



**MINUTES OF THE MAY 20, 2019  
REGULAR MEETING OF THE BOARD OF DIRECTORS**

**1. CALL TO ORDER**

The Upper Valley Waste Management Agency met in regular session on Monday, May 20, 2019 at 1:30 p.m. at the Yountville Town Council Chambers. Chair Mohler called the meeting to order at 1:30 p.m.

**2. ROLL CALL**

The following members were present: Chair Mohler, Member Koberstein, Vice Chair Pedroza, Alternate Member Wagenknecht, and Alternate Member Kraus (arrived during item 5A).

**3. PLEDGE OF ALLEGIANCE**

New Clover Flat Site Manager, Canu Galindo led in the Pledge of Allegiance.

**4. PUBLIC COMMENT**

*During this period, anyone who wishes to speak to the Authority Board of Directors regarding any subject over which the Board has jurisdiction that is not on the agenda or to request consideration to place an item on a future Board agenda, may do so at this time. Individuals will be limited to a three-minute presentation.*

**THE BOARD OF DIRECTORS WILL TAKE NO ACTION AS A RESULT OF ANY ITEM PRESENTED AT THIS TIME.**

The affiliated waste companies introduced the new management team: Sylvia Pestoni, President (replaced Bob Pestoni); Linda Pestoni, Vice President; Christy Pestoni, Chief Executive Officer; Canu Galindo, new Site Manager; Doug Spiker, Operations at Upper Valley Disposal and Upper Valley Recycling; Greg Kelly, Consultant (helping with commodity management); Bryce Howard (continue working with contracts), and Steve Peterson, Management Consultant.

**5. CONSENT CALENDAR ITEMS**

Move to Add item 6B to Consent Calendar: AP, MK, MM, BW, GK

**A. Approval of Minutes**

Staff requested approval of the March 18, 2019 regular meeting minutes and the April 5, 2018 special meeting minutes.

**B. Agreement for Household Hazardous Waste Collection**

Agency Manager requests approval of and authorization for the Board Chair sign a three-year agreement with Stericycle Environmental Solutions, Inc. for the collection of household hazardous waste at temporary events and locations requested by the Agency. The compensation to the contractor shall not exceed \$57,000 per fiscal year.

Approved Revised Consent Calendar item 5A, 5B & \*6B (\*=now under Consent): AP, MK, MM, BW, GK

**6. ADMINISTRATIVE ITEMS**

**A. California Integrated Waste Management Act**

No action taken. Amanda Griffis summarized the staff report provided with this agenda.

**\*B. Decommissioning of Yountville and St. Helena used oil and HHW collection sites.**

\*See action above\* Agency Manager requests approval of and authorization to sign an agreement with Clean Harbors for a maximum of \$25,000 for the term of May 20, 2019 to June 30, 2019 to assist Yountville and St. Helena with decommissioning of their used oil and household hazardous waste (HHW) collection sites.

**C. Update from AD HOC committee/selection of outside counsel to assist**

Agency Manager summarized process involved in the selection process. Agency Counsel further explained the agenda item details the whole process in the selection process. Manager recommends Board delegate the signing authority to Agency Manager to move forward and avoid delays.

Member Koberstein moved to retain Colantuono firm and authorize Agency Manager to execute the contract.  
Item 6C of Administrative Item: MK, AP, MM, BW, GK

Open for Public Comment. No public comment here.

**D. Revisions to 2018/2019 Fiscal year budget and preliminary review of the 2019/2020 fiscal year budget**

Agency Manager requests approval of revisions of 2018/2019 budget, increasing appropriations by \$88,430 to cover expenses previously authorized by the board and conduct a preliminary review of the FY 2019/2020, which will return to the board for final approval on June.

Member Koberstein would like to discuss, at a later time, how the Agency funds itself, whether through the tip fee as is currently done, or perhaps through the rate model in the future.

Agency Manager noted that the Agency surcharge (currently \$4.75) was last adjusted in 2012. In the future it is proposed to change with CPI each year. Sometime in the near future the impact of the new organics regulations (to keep organics out of the landfill) will have dramatic cost implications for both the Company and the Agency. Both will be asked to do many more things. Consideration of hiring a fulltime staff member for UVA to help meet these new requirements, as well as audit requirements. Still unclear what costs will be. Without question the rates are going up and the agency costs are going up.

Company's Christy informed the Board the Regulations for SB 1383 are still under review and just had the last round of comments. Between now and 2020 the Regulation will be finalized, with work beginning in 2022. Burden of compliance falls on the jurisdiction. AB 901 Regulation changed this year, as well. In July the Company will start a different method of recording, to report on things that never needing reporting on in the past, including where all the commodities are going. County will also be required to handle the Food Rescue part of the process (gathering food that can still feed people and getting it to them). CalRecycle would like to reduce organics going to the landfill but also wants to reduce food waste.

Agency Manager adds another piece with be the purchasing requirements due to composting; jurisdictions will be required to buy finished compost.

Agency's Evan Edgar adds that the company has received a \$1.25 million grant to build a blending barn for odor control and working with LEA on a permit revision to cover this. Also working on pad on top of landfill.

Member Pedroza adds the Agency does not grow revenue well and suggests we focus on expenses, and make sure we have good cost containment in place. Even with \$500,000 in reserves, we can quickly deplete that. Therefore, we still need to be very prudent about contracts and agency costs.

Motion to approve: AP, GK.

Roll call approval: Member Pedroza – Yes, Member Koberstein – Yes, Chair Mohler – Yes, Alternate Member Wagenknecht – Yes, Alternate Member Kraus - Yes

**E. Discussion on notices of violation at the Clover Flat Landfill and resultant determination of breach of contract**

Agency Manger explains this agenda item will be carried on all agendas until the breach is cured. Notice of Violation issued April 9 allows for 6 months to cure, so until October 6.

Slideshow presentation on progress by Peter Ex. Today a citation was issued to Clover Flat by our Code Enforcement for a grading violation for grading activity located upslope of the landfill area. Citation is identifying activities went beyond the previously approved plans. Very hopeful with new Management team all efforts will show improved corrective practices. Current Notice of Order has a deadline in place of June 1, 2019 mainly to complete the fire prevention infrastructure and submit a plan on how Company will deal with leachate and erosion issues, even though most has been addressed already. Intention at this point is to reach an agreement and move forward with a stipulated Notice of Order that Clover Flat would sign and agree to allow keeping penalties in place if Company fails to meet compliance orders. Good faith effort to address long-term timelines. Significant progress has been made addressing the current issues and is hopeful we will continue to see progress with the new management team.

Chair Mohler request from Company's Evan Edgar a timeline report or checklist addressing issues and the progress separating major and minor violations. County Counsel suggested noting actions taken to no longer be in violation of the contact.

Company's Evan Edgar reported on the progress addressing various problems and solutions at the landfill.

**7. FRANCHISES' BUSINESS ITEMS**

**A. Franchises' Status**

Company's Bryce Howard reported progress continues (on landfill corrective issue). Company would like to hold off on rate increases and stop County staff from any further review until further notice. Chair Mohler asks what needs to be done per contract language. Manager Steve reminds the board the company is not obligated to submit request for a rate increase. However, the contract does require the Company to submit their rate increase request in May for a June's board approval if they want one. They are also welcome to withdraw or place request on hold, as they did this time. Manager Steve agrees new management team should consider and review the operations before locking in rates for a whole year.

**B. Waste Management Companies' Issues (Admin correction of item placement)**

None

**8. OTHER BUSINESS ITEMS**

**A. Manager's Report**

Agency Manager Steve reported a complaint from a customer in Calistoga who claims one truck is picking up all three cans (recyclables, garbage and green waste in one). Is looking into the issues it does not seem to be the case.

**B. Reports from Jurisdictions**

- i. Napa County: Nothing to report
- ii. Calistoga: Nothing to report
- iii. St. Helena: Nothing to report
- iv. Yountville: Successful event on Saturday with the Annual Yountville Clean-Up Day. Noticed again many items placed on the curb then picked up by the company. Company's Christy will provide tonnage report for the day tomorrow.

**C. Board of Directors Comments**

- Rate models to be discussed later.
- Future contract discussions with new outside Counsel (Board approved agenda item 6C). Manager Steve suggests a possible kick off meeting with this outside counsel to make sure all on the same page of what is to be expected of the contract review (to include Manager Steve, Chair Mohler, and Member Koberstein).

**D. Future Agenda Items**

None

**9. ADJOURNMENT**

Meeting was adjourned at 3:05 p.m. The next scheduled meeting of the Agency Board of Directors will be held on Monday, June 24, 2019 at 1:30 p.m. in the Yountville Town Council Meeting Chambers.

AYES: \_\_\_\_\_  
 NOES: \_\_\_\_\_  
 ABSTAIN(A): \_\_\_\_\_  
 ABSENT(B): \_\_\_\_\_  
 EXCUSED(X): \_\_\_\_\_

By: \_\_\_\_\_  
 ATTEST: Steven Lederer, Manager of the Upper Valley Waste Management Agency

KEY

Vote: AP = Alfredo Pedroza; CC = Chris Canning; DD = Diane Dillon; MK = Mary Koberstein; MM = Margie Mohler  
 BW = Brad Wagenknecht; GE = Geoff Ellsworth; GK = Gary Kraus; KD = Kerri Dorman  
 The maker of the motion and second are reflected respectively in the order of the recorded vote.  
 Notations next to vote: Y = Ayes; N = No; A = Abstain; B = Absent; X = Excused