

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

October 28, 2021
8:00 a.m.

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



REGIONAL SOLID WASTE ASSOCIATION

SPECIAL MEETING AGENDA

October 28, 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. 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/85959728450?pwd=aXpRODFVMVRrMHdwemJCUURrb1hOUT09>

Phone No.: (669) 900-6833

Meeting ID: 859 5972 8450

Passcode: 642790

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 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. **ADOPTION OF A RESOLUTION NO. 2021-07 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. 2021-07, 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.

4. **SB 1383 COMPLIANCE SUPPORT SERVICES UPDATE AND DISCUSSION – POTENTIAL ACTION ITEM (Roll Call Vote)**

The General Manager will update the Board on developments since the October 7, 2021 Board meeting regarding potentially expanding the current scope of work under RSWA's agreement with Solana Center for Environmental Innovation to include additional SB 1383 compliance support services. The Board may provide the General Manager with further direction or form an ad hoc subcommittee.

5. **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.

6. **ADJOURNMENT**

Adjournment to the Special Meeting of November 18, 2021 at 8:00 a.m., to be conducted via teleconference / videoconference only.

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

October 28, 2021

8:00 a.m.

VIA TELECONFERENCE / VIDEO CONFERENCE ONLY

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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 October 28, 2021 in the locations listed above which are freely accessible to the public at or prior to 8:00 a.m. on October 27, 2021.


James H. Eggart
General Manager
Regional Solid Waste Association

Item #3

Resolution No. 2021-07

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, 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) November 27, 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 October 28, 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. 2021-07 was duly adopted at a regular meeting of the Association, held on the 28th day of October, 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