

Regional Solid Waste Association

City of Del Mar
Dwight Worden

City of Encinitas
Catherine Blakespear

City of National City
Ron Morrison

City of Poway
Dave Grosch

City of Solana Beach
Kelly Harless

City of Vista
Joe Green

Special Contract Party
City of Escondido
Michael Morasco

General Manager/General Counsel
James H. Eggart

SPECIAL MEETING AGENDA

December 9, 2021
8:00 a.m.

Via Teleconference / Video Conference Only
Pursuant to Government Code Section 54953(e)



REGIONAL SOLID WASTE ASSOCIATION

SPECIAL MEETING AGENDA

December 9, 2021

8:00 a.m.

VIA TELECONFERENCE / VIDEO CONFERENCE ONLY

In the interest of public health, this meeting will be conducted utilizing teleconferencing and electronic means only in accordance with Assembly Bill 361 and Government Code Section 54953(e). There will be no in person participation at the Fletcher Cove Community Center. Members of the public may view and participate in this meeting via Zoom or by teleconference by using the link or telephone number below:

<https://us06web.zoom.us/j/82823326550?pwd=dEVXQUhHY25ub2dtUnFlYlowdjZCOT09>

Phone No.: (669) 900-6833

Meeting ID: 828 2332 6550

Passcode: 765821

ADDRESSING THE ASSOCIATION BOARD: If you wish to speak to an item on the agenda, please advise the moderator which agenda Item number you wish to speak to before that item has been announced by the Chair. To donate time to another person, advise the moderator of that fact. The person or persons donating time must be present on the teleconference or video conference when the speaker to whom they have donated time is heard. In order to provide an opportunity for public comment by members of the public who are unable to participate in the meeting by teleconference or electronic means, comments may be submitted via e-mail at james@rswa.info.

ADDITIONAL INFORMATION: This agenda provides a brief description of each item to be considered by the Association Board. All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Board Members within 24 hours preceding the meeting, shall be made available for public inspection on the Regional Solid Waste Association website at <http://rswa.info>. Additional information is available through the General Manager to the Association at (714) 415-1062.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

This item is scheduled to provide an opportunity for public testimony on matters on this Agenda.

3. **CONSENT CALENDAR – ACTION ITEM (Roll Call Vote)**

(Consent Calendar items will be acted on simultaneously with one motion unless separate discussion and/or action is requested by a Board Member.)

- A. Minutes of the November 18, 2021 Special Meeting of the Board of the Regional Solid Waste Association – Recommended Action: Receive and File.

4. **ADOPTION OF A RESOLUTION NO. 2021-09 MAKING SPECIFIED FINDINGS AND RE-AUTHORIZING USE OF REMOTE TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(3) – ACTION ITEM (Roll Call Vote)**

The Board of Directors will reconsider the circumstances of the State of Emergency declared by the Governor as a result of the Covid-19 pandemic and consider adopting a resolution pursuant to Government Code Section 54953(e) re-authorizing the Board to continue to meet via videoconference and/or teleconference.

Recommended Action: Adopt Resolution No. 2021-09, A Resolution of the Board of Directors of the Regional Solid Waste Association Making Specified Findings and Re-authorizing Remote Teleconference Meetings in Accordance with Government Code Section 54953(e), as Presented.

5. **SB 1383 COMPLIANCE SUPPORT SERVICES UPDATE – INFORMATION ITEM**

The Board will receive a report on the status of the SB 1383 compliance support services being provided to the RSWA Member Cities by Solana Center for Environmental Innovation and San Diego Food System Alliance. The Board may provide the General Manager with further direction.

6. **CONSIDERATION OF AMENDMENT NO. 2 TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SOLANA CENTER FOR ENVIRONMENTAL INNOVATION – ACTION ITEM (Roll Call Vote)**

The Board will consider a proposed second amendment to the existing Agreement for Professional Consultant Services between RSWA and Solana Center for Environmental Innovation for SB 1383 Compliance Support Services. The proposed Amendment would amend the Scope of Work to add specified new “Core Tasks” and increase the Not-To-Exceed amount of consultant compensation from \$108,950 to \$177,250.

Recommended Action: Authorize the General Manager to enter into the proposed Amendment No. 2 to Agreement for Professional Consultant Services with Solana Center Environmental Innovation on behalf of RSWA.

7. **FY 2021/2022 BUDGET ADJUSTMENTS – ACTION ITEM (Roll Call Vote)**

The Board will consider proposed adjustments to the Fiscal Year 2021/2022 Budget.

Recommended Action: Approve the proposed budget adjustments and amended Budget for Fiscal Year 2021/2022.

8. **REVIEW FUTURE MEETING SCHEDULE – POSSIBLE ACTION ITEM (Roll Call Vote)**

This item is scheduled for discussion and approval of the future meeting schedule for the Board of Directors. The current regular meeting schedule is:

January 6, 2022

April 7, 2022

July 7, 2022

The Board may make changes to the time, date, location, and/or format of future meetings. The Board may also discuss scheduling future special meetings pursuant to AB 361 or for other purposes.

9. **COMMENTS FROM ASSOCIATION MEMBERS, GENERAL COUNSEL AND GENERAL MANAGER**

The Members may ask questions, make comments and ask that any matter be agenzized for consideration at a later meeting.

10. **ADJOURNMENT**

Adjournment to the Regular Meeting of January 6, 2022 at 9:00 a.m. at the Fletcher Cove Community Center, 133 Pacific Avenue, Solana Beach, CA.

**PUBLIC NOTICE AND CALL FOR THE SPECIAL MEETING OF
THE REGIONAL SOLID WASTE ASSOCIATION**

**December 9, 2021
8:00 a.m.**

VIA TELECONFERENCE / VIDEO CONFERENCE ONLY

In the interest of public health, this meeting will be conducted utilizing teleconferencing and electronic means only in accordance with Assembly Bill 361 and Government Code Section 54953(e). There will be no in person participation at the Fletcher Cove Community Center. Members of the public may view and participate in this meeting via Zoom or by teleconference by using the link or telephone number below:

<https://us06web.zoom.us/j/82823326550?pwd=dEVXQUhHY25ub2dtUnFIYlowdjZCQT09>

Phone No.: (669) 900-6833

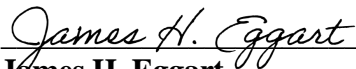
Meeting ID: 828 2332 6550

Passcode: 765821

In accordance with the requirements of California Government Code Sections 54956 and 54954.3(a), this Notice and the Agenda has been posted on the Regional Solid Waste website at <http://rswa.info> and at Solana Beach City Hall, 635 South Highway 101, Solana Beach, CA, not less than 24 hours prior to the meeting date and time above.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the Association's General Manager, James Eggart, at (714) 415-1062 prior to 5:00 p.m. the day prior to the meeting to allow the Association to make reasonable arrangements to ensure accessibility to this meeting.

I, James H. Eggart, General Manager of the Regional Solid Waste Association, do hereby declare that I caused the posting of the agenda for the special meeting of the Regional Solid Waste Association for December 9, 2021 in the locations listed above which are freely accessible to the public at or prior to 8:00 a.m. on December 8, 2021.



James H. Eggart
General Manager
Regional Solid Waste Association

ITEM #3.A.

**MINUTES
REGIONAL SOLID WASTE ASSOCIATION
SPECIAL MEETING**

November 18, 2021
8:00 a.m.

VIA TELECONFERENCE / VIDEO CONFERENCE ONLY

Pursuant to Assembly Bill 361 and Government Code Section 54953(e), and in the interest of public health, this meeting was conducted utilizing teleconferencing and electronic means only.

BOARD MEMBERS IN ATTENDANCE:

Council Member Ron Morrison, City of National City – RSWA Chairperson
Deputy Mayor Joe Green, City of Vista – RSWA Vice-Chairperson
Deputy Mayor Dwight Worden, City of Del Mar – RSWA Secretary
Councilmember Dave Grosch, City of Poway – RSWA Treasurer
Mayor Catherine Blakespear, City of Encinitas
Councilmember Kelly Harless, City of Solana Beach
Deputy Mayor Mike Morasco, City of Escondido

STAFF RESOURCES IN ATTENDANCE:

James H. Eggart, General Manager/General Counsel

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairperson Morrison called the meeting to order at 8:03 a.m.

Board Member Blakespear led the Board in the Pledge of Allegiance.

2. **SWEARING IN OF NEW BOARD MEMBERS**

None.

3. **ORAL COMMUNICATIONS**

No oral comments were provided at this time.

4. **CONSENT CALENDAR**

The consent calendar included the following items:

- A. Minutes of the October 7, 2021 Regular Meeting of the Board of the Regional Solid Waste Association – Recommended Action: Receive and File.
- B. Minutes of the October 28, 2021 Special Meeting of the Board of the Regional Solid Waste Association – Recommended Action: Receive and File.

MOTION WAS MADE TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

(Motion by Vice-Chairperson Green, City of Vista/Second by Board Member Morasco, City of Escondido). Motion was approved by a vote of 7 ayes, 0 nays, and 0 abstentions.

Ayes: Morrison, Green, Blakespear, Grosch, Morasco, Worden, Harless
Nays:
Abstain:
Absent:

5. **ADOPTION OF A RESOLUTION NO. 2021-08 MAKING SPECIFIED FINDINGS AND RE-AUTHORIZING USE OF REMOTE TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(3).**

The Board of Directors reconsidered the circumstances of the State of Emergency declared by the Governor as a result of the Covid-19 pandemic and considered a resolution pursuant to Government Code Section 54953(e) re-authorizing the Board to continue to meet via videoconference and/or teleconference.

MOTION WAS MADE TO ADOPT RESOLUTION NO. 2021-08 AS PRESENTED.

(Motion by Vice-Chairperson Green, City of Vista/Second by Secretary Worden, City of Del Mar). Motion was approved by a vote of 7 ayes, 0 nays, and 0 abstentions.

Ayes: Morrison, Green, Blakespear, Grosch, Morasco, Worden, Harless
Nays:
Abstain:
Absent:

6. **SB 1383 COMPLIANCE SUPPORT SERVICES UPDATE AND DISCUSSION**

The Board received a report on the status of the SB 1383 compliance support services being provided to the RSWA member Cities by Solana Center for Environmental Innovation (“Solana Center”) and San Diego Food System Alliance. Copies of the October status report and recently completed deliverables were provided in the Board Agenda packet. Jessica Toth of Solana Center went over the SB 1383 compliance guides for businesses that have been completed and an updated “Next Steps” scope of work for two additional “Core Tasks” proposed to be added to the existing agreement between RSWA and Solana Center, and answered Board Member questions. The proposed new “Core Tasks” included: (1) determine potential rescuable edible food for each city using County tool; and (2) implement food recovery capacity survey to audit list of food recovery organizations. The Board discussed the proposed new “Core Tasks” and anticipated costs and provided comments.

MOTION WAS MADE TO DIRECT THE GENERAL MANAGER TO MOVE FORWARD TO NEGOTIATE AN AMENDMENT TO THE EXISTING AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN RSWA AND SOLANA CENTER FOR ENVIRONMENTAL INNOVATION BASED ON THE DOLLAR AMOUNTS SET FORTH IN “NEXT STEPS DOCUMENT” PRESENTED AT THE MEETING.

(Motion by Board Member Blakespear, City of Encinitas/Second by Board Member Harless, City of Solana Beach). Motion was approved by a vote of 6 ayes, 0 nays, and 1 abstention.

Ayes: Morrison, Green, Blakespear, Morasco, Worden, Harless
Nays:
Abstain: Grosch
Absent:

Chairperson Morrison left the meeting at 8:22 a.m.

Vice-Chairperson Green assumed the duties of chair.

7. **COMMENTS FROM ASSOCIATION MEMBERS, GENERAL COUNSEL AND GENERAL MANAGER**

Chairperson Green recognized the following meeting attendees, who provided comments.

Mallika Sen from the Solana Center recognized and thanked CalRecycle for their assistance in answering Solana Center’s questions related to SB 1383 and recognized San Diego Food System Alliance for its contributions.

Jim Ambroso from EDCO commented that the outreach efforts of the Member City staffs and consultants regarding SB 1383’s requirements has been helpful to EDCO and EDCO is finding that there is a relatively high level of awareness by businesses. Jessica Toth thanked the staff of the Member Cities for their hard work on SB 1383.

Roberta Goldenpenny from CalRecycle stated that the deadline to provide comments to CalRecycle on how to use the State funding for local assistance grants was Friday, November 19, 2021 and invited Member City staff to provide comments.

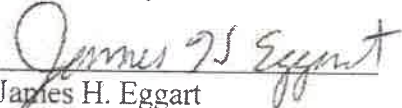
General Manager Eggart advised the Board that he would email copies of the CalRecycle report and request for comments and the "Next Steps" document reviewed at the meeting to each of the Board Members and City Program Managers.

No Board Members provided comments.

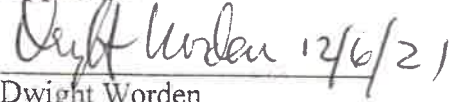
8. **ADJOURNMENT**

Vice-Chairperson Green adjourned the meeting at 8:28 a.m. to the special meeting of December 9, 2021 at 8:00 a.m. to be held via teleconference / videoconference only.

Respectfully Submitted:


James H. Eggart
General Manager

Approved:


Dwight Worden
RSWA Secretary

ITEM #4.

Resolution No. 2021-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REGIONAL SOLID WASTE ASSOCIATION MAKING SPECIFIED FINDINGS AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e)(3).

WHEREAS, the Board of Directors of the Regional Solid Waste Association (“RSWA”) holds regular and special public meetings pursuant to the Ralph M. Brown Act (the “Brown Act”), Government Code section 54950, et seq.

WHEREAS, pursuant to RSWA’s Bylaws, the designated location for regular meetings of the RSWA Board of Directors is the Fletcher Cove Community Center in the City of Solana Beach.

WHEREAS, on September 16, 2021 Governor Newsom signed Assembly Bill (“AB”) 361, which added subsection (e) to Government Code section 54953 and makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions.

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625.

WHEREAS, on March 4, 2020 Governor Newsom declared a State of Emergency in the State of California pursuant to Government Code section 8625 as a result of the threat of the Coronavirus (COVID-19) pandemic, and the State of Emergency is still in effect.

WHEREAS, in addition to the Governor’s proclamation of a State of Emergency, as a result of the COVID-19 pandemic, the City of Solana Beach has declared a local emergency and has closed all nonessential City facilities, including the Fletcher Cove Community Center, to ensure the safety of the public.

WHEREAS, on October 7, 2021, the RSWA Board of Directors adopted Resolution No. 2021-05 making findings in accordance with AB 361 and Government Code Section 54953(e) and authorizing the use of remote teleconference meetings.

WHEREAS, as a condition of extending the use of the provisions found in Government Code Section 54953(e), the Board of Directors must reconsider the circumstances of the State of Emergency and make specified findings at least every 30 days.

WHEREAS, on October 28, 2021, and November 18, 2021, the RSWA Board of Directors reconsidered the circumstances of the State of Emergency and adopted Resolutions No. 2021-07 and 2021-08, respectively, making specified findings and re-authorizing remote teleconference meetings in accordance with Government Code Section 54953(e).

WHEREAS, sustained COVID-19 community transmission continues to occur in San Diego County and the cities within RSWA’s jurisdiction and various state and local officials continue to recommend measures to promote social distancing.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Regional Solid Waste Association as follows:

1. The above findings and recitals are true and correct and are incorporated herein in full by this reference.
2. The Board of Directors of the Regional Solid Waste Association has reconsidered the circumstances of the proclaimed State of Emergency in California and has determined that (a) the State of Emergency continues to directly impact the ability of the members of the Board to meet safely in person and (b) state and local officials continue to recommend measures to promote social distancing.
- 3 That during the effective period of this Resolution, members of the Board of Directors of the Regional Solid Waste Association may continue to participate in meetings subject to the Brown Act by way of videoconference and/or teleconference in accordance with Assembly Bill 361 and Government Code section 54953(e).
4. The RSWA General Manager is authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.
5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of: (1) December 18, 2021; or (2) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the Board may continue to hold virtual or teleconferenced meetings without complying with Government Code Section 54953(b)(3).

PASSED AND ADOPTED by the Board of Directors of the Regional Solid Waste Association, San Diego County, State of California, on December 9, 2021.

Ron Morrison, Chairman
Regional Solid Waste Association

APPROVED AS TO FORM:
James H. Eggart, General Counsel

By:_____

CERTIFICATION

I, Ron Morrison, Chairman of the Regional Solid Waste Association, do hereby certify that the foregoing Resolution No. 2021-09 was duly adopted at a regular meeting of the Association, held on the 9th day of December, 2021, by the following vote of the members of the Association:

AYES:

NOES:

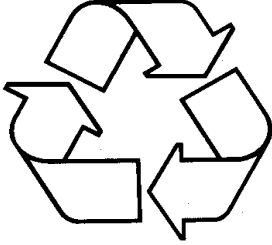
ABSENT:

ABSTAIN:

And I further certify that I signed and approved said Resolution on the ____ day of _____, 2021.

Ron Morrison, Chairman
Regional Solid Waste Association

ITEM #5.



REGIONAL SOLID WASTE ASSOCIATION

Member Agencies: Cities of Del Mar, Encinitas, Escondido,
National City, Poway, Solana Beach, and Vista

To: RSWA Board Members
From: General Manager James H. Eggart
Subject: SB 1383 Compliance Support Services Update
Date: December 9, 2021

BACKGROUND/DISCUSSION

On March 25, 2021, RSWA entered into an Agreement for Professional Consultant Services with Solana Center for Environmental Innovation ("Solana Center") to provide specified SB 1383 compliance services to the six regular RSWA Member Cities. San Diego Food System Alliance ("SDFSA") is a subcontractor under the Agreement. The consultants are nearing completion of the existing "Core Tasks" within the Scope of Work under the existing Agreement. The monthly progress report for November prepared by Solana Center is attached to this Report. The Board will also receive a further status update at its December 9, 2021 meeting.

ATTACHMENTS

November Monthly Progress Report

November Monthly Progress Report

SB 1383 Compliance Support Services



General Progress

- All deliverables for the current contract are complete except for the following:
 - Edible Food Recovery Mailer: On schedule to be completed by the end of December.
 - Inspection Checklist: Multiple meetings scheduled with CalRecycle to get clarity on the regulation requirements. Based on the latest round of feedback, final revisions will be made to the inspection checklist.
- Status of core deliverables:

Task	Date	Status
Food recovery educational campaign for top generators	end of June 2021	Completed.
Preliminary list of food recovery organizations and services	end of June 2021	Completed.
Tier Identification	end of Sept 2021	Completed.
Inspection Checklist	end of Oct 2021	In revision.
Edible Food Recovery Packet	end of Oct 2021	Completed.
Compliance Resource Packets	end of Oct 2021	Completed.
Edible Food Recovery Webinar	Nov 8 & 10, 2021	Completed.
Edible Food Recovery Annual mailer	mid Dec 2021	On track.

This material was developed for RSWA and associated cities in partnership with Solana Center for Environmental Innovation and San Diego Food System Alliance.



Task 1 Conduct Outreach and Education (Solana Center)

Task 1.1 Identify Tier 1 and Tier 2 generators

- Status: Completed.

Task 1.2 Create baseline and compliance resources

- Status: Completed.

Task 1.3 Create inspection plan and protocol for inspections

Status: CalRecycle provided additional clarity on how to ensure compliance with the “maximum edible food recovery” and “no intentional food spoilage” requirements. Based on this feedback, additional revisions are being made to the checklist. A subsequent meeting will be scheduled with the jurisdictions to provide background into some of the discussions that have occurred and also answer any questions they have with the checklist.

Task 2 Edible Food Recovery Program (SDFSA)

Task 2.1 Plan food recovery educational campaign to educate top generators

Status: Completed.

Task 2.2 Develop and deliver food recovery resources to generators

Status: Completed. Hosted “Food Donation 101” webinars. Translated food recovery resource packet into Spanish and provided final version to City staff. Redesigned the flyers to add a QR code placeholder and provided final versions to City staff.

Task 2.3 Compile a preliminary list of food recovery organizations and service names

Status: Completed.

Task 2.4 Develop a food recovery newsletter/mailer for annual education

Status: Started Nov. 2021, to be completed Dec. 2021.

Progress: Developed draft copy and design of educational mailer into tri-fold brochure.

This material was developed for RSWA and associated cities in partnership with Solana Center for Environmental Innovation and San Diego Food System Alliance.

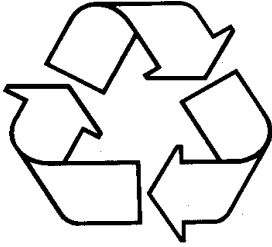


Concerns: N/A

This material was developed for RSWA and associated cities in partnership with Solana Center for Environmental Innovation and San Diego Food System Alliance.



ITEM #6.



REGIONAL SOLID WASTE ASSOCIATION

Member Agencies: Cities of Del Mar, Encinitas, Escondido,
National City, Poway, Solana Beach, and Vista

To: RSWA Board Members
From: General Manager/General Counsel James H. Eggart
Subject: Amendment No. 2 to SB 1383 Compliance Support Services
Agreement Between RSWA and Solana Center for Environmental
Innovation
Date: December 9, 2021

BACKGROUND/DISCUSSION

On March 25, 2021, RSWA entered into an Agreement for Professional Consultant Services with Solana Center for Environmental Innovation ("Solana Center") to provide specified SB 1383 compliance services to the six regular RSWA Member Cities. San Diego Food System Alliance ("SDFSA") is a subcontractor under the Agreement.

On May 26, 2021, the parties entered into Amendment No. 1 to the Agreement to correct certain typographical errors in Section 3.1.

At its November 18, 2021 special meeting, Solana Center presented an updated "Next Steps" document containing the proposed scope of work and estimated costs for two additional "Core Tasks" proposed to be added to the Scope of Work for the Agreement. These two new Core Tasks consist of:

1. New Task 1.9: Determine potential rescuable food for each city using County tool (\$100 per business in Tier 1 and Tier 2 list); and
2. Task 2.9 (moved from "Optional Tasks" to "Core Tasks"): Implement capacity survey to audit food recovery organizations (\$100 per food recovery entity).

The estimated additional costs for these two new "Core Tasks" was presented to be no more than \$60,000.

Following discussion, the Board voted to direct the General Manager/General Counsel to negotiate a second amendment to the Agreement to add the two proposed new Core Tasks to the Scope of Work consistent with the "Next Steps" document presented at the meeting.

In the course of subsequent discussions with the RSWA General Manager/General Counsel, Solana Center indicated that there would be some additional costs associated with the Agreement amendment that were not discussed with the Board at the November 18th meeting. These include:

- An additional \$2,000 under Task 1.3 to revise the already completed inspection checklist pursuant to newly received guidance from CalRecycle.
- An additional \$1,200 in administrative costs under Task 2.6 for the 4 additional months required to complete the two new Core Tasks (at a reduced amount of \$300 per month).
- An additional \$2,200 in administrative costs under Task 3.2 for the 4 additional months required to complete the two new Core Tasks (at a reduced amount of \$550 per month).
- An additional \$7,000 under Task 3.1 for the 4 additional months required to complete the two new Core Tasks (note that no additional billing for Task 2.5 is proposed for the 4 month extension; further time for stakeholder communication on food recovery tasks will be billed under Task 3.1 for January – April).

Additional changes proposed by Solana Center to what was presented at the November 18th meeting also include the following:

- A reduction in the estimated number of businesses (and associated cost) to be addressed under new Task 1.9 to 375. The Cities are still reviewing and further investigating businesses included in the initial Tier 1 and Tier 2 lists, and it is anticipated that some businesses will be added to the lists, and some will be removed. Solana Center believes 375 is a reasonable estimate of what the final total will be. (Note that this number includes Poway's businesses, as well).
- The addition of a new Task 1.10 to provide additional support to the RSWA Member Cities, as needed. This task may be used for Solana Center staff to interface with the County and CalRecycle about any issues specific to RSWA or its member cities, as well as to cover additional higher-than-estimated costs associated with Task 1.9 (for example, if more than 375 businesses need to be addressed).

All of the above have been incorporated into the draft proposed Amendment No. 2 to the Agreement attached to this Report.

Based on the revised proposal from Solana Center, the total additional cost to RSWA associated with Amendment No. 2 would be \$68,300. A breakdown of these additional costs is set forth on page 13 of the revised Scope of Work attached the proposed Amendment No. 2. A corresponding Budget amendment to appropriate sufficient funds to cover this additional cost will be necessary.

Because the proposed Amendment No. 2 includes additional tasks and costs from what was presented at the November 18, 2021 Board meeting, the Board's approval and/or direction is required.

RECOMMENDED ACTION

Approve and authorize the General Manager on behalf of RSWA to enter into the proposed Amendment No. 2 to Agreement for Professional Consultant Services between RSWA and Solana Center for Environmental Innovation.

OR

Provide alternate direction.

FISCAL IMPACT

Approval of Amendment No. 2 as proposed would result in an additional cost of \$68,300 in FY 2021/2022.

ATTACHMENTS

Proposed Amendment No. 2 to Agreement for Professional Consultant Services Between RSWA and Solana Center

AMENDMENT NO. 2 TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES BETWEEN THE REGIONAL SOLID WASTE ASSOCIATION AND SOLANA CENTER FOR ENVIRONMENTAL INNOVATION

This Amendment No. 2 to Agreement for Professional Consultant Services (“Amendment No. 2”) is made and entered into as of the date of execution by the Regional Solid Waste Association, a California public entity (“RSWA”) and Solana Center for Environmental Innovation, a California nonprofit corporation (“Consultant”). RSWA and Consultant are sometimes hereinafter individually referred to as “Party” and are hereinafter collectively referred to as the “Parties.”

RECITALS

A. This Amendment No. 2 is entered into pursuant to the authorization of RSWA’s Board of Directors dated December 9, 2021.

B. The Parties previously entered into that certain Agreement for Professional Consultant Services, dated March 25, 2021, and Amendment No. 1 to Agreement for Professional Services, dated May 26, 2021 (collectively “Agreement”).

C. Through this Amendment No. 2, the Parties mutually desire to amend the Agreement to add additional Core Tasks and to increase the total not-to-exceed compensation to Consultant for completion of the Core Tasks from \$108,950 to \$177,250.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the Parties agree as follows:

1. Attachment A to the Agreement is hereby replaced in its entirety with the new Scope of Work attached as Attachment A to this Amendment No. 2 and incorporated herein by reference. All references to Attachment A in the Agreement shall refer to this new Attachment A.
2. Section 2.1 of the Agreement is hereby amended to read as follows:

2.1 Consultant shall provide RSWA and the RSWA Members with SB 1383 Compliance Support Services as detailed in this Section 2.1

2.1.1 Core Tasks. Consultant shall perform each of the “Core Tasks” listed described in Attachment A for the benefit of RSWA and all of the RSWA Members. The “Core Tasks” are funded by RSWA and include the following:

- Task 1 Conduct Outreach and Education
 - Task 1.1 Identify Tier 1 and Tier 2 generators
 - Task 1.2 Create baseline compliance resources
 - Task 1.3 Create inspection plan and protocol for inspections
 - Task 1.9 Determine potential rescuable edible food for each city using County Tool
 - Task 1.10 Additional support for cities, as needed

- Task 2 Establish Edible Food Recovery Program
 - Task 2.1 Plan food recovery educational campaign to educate top generators
 - Task 2.2 Develop and deliver food recovery resources to generators
 - Task 2.3 Compile a preliminary list of food recovery organizations and service names
 - Task 2.4 Develop a food recovery newsletter/mailer for annual education
 - Task 2.5 Communicate with stakeholders on food recovery issues
 - Task 2.6 Administer food recovery program tasks
 - Task 2.9 Implement capacity survey to audit food recovery organizations
- Task 3 Manage SB 1383 Support Services Program
 - Task 3.1 Coordinate all stakeholder parties
 - Task 3.2 Manage SB 1383 services program

2.1.2 Optional Tasks. The “Optional Tasks” described in Attachment A set forth optional services available to be provided by Consultant individually or collectively to RSWA Members upon request. Consultant shall only provide such services to a RSWA Member upon receipt of a written request and authorization from RSWA’s General Manager. The “Optional Tasks” include the following:

Optional Tasks for Individual Cities

- Task 1.4 Create and deliver webinars for generators
- Task 1.5 Provide individual technical assistance to businesses
- Task 1.6 Inspect commercial generators
- Task 1.7 Develop an organic waste recovery newsletter / mailer for annual education
- Task 2.7 Provide food recovery general support to Tier 1 and Tier 2 generators
- Task 2.8 Provide food recovery technical assistance to Tier 1 and Tier 2 generators
- Task 3.3 Offer additional presentations

Optional Tasks for All RSWA Cities Together

- Task 1.8 Update Tier 1 and Tier 2 generators list

2.1.3 The specific manner in which the SB 1383 Compliance Support Services are to be performed is described in Attachment A which is attached hereto, and incorporated herein as though fully set forth at length, collectively hereinafter referred to as “Described Services”.

3. Subsection 3.1.1 of the Agreement is hereby amended to read as follows:

3.1.1 Core Tasks. For each of the “Core Tasks” completed by Consultant, RSWA shall compensate Consultant at the unit cost for the task set forth in Attachment A. Unless otherwise expressly agreed to in writing by RSWA, total compensation to Consultant for completion of the “Core Tasks” shall not exceed One Hundred Seventy-Seven Thousand Two Hundred Fifty Dollars (\$177,250). Consultant acknowledges and agrees that, unless otherwise mutually agreed in writing by the Parties, all Core Tasks for which Consultant wishes to be compensated shall be completed on or before June 30, 2022.

4. Except as expressly amended herein, all other terms and provisions of the Agreement shall remain in full force and effect.

5. This Amendment No. 2 may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument. These counterparts may be transmitted by Portable Document Format (PDF), with the originals to be thereafter provided by the Parties. Such electronic copies shall be deemed original signatures.

IN WITNESS WHEREOF, the Parties have executed and entered into this Amendment No. 1 as of the last date written below.

REGIONAL SOLID WASTE ASSOCIATION,
a public entity

Date: _____

By: _____
James H. Eggart
General Manager

**SOLANA CENTER FOR ENVIRONMENTAL
INNOVATION,** a California nonprofit corporation

Date: _____

By: _____
Jessica Toth
Executive Director

EXHIBIT A
SCOPE OF WORK

AMENDMENT #2

RSWA Scope of Work for SB 1383 Support Services

The following tasks will be provided for all cities, except as noted

Task 1: Conduct Outreach & Education

Task 1.1: Identify Tier 1 & Tier 2 generators

The resulting classifications are critical for all parts of SB 1383 compliance.

Needed by January 1, 2022 for requirements related to SB 1383 [14 CCR 18991.1, 18991.3, 18995.1]

- Solana Center will classify businesses according to SB 1383 Tier 1 and Tier 2.
- Activities for this task: coordination of parties, data collection from various sources, information verification, cross-correlation of data inputs, and final compilation.

Cost	\$39,5000
Deliverables	- List of businesses, classifying each by SB 1383 tier, for each member city, except Poway
Expected Run Time	April 2021 – September 2021

Task 1.2: Create baseline compliance resources

Required by SB 1383: by February 1, 2022 [14 CCR 18985.1.a]; bi-lingual communications if a substantial number of the public are non-English speakers [14 CCR 18985.1.e]

- Solana Center will create business SB 1383 resource packets, which will include compliance checklists for generators to use themselves.
- Two versions of material will be developed – one set for grocers; one set for restaurants.
- All content will be provided in both English and Spanish.
- The checklists will be used for all business engagements to ensure thoroughness and consistency.

Cost	\$7,250
Deliverables	- Two Compliance Resource Packets – for grocers and for restaurants
Expected Run Time	July – October 2021

Pricing Breakdown by Population Band

Deliverable	Cost
Grocer & restaurant Resource Packets in English	\$6,000
Grocer & restaurant Resource Packets in Spanish	\$1,250

Task 1.3: Create inspection plan & protocol for inspections

Required by SB 1383: inspections to begin by January 1, 2022 [14 CCR 18995.1]

- Solana Center will create an inspection plan and protocol to be followed for site inspections. The inspection plan will cover all requirements specified by SB 1383 for Commercial Edible Food Generators. This task will involve:
 - Researching CalRecycle recommended practices and FAQ on inspections

- Researching best practices from other cities
- Incorporating plans and protocols into easy-to-use format for Tier 1 and 2 generators
- Confirming fit with cities and others
- Formatting for final distribution
- The plan and protocols will be cross-checked for appropriateness against our knowledge of RSWA businesses.

Cost	\$2,500 + \$2,000 (additional December 2021) ¹
Deliverables	- Inspection plan and protocol for site inspections fitting needs of all RSWA cities
Expected Run Time	July – October 2021

Task 1.9: Determine potential rescuable edible food for each city using County tool

Required by SB 1383: by August 1, 2022 [Section 18992.2]. Due to County by June 2022.

- Translate Tier 1 and Tier 2 lists into actual disposal quantities using the County tool. Each food-generating business will need to be further researched. Though there are 456 possible businesses currently, the number of businesses is still fluctuating and we estimate there will ultimately be approximately 375 businesses to enter into the County tool.
- This task does not include working with each city to determine classification of businesses currently identified as “potential.”

Cost	\$100 per food-generating business
Estimated # businesses	375

Task 1.10: Additional support for cities, as needed

- This task may be used, as needed, for additional time to work with the County tool, for example, to extend Task 1.9 if there are more than 375 businesses and to support cities as they refine their lists of businesses.
- This task may also be used for Solana Center staff to interface with the County and CalRecycle about any issues specific to RSWA or its member cities.

Cost	\$100 per hour up to 60 hours total
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Task 2: Establish Edible Food Recovery Program

Task 2.1 Plan food recovery campaign to educate Tier 1 & Tier 2 generators

SB 1383 requires cities to annually provide Tier 1 and Tier 2 commercial edible food generators with information about food recovery programs, generator requirements, and food recovery organizations and food recovery services.

Required by SB 1383: by February 1, 2022 [14 CCR 18985.2]

- SDFSA will conduct research and interviews with organizations that have led successful food recovery educational campaigns for generators (e.g. Waste Not OC, Community Food Rescue,

¹ Additional work required due to CalRecycle’s updated guidance on inspection requirements. Solana Center work is completed to meet prior requirements. Further work is now needed.

NRDC Food Matters Initiative, etc.) to identify and document best practice communication strategies and messaging.

- SDFSFA will conduct research into communication avenues for reaching each Tier 1 and 2 generator sectors: supermarkets/grocery stores, food distributors, wholesale food vendors, food service providers, large venues, health facilities, hotels, local education agencies, restaurants, and state agency cafeterias. Research will focus on communication channels that can be leveraged regionally across RSWA cities, such as industry associations.
- SDFSFA will conduct focus groups/interviews with local Tier One & Two generator representatives to understand barriers and motivators for food donation, which will help inform recommendations around messaging.
- SDFSFA will document research, findings, analysis, and recommendations in a report. The final report will include sector-specific recommendations for reaching and educating each generator category, with a focus on avenues that can be leveraged across all RSWA cities.

Cost	\$8,000
Deliverables	- Report documenting interviews, research, analysis, and recommendations for a successful food recovery educational campaign strategy. The report will include recommendations for optimal messaging, and media channels and partnerships that can be utilized across all RSWA cities to educate specific generators
Expected Run Time	April – June 2021

Task 2.2 Develop & deliver food recovery resources to generators

Required by SB 1383: by February 1, 2022 [14 CCR 18985.2.b]; bi-lingual communications if a substantial number of the public are non-English speakers [14 CCR 18985.1.e]

- SDFSFA will utilize existing resources and develop new resources to educate generators about food recovery logistics, donation requirements under SB 1383, sample contract language, sample Food Recovery Standard Operating Procedures, and information about local food recovery organizations and food recovery services.
- Educational resources will include handouts/worksheets, sample social media posts, and webinars. Educational materials will also highlight source reduction and prevention strategies.
- Food Recovery Packet for commercial edible food generators will contain information: food recovery logistics, liability protections, enhanced tax deductions, food recovery requirements under SB 1383, source reduction and prevention solutions, sample contract language between a food recovery organization and food donor, and sample Food Recovery Standard Operating Procedures. Design support for customizing materials.
- Two virtual webinars for commercial edible food generators in RSWA cities will be offered. Webinars will be one hour each. The two webinars will cover the same content, and will provide general education on food recovery best practices. The recordings of the webinars will be shared with RSWA cities for public distribution as determined by RSWA cities.
- The Food Recovery Packet will be available in English and Spanish.
- Webinars will be provided with written and audio content in English. Viewers of live and of recorded webinars can access Spanish closed captioning.

Cost	\$13,600
Deliverables	- One Food Recovery Packet food-generating businesses in English

	- One Food Recovery Packet in Spanish - Two webinars for commercial edible food generators in English with Spanish closed captioned available. Includes a social media toolkit that will be provided to cities to promote the webinars.
Expected Run Time	July – December 2021

Suggested New Pricing Breakdown:

Deliverable	Cost
Development of Food Recovery Packet	\$3,400
Development of webinar content	\$5,000
Delivery of two webinars	\$3,600
Translation of written content into Spanish	\$1,000
Spanish closed captioning for one webinar	\$600

Task 2.3: Compile a preliminary list of food recovery organizations & service names

Supporting SB 1383 requirements: by February 1, 2022 [14 CCR 18985.2.a]

- SDFSA will pull data from multiple sources to develop a preliminary list of names of all food recovery organizations and services located within each RSWA city.
- SDFSA will consult publicly available information on the internet to corroborate organization name and address info when necessary.

Cost	\$3,300
Deliverables	- For each RSWA city, a preliminary list cataloging names and addresses for all food recovery organizations, food recovery services, and food distribution agencies that service each city.
Expected Run Time	April – June 2021

Task 2.4: Develop a food recovery newsletter or mailer for annual education

Supporting SB 1383 requirements: by February 1, 2022 [14 CCR 18985.2.b and 14 CCR 18991.1]

- SDFSA will develop and design a newsletter or mailer with information about food recovery programs, generator requirements, and food recovery organizations and services.
- This mailer will generally provide information on these elements, but will include a placeholder for a link to each RSWA city's webpage that contains the food recovery organization and services list.
- All content will be provided in both English and Spanish.

Cost	\$3,300
Deliverables	- One newsletter or mailer for all RSWA cities to utilize for annual education
Expected Run Time	October 2021 – December 2021

Pricing Breakdown

Deliverable	Cost
Food recovery newsletter/mailer in English	\$3,000
Spanish translation	\$300

Task 2.5: Communicate with stakeholders on food recovery program tasks

- SDFSFA will meet to discuss food recovery program tasks with RSWA, city staff members, and other stakeholders as needed.
- Additional special presentations may be requested from the Optional Tasks, detailed below.

Cost	\$500/month
Deliverables	- Meetings with RSWA stakeholders up to 5 hours/month - Quarterly written status reports
Expected Run Time	Ongoing

Task 2.6: Administer food recovery program tasks

- This task covers SDFSFA time to monitor and report on task progress, prepare relevant documentation, and manage program tasks and schedule.

Cost	\$500/month
Deliverables	- Schedule and budget management
Expected Run Time	Ongoing

Task 2.9 Implement food recovery capacity survey to audit list of food recovery organizations

Required by SB 1383: by August 1, 2022 [Section 18992.2]

- CalRecycle and the County of San Diego are developing a survey tool which will be used by jurisdictions to gather capacity information from food recovery organizations. SDFSFA will implement the survey on behalf of the cities, conducting outreach which may include phone calls and emails, to ensure that food recovery organizations receive and complete the survey. Answers to the survey questions will be used to audit the preliminary list of food recovery organizations, as well as to add additional information to the list about areas serviced and types of food accepted.
- Food rescue entities need to be reviewed with the food banks and organizations before posting publicly. County will administer the survey but cities need to follow through to ensure the rescue entities respond. County will then send the aggregate results to each individual city to evaluate. The task deliverables would be (1) a refined list of food recovery organizations located within the contracting city, with verified contact information as well as areas serviced and types of food accepted and (2) completed food recovery capacity assessment surveys for confirmed food recovery organizations located within the city. Note that this task does not include analysis of the survey results.

Cost	\$100 per food recovery entity
Estimated # businesses	124
Deliverables	- A refined list of food recovery organizations located within the City, with verified contact information as well as areas serviced and types of food accepted. - Completed food recovery capacity assessment surveys for agencies located within the city, which can be submitted to the County of San Diego for the edible food recovery capacity assessment requirement.
Expected Run Time	July 2021 – March 2022

Task 3: Manage SB 1383 Support Services Program

Task 3.1: Coordinate all stakeholder parties

- This task includes communicating as needed with RSWA, city staff members, and other stakeholders as needed.
- Solana Center will provide quarterly updates at RSWA board meetings.
- Additional special presentations may be requested from the Optional Tasks, detailed below.

Cost	\$1,750/month
Deliverables	- Program coordination and communication with RSWA stakeholders up to 10 hours/month - Written quarterly reports - One written annual report
Expected Run Time	Ongoing

Task 3.2: Manage SB1383 services program

- Solana Center will seamlessly manage all aspects of the contracted work.
- Monthly invoices and reports will be provided to RSWA and to each city, when appropriate.
- Cost includes time to coordinate with SDFS, monitor program progress, prepare relevant documentation, present findings, and manage schedules.

Cost	\$750/month
Deliverables	- Schedule and budget management - Monthly invoices and updates - Management of sub-contract
Expected Run Time	Ongoing

The following optional a-la-carte tasks are available to individual cities

The client must provide a three-month lead time for budgeting and scheduling the following tasks.

Task 1.4: Create & deliver webinars for generators

Required by SB 1383: by February 1, 2022 [14 CCR 18985.1.a]; bi-lingual communications if a substantial number of the public are non-English speakers [14 CCR 18985.1.e]

- Webinars can be offered to individual cities; however, there are cost-saving opportunities for RSWA cities to jointly participate, especially given that workshops will be virtual, not geographically dispersed.
- Solana Center will develop content, promote, and host interactive webinars to prepare commercial and residential constituents for curbside organics collection. Content of webinar will cover requirements and provide how-to examples for sorting and disposal.
- The delivered format will be one-hour of content and discussion with interactive sharing platforms.
- Webinars will be provided with written and audio content in English. Viewers of live and of recorded webinars can access Spanish closed captioning.
- Solana Center can segment webinar presentations into separate, standalone videos on each topic.
- Webinar material and promotion can be curated for separate audiences – office, home, food-generating business, bi-lingual, schools, landscapers – as determined by city staff.
- Participating cities will receive a social media toolkit to promote webinars through their own channels.
- Recordings will be provided to participating cities and will be available to webinar registrants following the live presentation.
- This task is scalable, such that additional presentations can be requested. Also, where the given topic exists in our library already, the cost of new content development will not apply.

Cost	Standard webinar cost is \$1,800 for existing content and topic (see table below for additional options)
Deliverables	- Social media tool kit to promote webinar - Presentation of webinar - Report of webinar results
Expected Run Time	July 2021 – December 2022

Pricing Breakdown

Deliverable	Cost
Standard webinar presentation	\$1,800
Optional development of new content on a particular topic, only applicable for new topic areas	\$5,000/topic
Optional video segments from webinar content, which can be posted and distributed separately as standalone videos	\$750
Optional Spanish closed captioning for one presentation	\$1,000

Task 1.5: Provide individual technical assistance to businesses

Supporting SB 1383 requirements: by February 1, 2022 for outreach [14 CCR 18985.1.a] and by October 1, 2022 for reporting

- Solana Center can provide a range of technical services to generators – hotline support, virtual consultation, and in-person consultation.
- Hotline support covers calls and emails from businesses regarding SB 1383 compliance and issues.
- One-on-one consultations will be offered to all food generators.
- Consultation in-person versus virtual and at restaurants versus large generators differ in scale. The differences are reflected in pricing per type of engagement. Large generators include grocers and food distributors, for example.
- Consultations include a visual waste assessment, recommendations for improving organic waste diversion practices, and reporting. For virtual engagements, businesses will go through the checklist with heavy remote guidance from Solana Center staff.
 - Attention will be on businesses that are covered but are currently non-compliant under AB 1826 and SB 1383.
 - The goals of consultations will be to (1) optimize setup of waste diversion collection systems, (2) improve sorting and reduce contamination, (3) visually assess waste disposal and identify sources of contamination, (4) provide right-sizing guidance, and (5) highlight waste prevention and diversion opportunities.
- EDCO will be providing general guidance to businesses. This Solana Center task will offer tailored one-on-one assistance to individual business success.

Cost	See pricing menu in breakdown table below
Deliverables	- On-call technical assistance package for generators - Monthly tracking & reporting in accordance with SB1383 requirements
Expected Run Time	Any 12-month period

Pricing Breakdown as A-La-Carte Menu

Deliverable	Cost
Optional monthly hotline calls/emails for generators (up to 15 each month)	\$350/month
Optional virtual technical assistance for restaurants	\$400/business
Optional virtual technical assistance for large generators	\$600/business
Optional in-person technical assistance for restaurants	\$800/business
Optional in-person technical assistance for large generators	\$1,200/business

Task 1.6: Inspect commercial generators

Required by SB 1383: inspections to begin by January 1, 2022 [14 CCR 18995.1]

- Using the inspection plan and protocol developed in Task 1.3, Solana Center will inspect Tier 1 commercial edible food generators.
- Inspections can be conducted either (1) virtually via electronic communications or (2) in-person.
- This task assumes that third-party consultants will be legally permitted to conduct inspections in a given city.

Cost	Virtual inspections @ \$200/generator In-person inspections @ \$400/generator
Deliverables	- In-person or virtual business inspections, number will vary by city
Expected Run Time	January – December 2022

Task 1.7: Develop an organic waste diversion newsletter or mailer for annual education

Supporting SB 1383 requirements: by February 1, 2022 [14 CCR 18985.1]

- Solana Center will develop and design a comprehensive newsletter or mailer with information about organic waste sorting requirements, methods for prevention, options for on-site recycling of organic waste or through EDCO’s AD program, methane reducing benefits, health and safety and environmental benefits, list of approved haulers, and self-haul requirements. This communication will be designed to address each element of educational content required by CalRecycle.
- Mailer can be customized to focus in greater detail on one or several of the listed education requirements specified in the regulation
- The mailer will also include a placeholder for a link to city’s webpage that contains more information on the compliance requirements and resulting benefits.
- All content can be provided in both English and Spanish.

Cost	\$3,300
Deliverables	- One newsletter or mailer to utilize for annual food waste education
Expected Run Time	Any 3-month period

Pricing Breakdown

Deliverable	Cost
Organic waste diversion newsletter/mailer in English	\$3,000
Spanish translation	\$300

Task 2.7: Provide food recovery general support to Tier 1 & Tier 2 generators

Supporting SB 1383 requirements: by February 1, 2022 [14 CCR 18985.2.b and 14 CCR 18991.1]

- SDFSFA will increase access to edible food recovery by providing food recovery general support to generators.
- Food recovery general support includes email and phone communication to answer food donation questions (e.g. liability, food safety best practices, etc.) and to provide information about local food recovery options.

Cost	\$200 per generator
Deliverables	- Food recovery general hotline support for select Tier 1 and Tier 2 generators
Expected Run Time	July 2021 – December 2022

Task 2.8: Provide food recovery technical assistance to Tier 1 & Tier 2 generators

Supporting SB 1383 requirements: by February 1, 2022 [14 CCR 18985.2.b and 14 CCR 18991.1]

- SDFSFA will increase access to food recovery by providing edible food recovery technical assistance to Tier 1 and Tier 2 commercial edible food generators.
- Food recovery technical assistance is in-depth support and hand-holding for businesses to help them set up a successful donation program.
- Technical assistance includes outreach, a virtual or in-person site visit per business, support developing Food Donation Standard Operating Procedures for each site, partnership

identification and matching in collaboration with local food recovery organizations, and general food donation best practice education.

Cost	In-person assistance at \$600 per generator Virtual assistance at \$400 per generator
Deliverables	- Food recovery technical assistance for select Tier 1 and Tier 2 generators
Expected Run Time	July 2021 – December 2022

Task 3.1: Offer additional presentations

- Solana Center and SDFSA staff are available to create and deliver presentations on SB 1383 topics as needed to key stakeholders, such as City Councils.
- These are not the same of webinars to the general public, which involve audience registration and tracking, technical support, and follow-up communication.

Cost	\$1,500 per presentation
Deliverables	- Presentation to any audience
Expected Run Time	April 2021 – December 2022 (anytime throughout contract period)

The following task is a service intended for all cities together

Task 1.8: Update Tier 1 & Tier 2 generators lists

Required by SB 1383: by January 1, 2022 [14 CCR 18991.1]

- Solana Center will reclassify each cities’ businesses according to SB 1383 Tier 1 and Tier 2 classifications.
- Activities for this task: coordination of parties, data collection from various sources, information verification, cross-correlation of data inputs, and final compilation.
- Individual cities can individually subscribe at renegotiated pricing.

Cost	\$39,000
Deliverables	- List of businesses, classifying each by SB 1383 tier
Expected Run Time	Apr 2022 – June 2022

Pricing Breakdown by Population Band

Population Range	City	Cost
< 30,000	Del Mar, Solana Beach	\$3,000
30,000 – 70,000	Encinitas, Poway, ² National City	\$7,000
> 70,000 ³	Vista	\$12,000

² Poway is included in Task 1.8 though was not included in Task 1.1 because the work was already completed by that city at the time of this proposal.

³ Escondido falls into this range, but is not included in this quote by request.

Timeline

	Apr-Jun 2021	Jul-Sep 2021	Oct-Dec 2021	Jan-Mar 2022	Apr-Jun 2022	Jul-Sep 2022	Oct-Dec 2022
Task	2Q21	3Q21	4Q21	1Q22	2Q22	3Q22	4Q22
CORE TASKS							
Task 1 Conduct Education & Outreach							
1.1 Identify Tier 1 & Tier 2 generators	█	█	█				
1.2 Create baseline compliance resources		█	█	█			
1.3 Create inspection plan & protocol for inspections		█	█	█	█		
1.9 Determine rescuable food using County tool					█	█	█
1.10 Additional support for cities, as needed					█	█	█
Task 2 Establish Edible Food Recovery Program							
2.1 Plan food recovery educational campaign to educate top generators	█	█	█				
2.2 Develop & deliver food recovery resources to generators		█	█	█	█		
2.3 Compile a preliminary list of food recovery organizations & service names	█	█	█				
2.4 Develop a food recovery newsletter/mailer for annual education				█	█		
2.5 Communicate with stakeholders on food recovery issues	█	█	█	█	█		
2.6 Administer food recovery program tasks	█	█	█	█	█	█	
2.9 Implement capacity survey to audit food recovery organizations					█	█	█
Task 3 Manage SB 1383 Support Services Program							
3.1 Coordinate all stakeholder parties	█	█	█	█	█	█	█
3.2 Manage SB1383 services program	█	█	█	█	█	█	█

Budget

CORE TASKS - APRIL 2021-DECEMBER 2022

Task Detail	Unit	Unit Cost	# of Units	Total Cost	FY 20-21 Cost	FY 21-22 Cost
Task 1: Conduct Outreach & Education						
Task 1.1 Identify Tier 1 & Tier 2 generators	Completion	\$ 39,500	1	\$ 39,500	\$ 19,750	\$ 19,750
Task 1.2 Create baseline compliance resources	Completion	\$ 7,250	1	\$ 7,250	\$ -	\$ 7,250
Task 1.3 Create inspection plan & protocol for inspections	Completion	\$ 2,500	1	\$ 2,500	\$ -	\$ 2,500
				Task 1 Subtotal	\$ 49,250	\$ 29,500
Task 2: Establish an Edible Food Recovery Program						
Task 2.1 Plan a food recovery campaign to educate Tier 1 & Tier 2 generators	Completion	\$ 8,000	1	\$ 8,000	\$ 8,000	\$ -
Task 2.2 Develop & deliver food recovery resources to generators	Completion	\$ 13,600	1	\$ 13,600	\$ -	\$ 13,600
Task 2.3 Compile a preliminary list of food recovery organizations & service names	Completion	\$ 3,300	1	\$ 3,300	\$ 3,300	\$ -
Task 2.4 Develop a food recovery newsletter/mailer for annual education	Completion	\$ 3,300	1	\$ 3,300	\$ -	\$ 3,300
Task 2.5 Communicate with stakeholders on food recovery issues	Month	\$ 500	9	\$ 4,500	\$ 1,500	\$ 3,000
Task 2.6 Administer food recovery program tasks	Month	\$ 500	9	\$ 4,500	\$ 1,500	\$ 3,000
				Task 2 Subtotal	\$ 37,200	\$ 22,900
Task 3: Manage Program						
Task 3.1 Coordinate all stakeholder parties	Month	\$ 1,750	9	\$ 15,750	\$ 5,250	\$ 10,500
Task 3.2 Manage SB1383 services program	Month	\$ 750	9	\$ 6,750	\$ 2,250	\$ 4,500
				Task 3 Subtotal	\$ 22,500	\$ 15,000
				SUB TOTAL - CORE TASKS	\$ 108,950	\$ 67,400

Additional Costs with Amendment 2

This is a not-to-exceed budget due to the uncertainty in the number of businesses in Task 1.9 and the as-needed nature of Task 1.10.

AMENDMENT 2 TASKS - DECEMBER 2021-JUNE 2022

Task Detail	Unit	Unit Cost	# of Units	Not-to-Exceed Total Cost
Task 1.3 Complete inspection plan & protocol for inspections	Completion	\$ 2,000	1	\$ 2,000
Task 1.9 Determine potential rescuable edible food for each city using County tool	Business	\$ 100	375	\$ 37,500
Task 1.10 Additional support for cities, as needed	Hour	\$ 100	60	\$ 6,000
Task 2.6 Administer food recovery program tasks	Month	\$ 300	4	\$ 1,200
Task 2.9 Implement capacity survey to audit food recovery organizations	Business	\$ 100	124	\$ 12,400
Task 3.1 Coordinate all stakeholder parties	Month	\$ 1,750	4	\$ 7,000
Task 3.2 Manage SB1383 services program	Month	\$ 550	4	\$ 2,200
AMENDMENT 2 TASKS				\$ 68,300

OPTIONAL TASKS FOR INDIVIDUAL CITIES*

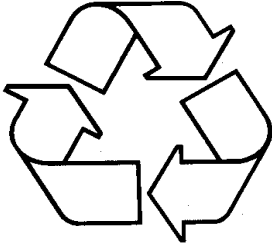
Task Detail	Unit	Unit Cost	# of Units	Total Cost
SB1383 A-La-Carte Tasks Available to Individual Cities				
Task 1.4 Create & deliver webinars for generators				
Task 1.4.1 Present standard webinar	Webinar	\$ 1,800	1	\$ 1,800
Task 1.4.2 Develop new content	Topic	\$ 5,000	1	\$ 5,000
Task 1.4.3 Break out video segments from webinar content	Webinar	\$ 750	1	\$ 750
Task 1.4.4 Translate & offer Spanish closed captioning	Webinar	\$ 1,000	1	\$ 1,000
Task 1.5 Provide individual technical assistance to businesses				
Task 1.5.1 Offer monthly hotline for generators	Month	\$ 350	12	\$ 4,200
Task 1.5.2 Offer virtual technical assistance for restaurants	Business	\$ 400		
Task 1.5.3 Offer virtual technical assistance for large generators	Business	\$ 600		
Task 1.5.4 Offer in-person technical assistance for restaurants	Business	\$ 800		
Task 1.5.5 Offer in-person technical assistance for large generators	Business	\$ 1,200		
Task 1.6 Inspect commercial generators				
Task 1.6.1 Offer virtual inspections	Business	\$ 200		
Task 1.6.2 Offer in-person inspections	Business	\$ 400		
Task 1.7 Develop organic waste recovery newsletter/mailer	Completion	\$ 3,300	1	\$ 3,300
Food Recovery A-La-Carte Tasks Available to Individual Cities				
Task 2.6 Provide food recovery general support to Tier 1 & Tier 2 generators	Business	\$ 200		
Task 2.7 Provide food recovery technical assistance to Tier 1 & Tier 2 generators				
Task 2.7.1 Offer in-person food recovery assistance	Business	\$ 600		
Task 2.7.2 Offer virtual food recovery assistance	Business	\$ 400		
Additional Presentations				
Task 3.3 Offer additional as-needed presentations	Presentation	\$ 1,500		

OPTIONAL TASKS FOR RSWA CITIES TOGETHER*

Task Detail	Unit	Unit Cost	# of Units	Total Cost
Task 1.8 Update Tier 1 & Tier 2 generators lists	Completion	\$ 39,000	1	\$ 39,000
SUB TOTAL - OPTIONAL JOINT RSWA TASKS				\$ 39,000

* Stated unit cost for optional tasks does not include the cost of administration, management, and overhead. An additional administration fee will be agreed upon in writing at the time optional tasks are requested. The amount of such administration fees may vary based on the amount of optional tasks requested and the number of cities for which optional tasks are performed. In no case will the amount of additional administration fees exceed 15% of the stated unit cost for a given task.

ITEM #7.



REGIONAL SOLID WASTE ASSOCIATION

Member Agencies: Cities of Del Mar, Encinitas, Escondido,
National City, Poway, Solana Beach, and Vista

To: RSWA Board Members
 From: General Manager James H. Eggart
 Subject: FY 2021/2022 Budget Adjustments
 Date: December 9, 2021

BACKGROUND/DISCUSSION

The Fiscal Year 2021/2022 Budget was adopted by the Board on June 24, 2021. As discussed pursuant to Item No. 6 on the Meeting Agenda, the proposed Amendment No. 2 to the Agreement with Solana Center for Environmental Innovation to provide SB 1383 Compliance Support Services would add an additional \$68,300 to the contract amount, which was not originally budgeted for. In addition, certain other lesser adjustments to other Budget items are needed to account for (1) anticipated additional costs associated with negotiating and administering Amendment No. 2 and the additional special Board meetings being held; (2) higher than originally anticipated insurance costs; and (3) lower than anticipated website maintenance costs.

The following adjustments to the current Fiscal Year 2021/2022 Budget are proposed:

Expense Category	Adopted 2020/2021 Budget	Amended 2020/2021 Budget After Adjustments	Adjustment
Director Stipends / Payroll Processing	\$8,000	\$10,000	+\$2,000
Insurance	\$7,000	\$7,706	+\$706
Legal Services	\$24,000	\$29,000	+\$5,000
Consultant Services	\$40,000	\$45,000	+\$5,000
Website Maintenance	\$1,250	\$1,110	-\$140
SB 1383 Compliance Funding	\$68,000	\$128,000	+\$60,000
Contingency	\$10,000	\$2,000	-\$8,000
Total Adjustment			+\$64,566

Copies of (1) the current Adopted Budget (as of June 24, 2021); (2) a Budget Worksheet showing the Fund Balance impact of the proposed Budget adjustments; and (3) a proposed Amended Fiscal Year 2020/2021 Budget incorporating the above adjustments are all attached to this Report.

RECOMMENDED ACTION

Approve the proposed budget adjustments and amended Budget for Fiscal Year 2021/2022.

ATTACHMENTS

1. Current Adopted Budgets (As of June 24, 2021)
2. Budget Worksheet
3. Proposed Amended Fiscal Year 2021/2022 Budget.

**REGIONAL SOLID WASTE ASSOCIATION
ADOPTED FY 2021-2022 & FY 2022-2023 BUDGETS (Adopted 6/24/21)**

	<u>2021/22</u>	<u>2022/23</u>
	<u>BUDGET</u>	<u>BUDGET</u>
ESTIMATED REVENUES		
DISPOSAL AGREEMENT VOLUME REBATE	287,478	287,478
HHW NON-MEMBER	50,000	50,000
INVESTMENT EARNINGS	6,000	6,000
TOTAL REVENUES	\$343,478	\$343,478
EXPENDITURES¹		
DIRECTOR STIPENDS/PAYROLL PROCESSING	8,000	8,000
INSURANCE	7,000	7,000
TRAINING, TRAVEL AND MEETINGS	8,000	8,000
AUDIT SERVICES	3,600	3,700
LEGAL SERVICES	24,000	24,000
CONSULTANT SERVICES	40,000	40,000
REIMBURSEMENTS	1,000	1,000
HHW PERMITS	2,300	2,300
HHW FACILITY SECURITY & PHONE	3,200	3,200
WEBSITE MAINTENANCE	1,250	1,250
SPECIAL PROGRAMS (HHW & ORGANICS)	3,000	3,000
SB 1383 COMPLIANCE FUNDING ²	68,000	15,000
HHW & ORGANICS EDUCATION ³	49,000	49,000
ENVIRONMENTAL ENHANCEMENT PROGRAM ⁴	150,000	150,000
EQUITY ADJUSTMENT PAYMENTS ⁵	43,373	44,000
TREASURER/CONTROLLER	12,000	10,000
CONTINGENCY ⁶	10,000	10,000
TOTAL EXPENDITURES	\$433,723	\$379,450
CLOSURE RESERVE FUND⁷		
VISTA HHW FACILITY CLOSURE DESIGNATION	40,000	40,000
POWAY HHW FACILITY CLOSURE DESIGNATION	40,000	40,000
TOTAL CLOSURE RESERVE FUND	\$80,000	\$80,000

¹The General Manager is authorized to administratively transfer funds budgeted for one expense category to one or more other expense categories as directed by the RSWA Board or as otherwise necessary and appropriate, provided the total budget for expenses is not exceeded. Any such transfer shall be reported to the Board at its next regular meeting.

²These funds may be expended to fund services to assist regular member cities to comply with SB 1383 mandates.

³\$7,000 per city. To be disbursed in 1st Quarter. This funding may be utilized to support education related to disposal of household hazardous waste (HHW) and the diversion of organic waste from the landfill. Each city shall provide a written report prior to the end of the Fiscal Year describing how the funding was used.

⁴The Environmental Enhancement Program allows each regular member city to utilize the funding allocation for environmental programs that the individual city determines are most beneficial to that jurisdiction. Funding amount is based on the prior year tonnage of the city as a percentage of the total RSWA generated tonnage. To be disbursed in the 2nd Quarter. Each city shall provide a written report prior to the end of the Fiscal Year describing how the funding was used.

⁵When the disposal contract between RSWA and EDCO was originally entered into, it was determined that the cities of Poway and National City were actually paying less per ton for disposal than the amount in the new agreement; therefore the equity adjustment was created to be paid out of the volume rebate, monies paid by EDCO to RSWA pursuant to the disposal contract, to offset that inequity. The equity adjustment for each city is calculated by multiplying the city's prior year's tonnage by \$0.50 per ton and is distributed in the 4th Quarter.

⁶Funds budgeted for Contingency purposes may be expended for unanticipated expenses not otherwise reflected in adopted Budget.

⁷RSWA is mandated to maintain funding for the closure of the household hazardous waste collection facilities in Poway and Vista. It is currently anticipated that these facilities will continue to operate for the foreseeable future.

**REGIONAL SOLID WASTE ASSOCIATION
FY 2021-2022 ADOPTED BUDGET AND PROPOSED ADJUSTMENTS
FY 2021-2022 & FY 2022-2023 ADJUSTED BUDGETS**

	<u>2021/22 ADOPTED BUDGET</u>	<u>2021/22 PROPOSED AMENDED BUDGET</u>	<u>2022/23 ADOPTED BUDGET</u>
BEGINNING FUND BALANCE	\$ 464,807	\$ 482,936	\$ 328,125
REVENUES			
DISPOSAL AGREEMENT VOLUME REBATE	287,478	287,478	287,478
HHW NON-MEMBER	50,000	50,000	50,000
INVESTMENT EARNINGS	6,000	6,000	6,000
TOTAL REVENUES	343,478	343,478	343,478
EXPENDITURES			
DIRECTOR STIPENDS/PAYROLL PROCESSING	8,000	10,000	8,000
INSURANCE	7,000	7,706	7,000
TRAINING, TRAVEL AND MEETINGS	8,000	8,000	8,000
AUDIT SERVICES	3,600	3,600	3,700
LEGAL SERVICES	24,000	29,000	24,000
CONSULTANT SERVICES	40,000	45,000	40,000
REIMBURSEMENTS	1,000	1,000	1,000
HHW PERMITS	2,300	2,300	2,300
HHW FACILITY SECURITY & PHONE	3,200	3,200	3,200
WEBSITE MAINTENANCE	1,250	1,110	1,250
SPECIAL PROGRAMS (HHW & ORGANICS)	3,000	3,000	3,000
SB 1383 COMPLIANCE FUNDING	68,000	128,000	15,000
HHW & ORGANICS EDUCATION	49,000	49,000	49,000
ENVIRONMENTAL ENHANCEMENT PROGRAM	150,000	150,000	150,000
EQUITY ADJUSTMENT PAYMENTS	43,373	43,373	44,000
TREASURER/CONTROLLER	12,000	12,000	10,000
CONTINGENCY	10,000	2,000	10,000
TOTAL EXPENDITURES	433,723	498,289	379,450
TOTAL ENDING FUND BALANCE	\$ 374,562	\$ 328,125	\$ 292,153
FUND BALANCE, UNRESERVED/UNDESIGNATED	\$ 294,562	\$ 248,125	\$ 212,153
VISTA HHW FACILITY CLOSURE DESIGNATION	40,000	40,000	40,000
POWAY HHW FACILITY CLOSURE DESIGNATION	40,000	40,000	40,000
TOTAL ENDING FUND BALANCE	374,562	\$ 328,125	\$ 292,153

**REGIONAL SOLID WASTE ASSOCIATION
PROPOSED AMENDED FY 2021-2022 & FY 2022-2023 BUDGETS (12/9/21)**

	<u>2021/22</u>	<u>2022/23</u>
	<u>BUDGET</u>	<u>BUDGET</u>
<i>ESTIMATED REVENUES</i>		
DISPOSAL AGREEMENT VOLUME REBATE	287,478	287,478
HHW NON-MEMBER	50,000	50,000
INVESTMENT EARNINGS	6,000	6,000
TOTAL REVENUES	<u>\$343,478</u>	<u>\$343,478</u>
<i>EXPENDITURES</i> ¹		
DIRECTOR STIPENDS/PAYROLL PROCESSING	10,000	8,000
INSURANCE	7,706	7,000
TRAINING, TRAVEL AND MEETINGS	8,000	8,000
AUDIT SERVICES	3,600	3,700
LEGAL SERVICES	29,000	24,000
CONSULTANT SERVICES	45,000	40,000
REIMBURSEMENTS	1,000	1,000
HHW PERMITS	2,300	2,300
HHW FACILITY SECURITY & PHONE	3,200	3,200
WEBSITE MAINTENANCE	1,110	1,250
SPECIAL PROGRAMS (HHW & ORGANICS)	3,000	3,000
SB 1383 COMPLIANCE FUNDING ²	128,000	15,000
HHW & ORGANICS EDUCATION ³	49,000	49,000
ENVIRONMENTAL ENHANCEMENT PROGRAM ⁴	150,000	150,000
EQUITY ADJUSTMENT PAYMENTS ⁵	43,373	44,000
TREASURER/CONTROLLER	12,000	10,000
CONTINGENCY ⁶	2,000	10,000
TOTAL EXPENDITURES	<u>\$498,289</u>	<u>\$379,450</u>
<i>CLOSURE RESERVE FUND</i> ⁷		
VISTA HHW FACILITY CLOSURE DESIGNATION	40,000	40,000
POWAY HHW FACILITY CLOSURE DESIGNATION	40,000	40,000
TOTAL CLOSURE RESERVE FUND	<u>\$80,000</u>	<u>\$80,000</u>

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