

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

February 3, 2022
8:00 a.m.

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



REGIONAL SOLID WASTE ASSOCIATION

SPECIAL MEETING AGENDA

February 3, 2022

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/85690980352?pwd=NGtHYlg2aVptdS9qTyt2NFFnc0lTUT09>

Phone No.: (669) 900-6833

Meeting ID: 856 9098 0352

Passcode: 375196

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. SWEARING-IN OF NEW BOARD MEMBER(S) - ACTION ITEM**

This item is scheduled to swear-in new board members as the delegate/ representative from a member city.

3. **ORAL COMMUNICATIONS**

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

4. **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 January 6, 2022 Regular Meeting of the Board of the Regional Solid Waste Association – Recommended Action: Receive and File.

5. **ADOPTION OF A RESOLUTION NO. 2022-02 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. 2022-02, 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.

6. **PARAMETERS FOR ADDING NEW PARTIES TO RSWA AND COLLABORATING WITH NON-MEMBER AGENCIES – POSSIBLE ACTION ITEM (Roll Call Vote)**

This item is scheduled for the Board to discuss establishing policies or parameters for adding new RSWA Members and for collaborating or sharing information with non-Member cities and other agencies on SB 1383 compliance initiatives or other matters within RSWA's authority. The Board may appoint an ad hoc subcommittee of no more than three Board members to evaluate this issue and make recommendations to the full Board.

7. **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 meeting schedule is:

March 3, 2022 (Special Meeting)
March 31, 2022 (Rescheduled Regular Meeting)
July 7, 2022 (Regular Meeting)
October 6, 2022 (Regular Meeting)

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 agenized for consideration at a later meeting.

10. **ADJOURNMENT**

Adjournment to the Special Meeting of March 3, 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**

**February 3, 2022
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:

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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 February 3, 2022 in the locations listed above which are freely accessible to the public at or prior to 8:00 a.m. on February 2, 2022.


**James H. Eggart
General Manager
Regional Solid Waste Association**

Item 4.A.

**MINUTES
REGIONAL SOLID WASTE ASSOCIATION
REGULAR MEETING**

**January 6, 2022
9:00 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
Council Member Corinna Contreras, City of Vista – Alternate
Mayor Dwight Worden, City of Del Mar – RSWA Secretary
Council Member Dave Grosch, City of Poway – RSWA Treasurer
Mayor Catherine Blakespear, City of Encinitas
Council Member Kelly Harless, City of Solana Beach
Council Member Mike Morasco, City of Escondido**

STAFF RESOURCES IN ATTENDANCE:

**James H. Eggart, General Manager/General Counsel
Phil Davis, Financial Analyst – City of National City**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairperson Morrison called the meeting to order at 9:00 a.m.

Secretary Worden led the Board in the Pledge of Allegiance.

2. SWEARING-IN OF NEW BOARD MEMBER(S)

None.

3. ORAL COMMUNICATIONS

The Chairperson invited members of the public to address the Board on matters within the subject matter jurisdiction of the Association. No member of the public requested to speak.

4. CONSENT CALENDAR

The consent calendar included the following items:

- A. Minutes of the December 9, 2021 Special Meeting of the Board of the Regional Solid Waste Association – Recommended Action: Receive and File.**

- B. RSWA Website Activity Report for Second Quarter of FY 2021/2022 (through December 28, 2021) – Recommended Action: Receive and File.

MOTION WAS MADE TO APPROVE THE CONSENT CALENDAR.

(Motion by Board Member Morasco, City of Escondido /Second by Treasurer Grosch, City of Poway). Motion was approved by a vote of 7 ayes, 0 nays, and 0 abstentions.

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

5. **PRESENTATION**

Jamie Symons from EDCO gave a presentation on EDCO’s new database dedicated to the record keeping requirements of SB 1383. EDCO will make its SB 1383 reporting platform available to the Cities at no cost to assist them in maintaining required information, including information related to edible food sharing, in a central location. Copies of the presentation slides were provided in the Board’s supplemental agenda packet, which was made available to the public.

6. **ADOPTION OF RESOLUTION NO. 2022-01 MAKING SPECIFIED FINDINGS AND RE-AUTHORIZING USE OF REMOTE TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(3) – ACTION ITEM**

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. 2022-01 AS PRESENTED.

(Motion by Board Member Morasco, City of Escondido /Second by Board Member Harless, City of Solana Beach). Motion was approved by a vote of 7 ayes, 0 nays, and 0 abstentions.

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

7. **SB 1383 COMPLIANCE SUPPORT SERVICES STATUS REPORT – INFORMATION ITEM**

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. A fully executed copy of Amendment No. 2 to the Agreement between RSWA and Solana Center was provided in the Board agenda packet. A copy of the December Monthly Progress Report prepared by Solana Center was provided in the supplemental agenda packet provided to the Board and made available to the public.

8. **FINANCE AND BUDGET**

A. **RSWA Investment Report for the Second Quarter of Fiscal Year 2021/2022 Information Item (Receive and File)**

Treasurer Grosch, General Manager Eggart, and Fiduciary Agent Phil Davis of the City of National City reviewed the investment reports for the Second Quarter of FY 2021/2022 with the Board. Details were provided to the Board Members in their respective agenda packets. As of December 31, 2021, RSWA had an invested cash balance of \$447,870. Phil Davis of the City of National City informed the Board that RSWA is in compliance with the adopted investment policy and the California Government Code.

MOTION WAS MADE TO RECEIVE AND FILE THE INVESTMENT REPORT FOR THE SECOND QUARTER OF FISCAL YEAR 2021/2022 AS PRESENTED.

(Motion by Board Member Harless, City of Solana Beach/Second by Secretary Worden, City of Del Mar). Motion was approved by a vote of 7 ayes, 0 nays, and 0 abstentions.

Ayes: Morrison, Contreras, Blakespear, Grosch, Morasco, Worden, Harless

Nays:

Abstain:

Absent:

B. **Budget and Expenditure Status for the Second Quarter of Fiscal Year 2021/2022 Information Item (Receive and File)**

Treasurer Grosch, General Manager Eggart, and Fiduciary Agent Phil Davis of the City of National City reviewed the second quarter Financial Status and Cash Activity reports as of December 31, 2021. Details were provided to the Board Members in their respective agenda packets. The year-to-date activity reflected in the reports show actual revenues of \$281,740 and actual expenditures of \$301,437 through December 31, 2021. As of December 31, 2021, RSWA had a fund balance of \$451,659.

MOTION WAS MADE TO RECEIVE AND FILE THE BUDGET AND EXPENDITURE STATUS AND CASH ACTIVITY REPORTS FOR THE SECOND QUARTER OF FICAL YEAR 2021/2022 AS PRESENTED.

(Motion by Board Member Harless, City of Solana Beach/ Second by Board Member Morasco, City of Escondido). Motion was approved by a vote of 7 ayes, 0 nays, and 0 abstentions.

Ayes: Morrison, Contreras, Blakespear, Grosch, Morasco, Worden, Harless

Nays:

Abstain:

Absent:

C. Review and Approval of Audit Report for Fiscal Year 2020/2021 – Action Item

Shannon Ayala of Davis Farr, LLP presented an overview of the annual audit report prepared by Davis Farr. A copy of the audit report and audit letters was provided to the Board Members in their respective agenda packets. The recommendation was to approve the audit report, which includes the audit letters.

MOTION WAS MADE TO APPROVE THE AUDIT REPORT AND ACCOMPANYING AUDIT LETTERS FOR FISCAL YEAR 2020/2021 AS PRESENTED.

(Motion by Board Member Harless, City of Solana Beach/ Second by Treasurer Grosch, City of Poway). Motion was approved by a vote of 7 ayes, 0 nays, and 0 abstentions.

Ayes: Morrison, Contreras, Blakespear, Grosch, Morasco, Worden, Harless

Nays:

Abstain:

Absent:

9. HOUSEHOLD HAZARDOUS WASTE (HHW), ORGANIC WASTE, AND OTHER SOLID WASTE ISSUES – INFORMATION AND POSSIBLE ACTION ITEM(S)

A. HHW Participation Reports - Information Item

General Manager Eggart informed the Board that HHW Participation reports will be presented at a future meeting.

Board Member Morasco left the meeting at approximately 10:00.

B. Legislative Update – Information and Potential Action Item

General Manger Eggart informed the Board that the new legislative sessions had just begun and briefly discussed some of the relevant two-year bills that stalled in the prior legislative session, but which might be reconsidered in the current session. These included SB 54 and

AB 842 to regulate single-use plastics; AB 1371 to prohibit online retailers from using single-use plastic packaging; AB 478 relating to thermoform plastic containers; SB 289 to create an ERP program for batteries and battery-embedded products. General Manager Eggart also provided information about an initiative measure that has qualified for the November 2022 ballot, which would require CalRecycle to adopt regulations to reduce plastic waste by requiring that single-use plastic packaging, containers, and utensils be reusable, recyclable, or compostable in order to achieve a 25% reduction in such waste by 2030, prohibiting polystyrene container use by food vendors, and taxing producers of single-use plastic packaging, containers, and utensils.

C. Update on HHW Issues, Organic Waste Disposal Issues, and Other Potential Future Issues – Information Item

General Manager Eggart provided information to the Board and City staff regarding the SB 1383 Local Assistance Grants, informed the Board that he was in the process of scheduling a meeting with the RSWA City Program Managers to discuss potential collaboration and RSWA's role, and advised the Board that he was in the process of reaching out to CalRecycle to determine if RSWA is eligible to be a grantee. Roberta Goldenpenny of CalRecycle also answered questions from the Board.

Board Member Blakespear suggested that the Board have a future discussion about adding staff to RSWA can do more things.

Board Member Morasco returned to the meeting at approximately 10:21.

10. REVIEW FUTURE MEETING SCHEDULE

A. Review Future Meeting Schedule – Possible Action Item

This item was scheduled for discussion and approval of the future Board meeting schedule. It was noted that the previously approved regular meeting schedule was as follows:

April 7, 2022
July 7, 2022
October 6, 2022

The Board discussed moving the date of the April regular meeting and scheduling intervening special meetings. and revised its upcoming meeting schedule as follows:

February 3, 2022 at 8:00 a.m.
March 3, 2022 at 9:00 a.m.
March 31, 2022 at 9:00 a.m.

MOTION WAS MADE (1) TO MOVE THE DATE OF THE REGULAR MEETING OF THE BOARD CURRENTLY SCHEDULED FOR APRIL 7, 2022 TO MARCH 31, 2022 AT 9:00 A.M., (2) TO SCHEDULE A SPECIAL MEETING OF THE BOARD FOR FEBRUARY 3, 2022 AT 8:00 A.M. TO BE HELD VIA VIDEO CONFERENCE,

AND (3) TO SCHEDULE A SPECIAL MEETING OF THE BOARD FOR MARCH 3, 2022 AT 9:00 A.M. TO BE HELD VIA VIDEO CONFERENCE.

(Motion by Board Member Blakespear, City of Encinitas / Second by Secretary Worden, City of Del Mar). Motion was approved by a vote of 7 ayes, 0 nays, and 0 abstentions.

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

B. Update on Potential Educational Conference Attendance – Information Item

General Manager Eggart advised the Board that Waste Expo conference was currently scheduled to take place from May 9-12 in Las Vegas, Nevada.

C. Reports by Board Members and/or RSWA Staff Regarding Conferences Attended – Information Item

None.

11. COMMENTS FROM ASSOCIATION MEMBERS, GENERAL COUNSEL AND GENERAL MANAGER

Secretary Worden commented that he toured EDCO’s material recovery facility and Republic’s composting facility.

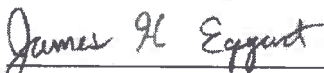
General Manger Eggart informed the Board that they could soon file their Form 700’s through the San Diego County E-Disclosure system.

General Manager Eggart also advised the Board about anticipated agenda items for future meetings and the status of payment of Board Member stipends.

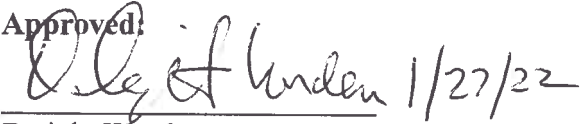
12. ADJOURNMENT

Chairperson Morrison adjourned the meeting at 10:28 a.m. to the special meeting of February 3, 2022 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 5.

Resolution No. 2022-02

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, November 18, 2021, December 9, 2021, and January 6, 2022, the RSWA Board of Directors reconsidered the circumstances of the State of Emergency and adopted Resolutions No. 2021-07, 2021-08, 2021-09, and 2022-01, 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) March 5, 2022; 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 February 3, 2022.

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. 2022-02 was duly adopted at a regular meeting of the Association, held on the 3rd day of February, 2022, by the following vote of the members of the Association:

AYES:

NOES:

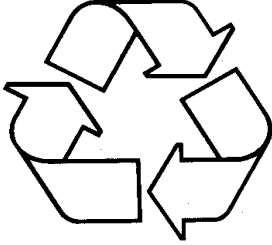
ABSENT:

ABSTAIN:

And I further certify that I signed and approved said Resolution on the ____ day of _____, 2022.

Ron Morrison, Chairman
Regional Solid Waste Association

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 James H. Eggart
Subject: Parameters for Adding New Parties to RSWA and Collaborating
with Non-Member Agencies
Date: February 3, 2022

BACKGROUND/DISCUSSION

In January, staff from the City of La Mesa inquired of the General Manager about potentially joining RSWA and/or collaborating with RSWA on SB 1383 issues. In May 2021, staff from the City of San Marcos made a similar inquiry. RSWA does not have any established policies regarding adding members or collaborating or sharing information and RSWA work product with non-member cities. Secretary Worden previously requested that these matters be agendized for discussion by the Board. Other Board Members have also previously expressed interest in exploring the expansion of RSWA.

Section XVIII of the RSWA Joint Powers Agreement provides that additional public entities may become parties to RSWA upon such terms and conditions as may be set forth in a resolution adopted approved by a majority of the Members of the RSWA Board. In addition, pursuant to Section V of the Joint Powers Agreement, another public entity may participate in RSWA by becoming a "Special Contract Party." The scope of a Special Contract Party's participation in RSWA, along with the rights and obligations of the agency and RSWA, are determined by the terms of a special contract negotiated between and approved by RSWA Board. Escondido is a Special Contract Party of RSWA for HHW purposes only.

In addition, nothing prohibits RSWA from entering into contracts and/or otherwise collaborating or sharing information with other public agencies that are not Parties to the RSWA Joint Powers Agreement or Special Contract Parties for the purposes of advancing mutually beneficial interests. If RSWA is going to regularly do so, however, it may be prudent for the Board to adopt uniform policies and/or procedures establishing parameters for such collaboration and/or information sharing and providing direction to Staff in pursuing these relationships.

RECOMMENDED ACTION

It is recommended that the Board discuss these issues and provide direction to the General Manager / General Counsel. The Board may also wish to establish an ad hoc subcommittee of no more than three (3) of its Members to meet separately to develop recommended policies for the full Board's consideration.