



Amended Agenda Cover

Special Meeting
Board of Directors Meeting Agenda
July 8, 2017
9:00 a.m.

***** **Meeting Location** *****

Courtyard by Marriott
3150 Garrity Way
Richmond, CA 94806

Americans with Disabilities Act

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Public Comment

Members of the public may address the Board of Directors on items that are within the jurisdiction of the Authority. Comments by the public pertaining to items listed in this Agenda should be made at the time the item is considered by the Board of Directors. Please note this Agenda contains an item for the Public to address the Board on non-agenda matters. Each speaker is limited to 3 minutes and may speak only once under each agenda item. The Board of Directors may waive these provisions. If you desire to address the Board, please submit your request on a Speaker's Card available from the Secretary.

1. CALL TO ORDER AND ROLL CALL

The Chair will call the meeting to order and the Secretary will call the roll to establish the presence of a quorum.

2. CLOSED SESSION – NONE

3. PLEDGE OF ALLEGIANCE

The Chair or a Member of the Board will lead the Pledge of Allegiance.

4. EX PARTE COMMUNICATIONS DISCLOSURES

The Chair of the Board will ask if any Director has an ex parte disclosure, pursuant to the Authority's Ex Parte Communications Policy, on any agenda items.



recyclemore
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WASTE MANAGEMENT AUTHORITY



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5. PUBLIC COMMENT

Receipt of public comment on non-agenda matters.

6. CONSENT CALENDAR

All matters listed in the Consent Calendar will be enacted with one motion. There will be no separate discussion of the items listed. However, upon request by a member of the Board or the public, items will be removed from the Consent Calendar and considered separately in the agenda order.

Consideration of a motion to approve the following actions: **None**

END OF CONSENT CALENDAR

7. STAFF REPORT

Staff will provide updates on recent and upcoming activities.

Process for Addressing Agenda Items Before the Board of Directors

- *Chair reads the agenda item*
- *Staff presents their report*
- *Board questions staff*
- *Public comments are heard*
- *Board discusses item*
- *A motion is made*
- *Final Board discussion*
- *Motion is restated and seconded for the record*
- *Board votes or provides direction to staff*

8. REGULAR AGENDA

8.0 **Special Meeting Item 1 - Workshop on Joint Exercise of Powers Agreement (JEPA)**

Conduct a workshop on the Joint Exercise of Powers Agreement (JEPA).

8.1 **Amended Report - Special Meeting Item 2 - Decisions and Direction on Joint Exercise of Powers Agreement (JEPA) Prepared for July Workshop and Any Other JEPA-Related Issues**

1. Consideration of a motion or motions with regard to the amended Joint Exercise of Powers Agreement (JEPA) language on the following JEPA issues:
 - a) Limit use of some RecycleMore powers and need to obtain Member Agency's Council or Board approval prior to exercising certain powers.
 - b) Right to withdraw with reasonable notice.
 - c) Intermittent disbursement of reserves.
 - d) Provide that rate setting methodology may not be changed unless agreed to by all member agencies.
 - e) County's right to franchise the IRRF.
 - f) Should services provided by RecycleMore be proportional to the financial revenues generated by customers?

- g) Net revenue from Richmond's industrial businesses should solely benefit Richmond ratepayers.
 - h) Provide for reserve funds to be distributed to withdrawing Members in proportion to contributions that the Member Agency made.
 - i) Additional Voting Representation for Richmond Directors.
 - j) Continuation of RecycleMore's obligation to maximize use of in-county landfills.
2. Provide direction to staff and Legal Counsel on any outstanding JEPA related issues that are not resolved by the Board in this amended agenda report (Agenda Item 8.1).

END OF REGULAR AGENDA

9. BOARD MEMBER AND STAFF ANNOUNCEMENTS

INFORMATION ONLY. Announcement of matters of interest by Board Members, Alternate Board Members, Executive Director and General Counsel.

10. ADJOURNMENT

Consideration of a motion to adjourn. A Board of Directors Special Meeting is scheduled for Thursday, July 20, 2017 at 6:30 PM.



Amended Agenda Report

Date: July 8, 2017

To: West Contra Costa Integrated Waste Management Authority Board

From: Stan Hakes, Executive Director and Kent Alm, Legal Counsel

Subject: **Amended Report - Special Meeting Item 2 – Decisions and Direction on Joint Exercise of Powers Agreement (JEPA) Prepared for July Workshop and Any Other JEPA-Related Issues**

ACTION REQUESTED

1. Consideration of a motion or motions with regard to the amended Joint Exercise of Powers Agreement (JEPA) language on the following JEPA issues:
 - a) Limit use of some RecycleMore powers and need to obtain Member Agency's Council or Board approval prior to exercising certain powers.
 - b) Right to withdraw with reasonable notice.
 - c) Intermittent disbursement of reserves.
 - d) Provide that rate setting methodology may not be changed unless agreed to by all member agencies.
 - e) County's right to franchise the IRRF.
 - f) Should services provided by RecycleMore be proportional to the financial revenues generated by customers?
 - g) Net revenue from Richmond's industrial businesses should solely benefit Richmond ratepayers.
 - h) Provide for reserve funds to be distributed to withdrawing Members in proportion to contributions that the Member Agency made.
 - i) Additional Voting Representation for Richmond Directors.
 - j) Continuation of RecycleMore's obligation to maximize use of in-county landfills.

2. Provide direction to staff and Legal Counsel on any outstanding JEPA related issues that are not resolved by the Board in this amended agenda report (Agenda Item 8.1).

BACKGROUND

This agenda report accompanies the previous agenda report (Agenda Item 8.0). The history and background on the JEPA Update process is described in the Agenda Item 8.0 report.

KEY JEPA ISSUES REMAINING

There are ten (10) JEPA Update issues remaining. These ten (10) issues will be discussed at the July 8 Special Board Meeting JEPA Workshop. These issues are:

1. Limit use of some RecycleMore powers and need to obtain Member Agency's Council or Board approval prior to exercising certain powers. (Request by multiple member agencies)
2. Right to withdraw with reasonable notice. (Request by multiple member agencies)
3. Intermittent disbursement of reserves. (Issue of concern for multiple member agencies)
4. Provide that rate setting methodology may not be changed unless agreed to by all member agencies. (County Request)
5. Clarify County's right to franchise the IRRF. (County Request)
6. Should services provided by RecycleMore be proportional to the financial revenues generated by customers? (Richmond Request)
7. Net revenue from Richmond's industrial businesses should solely benefit Richmond ratepayers. (Richmond Request)
8. Provide for reserve funds to be distributed to withdrawing Members in proportion to contributions that the Member Agency made. (Richmond Request)
9. Additional Voting Representation for Richmond Directors. (Richmond Request)
10. Continuation of RecycleMore's obligation to maximize use of in-county landfills. (County request)

After conducting the July 8 Board JEPA Update Workshop, it is recommended the Board consider voting on any JEPA issues which have been resolved, and provide direction to staff and Legal Counsel on any outstanding JEPA related issues that are not resolved as a result of the JEPA Workshop and discussion of this amended agenda report.

FISCAL IMPACT

Adopting motions or providing direction to staff on these JEPA items will not have an immediate or significant fiscal impact to member agencies or to RecycleMore. Future specific actions related to updating the JEPA may have minor to significant fiscal impacts to RecycleMore and member agencies.

RECOMMENDED ACTION

1. Consideration of a motion or motions with regard to the amended Joint Exercise of Powers Agreement (JEPA) language on the following JEPA issues:
 - a) Limit use of some RecycleMore powers and need to obtain Member Agency's Council or Board approval prior to exercising certain powers.
 - b) Right to withdraw with reasonable notice.
 - c) Intermittent disbursement of reserves.
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 - i) Additional Voting Representation for Richmond Directors.
 - j) Continuation of RecycleMore's obligation to maximize use of in-county landfills.

2. Provide direction to staff and Legal Counsel on any outstanding JEPA related issues that are not resolved by the Board in this amended agenda report (Agenda Item 8.1).

Submitted by:


Stan Hakes
Executive Director

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