Board of Directors Meeting
Subject: Resolution Authorizing the Executive Director to execute a letter in support of Proposition 67 The California Plastic Bag Ban Veto Referendum

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No. 2016-34 attached hereto authorizing the Executive Director to execute a letter in position of "support" on Proposition 67 to uphold Senate Bill 270, the Plastic Bag Ban, and further recommends that the Board instruct staff to send a press advisory to local papers indicating this support position.

Summary

Typically the Agency does not take positions on Ballot measures. Proposition 67, the Plastic Bag Ban Referendum, however, is so closely aligned with the Agency's mission statement and strategic goals, that staff is recommending that the Board adopt a support position.

Discussion

In 2014, Governor Jerry Brown signed a statewide bag law, Senate Bill (SB) 270, which prohibits stores that sell packaged food and liquor from providing single use plastic carry-out bags. It requires these stores to charge customers 10 cents for any carry out bag it provides at checkout. The state law closely models San Mateo County Ordinance number 04637 that went into effect in April 2013, and has been implemented by all San Mateo County jurisdictions as of October 2013.

A referendum to overturn SB 270 has qualified for the ballot and the fate of the law will be determined by the results at the upcoming General Election. Proposition 67 is the referendum on SB 270. A "yes" vote on Prop 67 upholds SB 270 and implements the statewide bag ban. SB 270 will only apply to cities and counties that do not already have their own single use carryout bag law as of September, 2014.

The importance of keeping plastic bags out of our streets, waterways and landfills has been recognized by many local governments and as of June 2016, there were single use carryout bag laws in approximately 150 cities and counties, covering about 40 percent of California's population. This law will help to reduce the estimated 15 billion single-use plastic carryout bags provided to customers in California and save our state and local communities tens of millions of dollars in litter clean-up costs.

The referendum has received a position of support from the cities of Berkeley, Pasadena, Santa Cruz, Contra Costa and Marin Counties, as well as a many organizations dedicated to improving water quality and reducing waste. Attachment A provides the text of the Ballot Measure.

Attachments:

Resolution 2016-34

Attachment A – Proposition 67 Ban on Single Use Plastic Bags Referendum



RESOLUTION NO. 2016- 34

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A LETTER SUPPORTING PROPOSITION 67 – THE PLASTIC BAG BAN VETO REFERENDUM

WHEREAS, the Authority is a joint powers agency organized under the Joint Exercise of Powers Act by cities and other local government agencies in San Mateo County (the “Member Agencies”), each of which oversees the collection of solid waste, organic materials and recyclable materials within its jurisdiction; and

WHEREAS, the SBWMA’s adopted mission is to cost effectively design, implement and manage innovative waste reduction and recycling programs and facility infrastructure that fulfills our fiduciary responsibilities to our Member Agencies while achieving community environmental and economic goals; and

WHEREAS, support for Proposition 67 closely aligns with the SBWMA’s mission and goals; and

WHEREAS, San Mateo County adopted a plastic bag ban in 2013

NOW, THEREFORE BE IT RESOLVED that the South Bayside Waste Management Authority hereby Supports Proposition 67, and Authorizes the Executive Director to execute a letter in support of the proposition, and notify local media of this support position.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 22nd day of September, 2016, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton					Menlo Park				
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist				

I HEREBY CERTIFY that the foregoing Resolution No. 2016-34 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on September 22, 2016.

ATTEST:

Bob Grassilli, Chairperson of SBWMA

Cyndi Urman, Board Secretary

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

A “Yes” vote approves, and a “No” vote rejects, a statute that:

- Prohibits grocery and certain other retail stores from providing single-use plastic or paper carryout bags to customers at point of sale.
- Permits sale of recycled paper bags and reusable bags to customers, at a minimum price of 10 cents per bag.

SUMMARY OF LEGISLATIVE ANALYST’S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- Relatively small fiscal effects on state and local governments. Minor increase of less than a million dollars annually for state administrative costs, offset by fees. Possible minor savings to local governments from reduced litter and waste management costs.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Carryout Bag Usage. Stores typically provide their customers with bags to carry out the items they buy. One type of bag commonly provided is the “single-use plastic carryout bag,” which refers to a thin plastic bag used at checkout that is not intended for continued reuse. In contrast, “reusable plastic bags” are thicker and sturdier so that they can be reused many times. Many stores also provide single-use paper bags. Stores frequently provide single-use paper and plastic carryout bags to customers for free, and some stores offer reusable bags for sale. Each year, roughly 15 billion single-use plastic carryout bags are provided to customers in California (an average of about 400 bags per Californian).

Many Local Governments Restrict Single-Use Carryout Bags. Many cities and counties in California have adopted local laws in recent years restricting or banning single-use carryout bags. These local laws have been implemented due to concerns about how the use of such bags can impact the environment. For example, plastic bags contribute to litter and can end up in waterways. In addition, plastic bags can be difficult to recycle because they can get tangled in recycling machines. Most of these local laws ban single-use plastic carryout bags at grocery stores, convenience stores, pharmacies, and liquor stores. They also usually require the store to charge at least 10 cents for the sale of any carryout bag. Stores are allowed to keep the resulting revenue. As of June 2016, there were local carryout bag laws in about 150 cities and counties—covering about 40 percent of California’s population—mostly in areas within coastal counties.

Passage of Statewide Carryout Bag Law. In 2014, the Legislature passed and the Governor signed a statewide carryout bag law, Senate Bill (SB) 270. As described in more detail below, the law prohibits certain stores from providing single-use plastic carryout bags. It also requires these stores to charge

customers for any other carryout bag provided at checkout.

PROPOSAL

Under the State Constitution, a new state law can be placed before voters as a referendum to determine whether the law can go into effect. This proposition is a referendum on SB 270. Below, we describe what a “yes” and “no” vote would mean for this measure, its major provisions, and how this measure could be affected by another proposition on this ballot.

What a “Yes” and “No” Vote Mean

“Yes” Vote Upholds SB 270. Certain stores would be prohibited from providing single-use plastic carryout bags and generally required to charge at least 10 cents for other carryout bags. These requirements would apply only to cities and counties that did not already have their own single-use carryout bag laws as of the fall of 2014.

“No” Vote Rejects SB 270. A store could continue to provide single-use plastic carryout bags and other bags free of charge unless it is covered by a local law that restricts the use of such bags.

Main Provisions of Measure

Prohibits Single-Use Plastic Carryout Bags. This measure prohibits most grocery stores, convenience stores, large pharmacies, and liquor stores in the state from providing single-use plastic carryout bags. This provision does not apply to plastic bags used for certain purposes—such as bags for unwrapped produce.

Creates New Standards for Reusable Plastic Carryout Bags. This measure also creates new standards for the material content and durability of reusable plastic carryout bags. The California Department of Resources Recovery and Recycling (CalRecycle) would be responsible for ensuring that bag manufacturers

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

meet these requirements. The measure also defines standards for other types of carryout bags.

Requires Charge for Other Carryout Bags. This measure generally requires a store to charge at least 10 cents for any carryout bag that it provides to consumers at checkout. This charge would not apply to bags used for certain purposes—such as bags used for prescription medicines. In addition, certain low-income customers would not have to pay this charge. Under the measure, stores would retain the revenue from the sale of the bags. They could use the proceeds to cover the costs of providing carryout bags, complying with the measure, and educational efforts to encourage the use of reusable bags.

Another Proposition on This Ballot Could Affect Implementation of This Measure

This ballot includes another measure—Proposition 65—that could direct revenue from carryout bag sales to the state if approved by voters. Specifically, Proposition 65 requires that revenue collected from a state law to ban certain bags and charge fees for other bags (like SB 270 does) would have to be sent to a new state fund to support various environmental programs.

If both measures pass, the use of the revenues from carryout bag sales would depend on which measure receives more votes. Figure 1 shows how the major provisions of SB 270 would be implemented differently depending on different voter decisions on the two measures. Specifically, if Proposition 67 (this referendum on SB 270) gets more “yes” votes, the revenue would be kept by stores for specified purposes. However, if Proposition 65 (initiative) gets more “yes” votes, the revenue would be used for environmental programs. We note that Proposition 65 includes a provision that could be interpreted by the courts as preventing SB 270 from going into effect at all should

both measures pass and Proposition 65 gets more “yes” votes. However, this analysis assumes that the other provisions of SB 270 not related to the use of revenues—such as the requirement to ban single-use plastic carryout bags and charge for other bags—would still be implemented.

FISCAL EFFECTS

Minor State and Local Fiscal Effects. This measure would have relatively small fiscal effects on state and local governments. Specifically, the measure would result in a minor increase of less than a million dollars annually in state costs for CalRecycle to ensure that bag manufacturers meet the new reusable plastic bags requirements. These costs would be offset by fees charged to makers of these bags. The measure could also result in other fiscal effects—such as minor savings to local governments from reduced litter cleanup and waste management costs.

Visit <http://www.sos.ca.gov/measure-contributions> for a list of committees primarily formed to support or oppose this measure. Visit <http://www.fppc.ca.gov/transparency/top-contributors/nov-16-gen-v2.html> to access the committee’s top 10 contributors.

**Figure 1
Implementation of Referendum Would Be Affected by Outcome of Proposition 65**

	Proposition 67 (SB 270 Referendum) Passes	Proposition 67 (SB 270 Referendum) Fails
Proposition 65 (Initiative) Passes	Statewide carryout bag law in effect. Use of revenues from sale of carryout bags depends on which proposition gets more votes: <ul style="list-style-type: none"> • If more “yes” votes for referendum, revenue is kept by stores. • If more “yes” votes for initiative, revenue goes to state for environmental programs.^a 	No statewide carryout bag law. Revenue from any future statewide law similar to SB 270 would be used for environmental programs.
Proposition 65 (Initiative) Fails	Statewide carryout bag law in effect and revenue from the sale of carryout bags is kept by stores.	No statewide carryout bag law.

^a Alternatively, a provision of Proposition 65 could be interpreted by the courts as preventing Senate Bill (SB) 270 from going into effect at all.

★ ARGUMENT IN FAVOR OF PROPOSITION 67 ★

YES on 67 to REDUCE LITTER, PROTECT OUR OCEAN and WILDLIFE, and REDUCE CLEAN-UP COSTS.

Single-use plastic shopping bags create some of the most visible litter that blows into our parks, trees and neighborhoods, and washes into our rivers, lakes and ocean. A YES vote will help keep discarded plastic bags out of our mountains, valleys, beaches and communities, and keep them beautiful. The law also will save our state and local communities tens of millions of dollars in litter clean-up costs.

PLASTIC BAGS ARE A DEADLY THREAT TO WILDLIFE.

“Plastic bags harm wildlife every day. Sea turtles, sea otters, seals, fish and birds are tangled by plastic bags; some mistake bags for food, fill their stomachs with plastics and die of starvation. YES on 67 is a common-sense solution to reduce plastic in our ocean, lakes and streams, and protect wildlife.”—Julie Packard, Executive Director, Monterey Bay Aquarium

YES on 67 CONTINUES CALIFORNIA'S SUCCESS IN PHASING OUT PLASTIC BAGS.

A YES vote will keep in place a law passed by the Legislature and signed by the Governor that will stop the distribution of wasteful single-use plastic shopping bags. This law has strong support from organizations that are committed to protecting the ocean, wildlife, consumers, and small businesses.

It will be fully implemented statewide once voters approve Prop. 67.

Many local communities are already phasing out plastic bags. In fact, nearly 150 local cities and counties have banned single-use plastic bags. These laws have already been a success; some communities have seen a nearly 90 percent reduction in single-use bags, as well as strong support from consumers.

OUT-OF-STATE PLASTIC BAG COMPANIES ARE OPPOSING CALIFORNIA'S PROGRESS.

Opposition to this law is funded by four large out-of-state plastic bag companies. They don't want California to take leadership on plastic bag waste, and are trying to defeat this measure to protect their profits.

Don't believe their false claims. We should give California's plastic bag law a chance to work, especially with so much success already at the local level.

YES on 67 to PROTECT CALIFORNIA'S PLASTIC BAG LITTER REDUCTION LAW.

JULIE PACKARD, Executive Director
Monterey Bay Aquarium

JOHN LAIRD, Chairperson
California Ocean Protection Council

SCOTT SMITHLINE, Director
California Department of Resources Recycling and Recovery

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 67 ★

WE ALL WANT TO PROTECT THE ENVIRONMENT, BUT PROP. 67 IS A FRAUD.

It is a \$300 million per year HIDDEN BAG TAX on California consumers who will be forced to pay a minimum 10 cents for every paper and thick plastic grocery bag they are given at checkout.

AND NOT ONE PENNY WILL GO TO THE ENVIRONMENT.

Instead, the Legislature gave all \$300 million in new bag tax revenue to grocers as extra profit.

THAT'S \$300 MILLION EVERY YEAR!

STOP THE SPECIAL INTEREST SWEETHEART DEAL.

In a sweetheart deal brokered by special interest lobbyists, Proposition 67 will grow profits for grocery stores by up to \$300 million a year.

Big grocery store chains get to keep ALL of the new tax revenue.

Grocers will grow \$300 million richer every year on the backs of consumers.

DON'T BE FOOLED: NOT ONE PENNY OF THE BAG BAN TAX GOES TO THE ENVIRONMENT.

The Legislature could have dedicated the new tax revenue to protect the environment, but their goal wasn't to protect the environment . . . IT WAS ABOUT GROWING PROFITS FOR GROCERY STORES AND LABOR UNIONS.

The measure SPECIFICALLY REQUIRES GROCERS TO KEEP ALL OF THE NEW TAX AS PROFIT!

STOP THE SWEETHEART DEAL AND HIDDEN BAG TAX.

VOTE NO ON PROP. 67.

DOROTHY ROTHROCK, President
California Manufacturers & Technology Association

THOMAS HUDSON, Executive Director
California Taxpayer Protection Committee

DEBORAH HOWARD, Executive Director
California Senior Advocates League

★ ARGUMENT AGAINST PROPOSITION 67 ★

DON'T BE FOOLED BY PROP. 67.

It is a \$300 million per year HIDDEN TAX INCREASE on California consumers who will be forced to pay a minimum 10 cents for every paper and thick plastic grocery bag they are given at the checkout.

And not one penny goes to the environment.

Instead, the Legislature gave all \$300 million in new tax revenue to grocers as extra profit.

Stop the sweetheart special interest deal . . . VOTE NO ON PROP. 67.

STOP THE BAG TAX

Prop. 67 bans the use of plastic retail bags and REQUIRES grocers to charge and keep a minimum 10 cent tax on every paper or thicker plastic reusable bag provided at checkout.

Consumers will pay \$300 million more every year just to use shopping bags grocery stores used to provide for free.

TAX REVENUE GOES TO GROCERS, SPECIAL INTERESTS

Proposition 67 will grow profits for grocery stores by up to \$300 million a year.

Big grocery store chains get to keep all of the tax revenue.

Grocers will grow \$300 million richer on the backs of consumers.

NOT ONE PENNY OF THE BAG TAX GOES TO HELP THE ENVIRONMENT

The Legislature could have dedicated the new tax revenue to protect the environment, but it did not. Instead, it REQUIRED grocery stores to keep the new bag tax revenue.

STOP THE SPECIAL INTEREST BAG TAX DEAL

Prop. 67 is a deal cooked up by special interest lobbyists in Sacramento to grow profits for grocery stores.

The Legislature passed SB 270 and hidden in the fine print is a NEW BAG TAX on consumers—a minimum 10 cents on every paper and thick plastic reusable bag provided to shoppers—all dedicated to grocer profits.

STOP THE SWEETHEART DEAL AND HIDDEN BAG TAX

VOTE NO ON PROP. 67.

DOROTHY ROTHROCK, President
California Manufacturers & Technology Association
THOMAS HUDSON, Executive Director
California Taxpayer Protection Committee
DEBORAH HOWARD, Executive Director
California Senior Advocates League

67

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 67 ★

A YES vote on 67 confirms that California can move forward with its ban on plastic grocery bags. It's that simple.

Don't be fooled by the deceptive campaign waged by plastic bag corporations from Texas and South Carolina, who claim they are looking out for our environment. Phasing out single-use plastic bags brings major benefits to California.

These bags kill wildlife, pollute our oceans, ruin recycling machines, and cause litter that is expensive to clean up.

Many local communities across California have already phased out plastic grocery bags, and a YES vote would continue this progress.

"Don't buy the industry spin! . . . shoppers can avoid the 10-cent fee on paper or reusable plastic bags simply by bringing their own."—The Los Angeles Times editorial board

"Across California, small local grocery stores like ours support a YES vote on Prop. 67. In our local

community, we have a ban on single-use plastic bags that is working well. Our customers are bringing their own reusable bags, and are happy to do their part to reduce unneeded plastic litter. It's good for small businesses and consumers."—Roberta Cruz, La Fruteria Produce

"Californians are smarter than the plastic bag makers, especially those from out of state, seem to think."—Sacramento Bee Editorial Board

Vote YES on 67 to protect California's success in phasing out plastic bag litter and waste.

DOLORES HUERTA, Co-Founder
United Farm Workers
SAM LICCARDO, Mayor
City of San Jose
MARY LUÉVANO, Commissioner
California Coastal Commission