

MOJAVE DESERT AND MOUNTAIN RECYCLING
JOINT POWERS AUTHORITY

REGULAR MEETING
AUGUST 8, 2024
10:30 A.M.

The meeting will be held in-person and by teleconference.

In-person location:
Victorville City Hall
Training Room 1 - upstairs
14343 Civic Drive
Victorville, CA 92392

Teleconference locations:

City of Barstow Council Room
220 E. Mountain View St,
Suite A
Barstow, CA 92311

City of Big Bear Lake
Main Entrance 42480
Fox Farm Rd
Big Bear Lake, CA 92315

City of Needles
City Hall Conference Room
817 Third St
Needles, CA 92363

TELECONFERENCE NOTICE

This meeting is being held in accordance with the Brown Act that allows attendance by members of the Board and the public to participate and conduct the meeting by teleconference.

NOTICE TO THE PUBLIC: To participate please sign in via the link below.

Join Zoom Meeting

<https://victorvilleca-gov.zoom.us/j/84386873117?pwd=douJM5Q0k59XThrrHyTasZ2JdHpVC.1>

***Directions for hyperlink – highlight line above and right click, select open hyperlink and it will take you directly to the meeting. If it requires the ID or Passcode, they are below.

Meeting ID: 843 8687 3117

Passcode: JPA

Questions/Issues call (760) 955-5217.

CALL TO ORDER AND ROLL CALL

PLEDGE

CONSENT CALENDAR

1. Request to Approve the Consent Calendar as follows:

- A. Minutes of the Board Meeting held May 9, 2024.
- B. Warrant Ratification for May 1, 2024 through July 31, 2024.
- C. Treasurer's Report.

Recommendation: Approve consent calendar.

PUBLIC HEARING ITEMS

None.

DISCUSSION/ACTION ITEMS

2. JPA Board Chair and Vice-Chair.

Recommendation: Board selects Chair and Vice-Chair.

3. ReCREATE Waste Collaborative Contract.

Recommendation: Approve Contract CC24-01 with ReCREATE Waste Collaborative for Recycling Support Services.

4. CalRecycle Solar Panel Grant.

Recommendation: Approve Resolution 24-01; Authorize a solar panel reuse and recycling pilot project.

5. Unincorporated Container Contamination Budget.

Recommendation: Increase 2024/25 Authority Administration Fund 8510 to \$429,434.

6. Upcoming Contract Adjustments.

Recommendation: Board input on updating and standardizing ongoing Authority contracts.

7. Edible Food Capacity.

Recommendation: Update on edible food capacity.

8. SB 54 Needs Assessment Recommendations.

Recommendation: Provide any Board input to the recommendations.

9. SB 1383 Organics Procurement Legislation.

Recommendation: Updated information from May 9 Board meeting; no action necessary.

10. Active Legislation.

Recommendation: Continue support of AB 660, AB 863, SB 707, SB 1143, and SB 1280.

11. Inactive Legislation.

Recommendation: Updated status on inactive legislation; no action necessary.

PUBLIC COMMENTS

12. Public comments on items of interest to the public.

BOARD MEMBERS COMMENTS

13. Comments by members of the Board of Directors.

DATE OF NEXT MEETING

THURSDAY, NOVEMBER 14, 2024

ADJOURNMENT

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Consent Calendar

SUMMARY STATEMENT

Request to Approve the Consent Calendar as follows:

- A. Minutes of Board Meeting held May 9, 2024.
- B. Warrant Ratification for May 1, 2024, through July 31, 2024.
- C. Treasurer's Report.

RECOMMENDED ACTION

Approve consent calendar.

PRESENTED BY

Melissa Krejckant

MEETING DATE

August 8, 2024

**ITEM
NUMBER**

1

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Board Meeting Minutes

SUMMARY STATEMENT

Attached is a report of the Board Meeting minutes from the November 16, 2023, meeting. Staff remains available for any questions or comments you may have.

RECOMMENDED ACTION

Approve as Part of the consent calendar.

PRESENTED BY		MEETING DATE	ITEM NUMBER
Melissa Krejckant		August 8, 2024	1A

MINUTES

MOJAVE DESERT AND MOUNTAIN RECYCLING JPA BOARD MEETING

10:30 A.M., THURSDAY, MAY 9, 2024

VICTOR VALLEY MATERIALS RECOVERY FACILITY (VIRTUAL MEETING) AND IN
PERSON AT VICTORVILLE'S CITY HALL, TRAINING ROOM 1

Call to Order

Roll Call

Present: Larry Cusack (Apple Valley), Debra Jones (Victorville), Jeff Drozd (Yucca Valley), CJ Porter (1st District), McArthur Wright (29 Palms), Ellen Campbell (Needles) Marilyn Kruse (Barstow)

Absent: Kendi Segovia (Big Bear Lake) and Joy Jeanette (Adelanto)

Others Present: John Davis (Administrator), Melissa Krejckant (Secretary), Ivania Esquivel (Victorville), Jacob Scoggins (Victorville), Guy Eisenbrey (Apple Valley), Edwin Alonzo (Apple Valley), Julie Ryan (Apple Valley), Emad Gewaily (Apple Valley), Richard Crockett (Burrtec), Treasure Trinh (San Bernardino County), Frank Forbes (San Bernardino County), Jess Reed (Barstow)

Pledge of Allegiance: Board Member Larry Cusack

Board Member Marilyn Kruse (Barstow) entered the meeting at 10:34 a.m.

Consent Calendar

1. Consent Calendar.

- a. Minutes of the Board Meeting held November, 16, 2023
- b. Warrant ratification for November 1, 2023, through January 31, 2024, and February 1, 2024 through April 30, 2024.
- c. Treasurer's Report

Recommendation: Approve consent calendar.

Motion was made to approve the recommended action for Consent Calendar items A-C.

Moved: Ellen Campbell (Needles)
Seconded: Larry Cusack (Apple Valley)

Roll Call voted conducted.

Motion passed: 7-0, with Board Members Kendi Segovia (Big Bear Lake) & Joy Jeanette (Adelanto) being absent.

Public Hearing

None.

Discussion/Action Items

2. 2023/2024 Budget.

Recommendation: Approve 2024/2025 JPA Budget, including \$20,000 from 2023/2024 marketing funds.

Motion was made to approve the recommended action for the budget

Moved: Ellen Campbell (Needles)
Seconded: 1st SBC District

Roll Call voted conducted.

Motion passed: 7-0, with Board Members Kendi Segovia (Big Bear Lake) & Joy Jeanette (Adelanto) being absent.

3. Bank Signature Authorization.

Recommendation: Authorize John Davis, Emad Gewaily, Margaret DeMauro, Doug Robertson, Orlando Acevedo as signatories on the Authority's bank account.

Motion was made to approve the recommended action for the bank signature authorizations.

Moved: 1st SBC District
Seconded: Marilyn Kruse (Barstow)

Roll Call voted conducted.

Motion passed: 7-0, with Board Members Kendi Segovia (Big Bear Lake) & Joy Jeanette (Adelanto) being absent.

4. Organic Products Procurement.

Recommendation: Support AB 2902's procurement exclusions; Support AB 2346 if amended to limit procurement to actual generation.

Motion was made to approve the recommended action for organic products procurement.

Moved: Ellen Campbell (Needles)

Seconded: Larry Cusack (Apple Valley)

Roll Call voted conducted.

Motion passed: 7-0, with Board Members Kendi Segovia (Big Bear Lake) & Joy Jeanette (Adelanto) being absent.

5. Glass Beverage Container Recycling Revenue.

No action was required on this item, informational only.

6. SB 54: Plastic Pollution Prevention and Packaging Producer Responsibility Act.

No action was required on this item, informational only.

Discussion ensued.

7. Legislation Update: Continuing Support.

Recommendation: Continue Authority support of SB 707, AB 660 and AB 863. Support SB 1280 and AB 2761.

Motion was made to approve supporting SB 1280 and AB 2761.

Moved: Larry Cusack (Apple Valley)

Seconded: Marilyn Kruse (Barstow)

Roll Call voted conducted.

Motion passed: 7-0, with Board Members Kendi Segovia (Big Bear Lake) & Joy Jeanette (Adelanto) being absent.

8. New Legislation Support and Opposition.

Recommendation: Support AB 2, AB 2577, SB 1143, and SB 1175. Oppose SB 1426.

Motion was made to approve supporting AB 2, AB 2577, SB 1143, and SB 1175.

Moved: Ellen Campbell (Needles)

Seconded: Jeff Drozd (Yucca Valley)

Roll Call voted conducted.

Motion passed: 7-0, with Board Members Kendi Segovia (Big Bear Lake) & Joy Jeanette (Adelanto) being absent.

9. Container Contamination Update.

No action was required on this item, informational only.

10. Edible Food Recovery.

No action was required on this item, informational only.

Discussion ensued.

11. Business Profiles.

No action was required on this item, informational only.

Discussion ensued.

12. Public Comments.

None.

13. Board Member Comments.

Chair Jones reported on how good it is to see everyone together and happy new year.

Adjournment:

Chair Jones adjourned the meeting 11:39 a.m.

Debra Jones
Chair

Melissa Krejckant
Secretary

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Commercial Warrants Schedule

SUMMARY STATEMENT

Commercial warrants were issued from May 1, 2024, through July 31, 2024 in the amount of \$307,694.33 net of voids covering issued warrant numbers 2700 to 2729.

The claims and/or demands covered by the attached list of warrants were audited as to the accuracy and availability of funds for payment thereof and said claims and/or demands are accurate, and the funds were available for payment thereof.

RECOMMENDED ACTION

Receive, ratify, and file the commercial warrants as presented.

PRESENTED BY		MEETING DATE	ITEM NUMBER
Emad Gewaily		August 8, 2024	1B

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JPA				
Warrant Listing: May 1, 2024-July 31,2024				

2700	5/7/2024	John Davis	JPA & MRF Admin Services April 2024	12,358.48
2701	5/7/2024	Erin Duckhorn	Marketing Services April 2024, Inv 504124	2,888.83
2702	5/27/2024	ReCREATE Waste Collaborative LLC	Adelanto Reimbursement Inv 1218	16,045.22
2703	5/29/2024	High Desert Second Chance	Edible Food Recovery Program April Inv #0053	2,500.00
2704	5/29/2024	Burrtec	April 2024 MRF ACTIVITY	62,849.89
2705	6/7/2024	John Davis	JPA & MRF Admin Services May 2024	12,325.44
2706	6/7/2024	Erin Duckhorn	Marketing Services May 2024, Inv 5060324	2,888.83
2707	6/7/2024	McArthur Wright	May 2024 Board Meeting	75.00
2708	6/7/2024	Debra Jones	May 2024 Board Meeting	75.00
2709	6/7/2024	Marilyn Kruse	May 2024 Board Meeting	75.00
2710	6/7/2024	Larry Cusack	May 2024 Board Meeting	79.36
2711	6/7/2024	Jeff Drozd	May 2024 Board Meeting	168.80
2712	6/7/2024	Ellen Campbell	May 2024 Board Meeting	307.49
2713	6/12/2024	ReCREATE Waste Collaborative LLC	Route Review Inspection Inv #1248	8,943.24
2714	6/12/2024	High Desert Second Chance	Edible Food Recovery Program May Inv #0054	2,500.00
2715	6/12/2024	Mobius Intelligent Systems, LLC	FEB-APR 2024 Services Inv 2739, 2745,2897	3,669.75
2716	7/8/2024	CRRRA	Conference Registration INV MOJAVEREG24	5,950.00
2717	7/8/2024	Burrtec	May 2024 MRF ACTIVITY	37,068.07
2718	7/8/2024	PERMA	Liability Ins INV #264	28,265.00
2719	7/8/2024	John Davis	JPA & MRF Admin Services June 2024	14,041.24
2720	7/8/2024	Erin Duckhorn	Marketing Services JUNE 2024, Inv 5070224	2,888.83
2721	7/8/2024	CAWF	Renewal INV #699	5,000.00
2722	7/8/2024	CPSC (California Product Stewardship Council)	FY25 Associate Fees INV FY25-037-AF	4,500.00
2723	7/8/2024	Stewardship Action Foundation	Annual Bronze Membership INV: SAF FY24-061	1,000.00
2724	7/26/2024	CRRRA	Annual Sponsorship inv #sp24-57	6,000.00
2725	7/26/2024	High Desert Second Chance	Edible Food Recovery Program June Inv #0055	2,500.00
2726	7/26/2024	ReCREATE Waste Collaborative LLC	Lip Flips and materials INV #1265	43,618.57
2727	7/26/2024	Mobius Intelligent Systems, LLC	JUNE 2024 Services Inv 3007	1,247.75
2728	7/26/2024	City of Victorville	Q4 2024 Rent Disbursement	13,932.27
2729	7/26/2024	Town of Apple Valley	Q4 2024 Rent Disbursement	13,932.27

Total	307,694.33
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**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Treasurer's Report

SUMMARY STATEMENT

Attached is a report of Cash and Investments of the Authority as of June 30, 2024.

Staff remains available for any questions or comments you may have.

RECOMMENDED ACTION

Receive, ratify, and file the June 30, 2024, Treasurer's Report as presented.

PRESENTED BY		MEETING DATE	ITEM NUMBER
Emad Gewaily		August 8, 2024	1C

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JOINT POWERS AUTHORITY
Treasurer's Report
As of June 30, 2024

Institution/Investment Type	Carrying Amount	Market Value	Interest Rate Yield	Maturity Date	Quarterly Comparisons of Carrying Amounts			
					Mar-24	Dec-23	Sep-23	Jun-23
Funds under control of the Authority:								
Checking Account:								
JPA Administration	235,248.67	235,248.67	(1) 0.30%	On Demand	268,289.02	150,305.75	123,916.40	144,435.01
JPA Organics	0.00	0.00	(1) 0.30%	On Demand	0.00	0.00	0.00	0.00
MRF Administration	55,994.57	55,994.57	(1) 0.30%	On Demand	59,614.57	57,373.88	63,493.88	67,031.48
MRF Operations	(111,968.15)	(111,968.15)	(1) 0.30%	On Demand	(202,694.15)	(79,613.77)	(172,193.50)	(148,563.79)
Total funds under control of Authority	179,275.09	179,275.09			125,209.44	128,065.86	15,216.78	62,902.70

Source of Market Value Information:

- (1) Desert Community Bank

I hereby certify that the investment activity for this reporting period conforms with the investment policy of the California Government Code Section 53601.
 I also certify that there are adequate funds available to meet the budgeted and actual expenditures of the Mojave Desert & Mountain Integrated Waste Joint Powers Authority for the next six months.

Prepared by: Sara Ogunde


 Emad Gewaily, Treasurer

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

JPA Board Chair and Vice-Chair

SUMMARY STATEMENT

JPA Board elections are held the first meeting in each new fiscal year, in accordance with the Joint Powers Agreement Creating the Authority. The Board last selected officers at its August 2023 meeting.

Debra Jones was chosen as Chair, and Larry Cusack as Vice-Chair.

RECOMMENDED ACTION

Board selects Chair and Vice-Chair.

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	None	August 8, 2024	2

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Contract with ReCREATE Waste Collaborative for Recycling Support Services

SUMMARY STATEMENT

ReCREATE Waste Collaborative has provided cart contamination inspection and outreach to Authority communities under two previous agreements. Their familiarity with Authority territory, member agencies, haulers and residential cultures makes them uniquely qualified to provide continued services; and they have expanded their knowledge as described on the attached Scope of Services.

The updated contract would engage ReCREATE for two years, at \$40,000 annually. Authority members could select those services most appropriate for them.

- Cart Tagging and Contamination Monitoring has been instrumental in helping residents properly use their new organics bins, while increasing recycling output and reducing contamination through (“lid-flipping”) and cart hangers.
- Waste Characterization Studies are used to identify materials categories by examining full cart or truck loads, helping to focus outreach by route or neighborhood. Pending legislation may allow local organic materials characterizations to revise statewide organic product procurement requirements.
- Education and Outreach could include door-to-door discussions or neighborhood meetings with residents, particularly in areas evidencing high levels of recycling and organics cart contamination or material loss to landfill loads; or in multi-family complexes with high resident turnover or property manager challenges.
- Edible Food Recovery could be used to supplant or enhance existing arrangements and might include training for commercial generators or recovery organizations including waste reduction or food hub implementation.
- Plastics Policy Implementation is likely to become essential under SB 54 as packaging and single use food service ware is reduced, modified or standardized. Some businesses may be prepared to adapt now.
- Other Services offered by ReCREATE include edible food capacity planning, commercial collection space waivers, social media content, stakeholder engagement and program planning.

The new contract also includes completing delayed work from the prior contract for residential curbside container contamination reduction activities, under that contract’s same terms and conditions at no additional cost.

RECOMMENDED ACTION

Approve Contract CC24-01 with ReCREATE Waste Collaborative for Recycling Support Services.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	\$40,000 annually for two fiscal years	August 8, 2024	3

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE MANAGEMENT
AUTHORITY
CONTRACT NUMBER: CC24-01
FOR
RECYCLING SUPPORT SERVICES**

THIS CONTRACT (the "Contract"), is made and entered into this day of August, 2024, by and between the **MOJAVE DESERT AND MOUNTAIN RECYCLING AUTHORITY**, a legal entity, organized and existing in the County of San Bernardino under and by virtue of the laws of the State of California (hereinafter referred to as "JPA"), and **RECREATE WASTE COLLABORATIVE, LLC** (hereinafter referred to as "Consultant"), for consulting services.

NOW, THEREFORE, in consideration of the mutual promises and obligations set forth herein, the parties agree as follows:

- I. **PROJECT MANAGER ASSIGNMENT:** All technical direction related to this Contract shall come from the designated Project Manager. Details of the JPA's assignment are listed below.

Project Manager: John Davis
Administrator
Address: 14343 Civic Drive, Victorville, CA 92392
Telephone: (909) 797-7717
Facsimile: (760) 269-0040
Email: recyclingjpa@gmail.com

- II. **CONSULTANT ASSIGNMENT:** Special inquiries related to this Contract and the effects of this Contract shall be referred to the following:

Consultant: Kirk Kunihiro
Address: 623 W Pacific Coast Hwy Unit F Long Beach CA
90806
Telephone: (714) 723-1647
Email: kirk@recreatecollab.com

- III. **SCOPE OF WORK AND SERVICES:** Contractor will provide professional services to JPA for projects to be determined following consultant with JPA member agencies. Projects may include work further described in Attachment B Recreate Scope of Services:

- Cart Tagging and Contamination Monitoring
- Waste Characterization Studies
- Education and Outreach
- Edible Food Recovery
- Plastics Policy Implementation
- Other Services

Contractor will coordinate work with local recycling coordinators, haulers, and the JPA Administrator to assure that it is responsive to their needs and reasonably consistent throughout the JPA.

Contractor will complete unfinished tasks described in Contract CC22-01 for residential curbside container contamination reduction activities, under that contract's same terms and conditions.

- IV. **TERM:** The term of this Contract shall extend from September 1, 2024, and terminate on June 30, 2026. Consultant and JPA agree that continuing work after June 30, 2025 depends on adoption of JPA budget including funds for this work.
- V. **COMPENSATION AND EXPENSES:** The JPA shall pay Consultant's properly executed invoice approved by the Project Manager within thirty (30) days following receipt of the invoice. Payment will be withheld for any service which does not meet or exceed JPA requirements or have proven unacceptable until such service is revised, resubmitted, and accepted by the Project Manager.

In compensation for the work represented by this Contract, the JPA shall pay Consultant NOT-TO-EXCEED a maximum total of \$40,000 during each fiscal year Term payable upon completion of the tasks and availability of funding after June 30, 2025. Prior to beginning each task Consultant and JPA will determine a project budget that will be the basis for payment. Budgets will be set using the following personnel costs:

- Project Manager \$180.00 hourly
- Recycling Specialist II (Project Lead) \$95.00 hourly
- Recycling Specialist I (Field Staff) \$78.00 hourly

Any direct reimbursable expenses including materials and travel must be pre-approved by the Project Manager.

- VI. **MINIMUM SCOPE AND LIMIT OF INSURANCE.** Coverage shall be at least as broad as:

- **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

- **Automobile Liability:** ISO Form Number CA 00 01 covering Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$300,000 per accident for bodily injury and property damage.

- Workers' Compensation: As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. (Not required if consultant provides written verification it has no employees)
- If the Consultant maintains higher limits than the minimums shown above, the JPA requires and shall be entitled to coverage for the higher limits maintained by the contractor.

VII. **OTHER INSURANCE PROVISIONS**: The insurance policies are to contain, or be endorsed to contain, the following provisions:

- Notice of Cancellation. Each insurance policy required above shall state that coverage shall not be canceled, except with notice to the JPA.
- Waiver of Subrogation. Consultant hereby grants to JPA a waiver of any right to subrogation which any insurer of said Consultant may acquire against the JPA by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the JPA has received a waiver of subrogation endorsement from the insurer.
- Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the JPA. The JPA may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.
- Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the JPA.
- Claims Made Policies. If any of the required policies provide coverage on a claims-made basis:
 - The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
 - If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.
- Verification of Coverage. Consultant shall furnish the JPA with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the JPA before work or services commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The JPA reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

- Subcontractors. Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.
- Special Risks or Circumstances. JPA reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

VIII. LEGAL RELATIONS AND RESPONSIBILITIES

- Professional Responsibility: The Consultant shall be responsible, to the level of competency presently maintained by other practicing professionals performing the same or similar type of work.
- Status of Consultant: The Consultant is retained as an independent Consultant only, for the sole purpose of rendering the services described herein, and is not an employee of the JPA.
- Observing Laws and Ordinances: The Consultant shall keep itself fully informed of all existing and future state and federal laws and all JPA, county and city ordinances and regulations which in any manner affect the conduct of any services or tasks performed under this Contract, and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same. The Consultant shall at all times observe and comply with all such existing and future laws, ordinances, regulations, orders and decrees, and shall protect and indemnify, as required herein, the JPA, its officers, employees and agents against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order or decree, whether by the Consultant or its employees.
- Subcontract Services: Any subcontracts for the performance of any services under this Contract shall be subject to the written approval of the Project Manager.
- Hours of Labor: The Consultant shall comply with all applicable provisions of California Labor Code Sections 1810 to 1817 relating to working hours. The Consultant shall, as a penalty to the JPA, forfeit \$25.00 for each worker employed in the execution of the Contract by the Consultant or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of the Labor Code.
- Travel and Subsistence Pay: The Consultant shall make payment to each worker for travel and subsistence payments which are needed to execute the work and/or service, as such travel and subsistence payments are defined in the applicable collective bargaining agreements with the worker.

- Liens: Consultant shall pay all sums of money that become due from any labor, services, materials or equipment furnished to Consultant on account of said services to be rendered or said materials to be furnished under this Contract and that may be secured by any lien against the JPA. Consultant shall fully discharge each such lien at the time performance of the obligation secured matures and becomes due.
- Indemnification/Hold Harmless: To the fullest extent permitted by law, Consultant shall hold harmless, defend at its own expense, and indemnify JPA, its officers, officials, agents, employees and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorneys' fees and costs, arising for all acts or omissions of Consultant or its officers, directors, agents, employees, independent contractors, subcontractors, or volunteers, in rendering services or work under this contract, excluding liabilities, losses, damages or expenses caused by the JPA's sole negligence or willful acts. Upon notice of a claim or loss to Consultant, Consultant shall immediately notify its applicable insurers according to the requirements of the applicable policy language, investigate, handle, respond to, and provide a defense to the JPA with counsel acceptable to JPA.
- Equal Opportunity: During the performance of this Contract, the Consultant shall not unlawfully discriminate against any employee or employment applicant because of race, color, religion, sex, age, marital status, ancestry, physical or mental disability, sexual orientation, or national origin.
- Attorneys Fees: In the event an action is commenced by a party to this Contract against the other to enforce its rights or obligations arising from this Contract, the prevailing party in such action, in addition to any other relief and recovery ordered by the court or arbitration, shall be entitled to recover all statutory costs, plus reasonable attorneys' fees.
- Disputes: Any controversy or claim arising out of or relating to the provisions of this Agreement or the breach thereof shall be settled by arbitration.

IX. **OWNERSHIP OF MATERIALS AND DOCUMENTS/CONFIDENTIALITY**: The JPA retains ownership of any and all partial or complete reports, drawings, plans, notes, computations, lists, and/or other materials, documents, information, or data prepared by the Consultant and/or the Consultant's subcontractor(s) pertaining to this Contract. The Consultant agrees that same shall not be made available to any individual or organization, private or public, without the prior written consent of the JPA except as required by law.

X. **NOTICES**: Any notice may be served upon either party by delivering it in person, or by depositing it in a United States Mail deposit box with the postage thereon fully prepaid, and addressed to the party at the address set forth below:

JPA: John Davis
Mojave Desert and Mountain Recycling Authority
P.O. Box 5001
Victorville, California 92393-5001

Consultant: ReCREATE
P.O. Box 1943
Long Beach, CA 90801

Any notice given hereunder shall be deemed effective in the case of personal delivery, upon receipt thereof, or, in the case of mailing, that the mailing is first class and that the mailing is deemed received three (3) days after deposit in the course of transmission with the United States Postal Service.

- XI. **SUCCESSORS AND ASSIGNS**: All of the terms, conditions and provisions of this Contract shall inure to the benefit of and be binding upon the JPA, the Consultant, and their respective successors and assigns. Notwithstanding the foregoing, no assignment of the duties or benefits of the Consultant under this Contract may be assigned, transferred or otherwise disposed of without the prior written consent of the JPA; and any such purported or attempted assignment, transfer or disposal without the prior written consent of the JPA shall be null, void and of no legal effect whatsoever.
- XII. **INTEGRATION**: The Contract Documents represent the entire Contract of the JPA and the Consultant as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered by the Contract Documents. This Contract may not be modified, altered or amended except by written mutual agreement by the JPA and the Consultant. No waiver of any term or condition of this agreement shall be considered a continuing waiver thereof.
- XIII. **GOVERNING LAW**: This Contract is to be governed by and constructed in accordance with the laws of the State of California.
- XIV. **TERMINATION FOR CONVENIENCE**: The JPA reserves and has the right to immediately suspend, cancel or terminate this Contract without cause at any time upon written notice to the Consultant. In the event of such termination, the JPA shall pay Consultant for all authorized and Consultant-invoiced services up to the date of such termination.
- XV. **TERMINATION FOR DEFAULT**: JPA, may, by written notice of default to the Consultant, terminate this contract in whole or in part if the Consultant fails to:
- a. perform the service within the time specified in this contract or any extension;
or
 - b. make progress, so as to endanger performance of this contract; or
 - c. perform any of the other provisions of this contract.

The JPA's right to terminate this contract may be exercised if the Consultant does not cure such failure within five (5) working days, after receipt of the written notice from the JPA.

Upon termination of the contract with the successful bidder, the JPA may award the contract to another consultant, if it is deemed to be in the best interests of the JPA.

XVI. **FORCE MAJEURE**: Neither party shall hold the other responsible for the effects of acts occurring beyond their control; e.g., war, riots, strikes, acts of God, etc.

XVII. **NOTICE TO PROCEED**: No services shall be performed or furnished under this Contract unless and until this document has been properly signed by all responsible parties and a Notice to Proceed order has been issued to the Consultant.

IN WITNESS WHEREOF, the parties hereto have caused the Contract to be entered as of the day and year written above.

The Mojave Desert and Mountain
Recycling Authority:

Consultant:

By: _____ By: _____

Title: _____ Title: _____

ATTACHMENT A

INSURANCE

INSURANCE REQUIREMENTS INSTRUCTION FORM

Contractor shall provide its insurance broker(s)/agent(s) with a copy of the required insurance and request that they provide Certificates of Insurance complete with copies of all required endorsements and/or applicable policy language to:

Name: Mojave Desert and Mountain Integrated Waste Management Authority

Address: 14343 Civic Drive, Victorville CA 92392

Contact person: John Davis

Phone number: (909) 797-7717

Email: recyclingjpa@gmail.com

Description of Operations/Location(s)/Vehicles:

Dates of required coverage: _____

Special Instructions: _____

ATTACHMENT B

ReCREATE SCOPE OF SERVICES

JULY 29, 2024

The Scope of Services document provides an overview of the services that ReCREATE Waste Collaborative is available to provide to JPA member agencies.



July 29, 2024

To: John Davis, Program Administrator, Mojave Desert and Mountain Recycling Authority

Introduction

As a follow up to our presentation on July 11th, 2024, this Scope of Services document provides an overview of the services that ReCREATE Waste Collaborative is available to provide to the MDMRA member agencies. Previous experience and project work is detailed in each service area section to highlight our team's areas of expertise. Our current billing rates are included at the end of this document.

ReCREATE Scope of Services

Cart Tagging and Contamination Monitoring

To date, ReCREATE has completed cart tagging inspections of tens of thousands of residential accounts in over 25 jurisdictions throughout Los Angeles, Riverside, and San Bernardino Counties, including for the MDMRA. Clients have included waste haulers and individual municipalities. Our team has perfected a proven route review implementation system that enables us to complete inspections quickly and efficiently, while maintaining high levels of quality in the data and minimizing impacts to regular collection operations. We have completed both SB 1383 Contamination Monitoring-compliant inspections as well as purely educational inspections with a wider reach than the minimum required by the regulations.

Of particular note is that in addition to working in urban areas we have gained much experience conducting route review work in rural and remote areas, from the high desert to mountain communities. Our team is uniquely qualified to continue providing this service to the MDMRA member agencies, as a contracted route review provider, as a complement to existing hauler route review efforts, or as a supplementary and highly targeted contamination education effort.

ReCREATE offers a custom data collection tool for completing route review inspections that collects all of the required inspection information. Completed inspections are available to view in real time by the client. Analytical tools are included that allow for data analysis at every level of interest - entire city, route, stream, contamination level, etc.

As a service area that is similar in planning to our cart tagging work, ReCREATE is also adept at cart labeling to affix updated SB 1383 information to residential curbside carts and has provided this service to the LA County Public Works Department.

Waste Characterization Studies

ReCREATE has assisted with, developed, and implemented dozens of waste characterization studies and has experience in a range of study methodologies, from facility and disposal-based, to generator and cart-based.

Previous waste characterization projects ReCREATE has been engaged on, both as a prime and as a subcontractor, include those conducted for the CalRecycle, LA Sanitation, Department of Sanitation New York, LA County Public Works, and the Washington State Department of Ecology, among many others.

As part of the contamination pilot for the MDMRA, ReCREATE conducted a cart-based waste characterization that included data from each of the member agencies to track the impacts of the education and outreach campaign.

Education and Outreach

ReCREATE has implemented a number of education and outreach projects that have included services such as residential door to door in-person outreach, delivery of indoor waste receptacles to residential and multi-family properties (recycling bins and kitchen compost pails), distribution of multi-family door hangers, and in-person technical assistance for businesses on a range of subject matters.

ReCREATE specializes in the development and creation of educational materials and content intended for both digital and in person use. Materials we've developed include flyers, notices, cart tags, digital media, and social media posts.

Natalie Lessa has a background in public relations and has provided extensive project planning and implementation of education and outreach campaigns focused on waste reduction and resource recovery through a lens of community-based social marketing for clients such as The Recycling Partnership, City of Torrance, City of Burbank, City of Glendale, City of Palm Springs and other municipalities in California. She is also an education and outreach instructor for GreenEducation.US and the Co-Chair of CRRRA's Behavior-Based Strategies Technical Council Business education and outreach specialized in edible food recovery, single-use plastic policy and reusables implementation, implementation of recycling and organics recycling and waiver application process.

Edible Food Recovery



ReCREATE specializes in assisting municipalities with implementing edible food recovery compliance and inspections, and has completed such work in over 15 California municipalities, inclusive of:

- Inspection and Enforcement Plans
- Inspections to Tier 1 and Tier 2 EFGs and food recovery organizations/services (over 900 site visits to date)
- Recordkeeping and tracking of compliance on a business-by-business basis
- Serving as a liaison during stakeholder meetings and roundtable discussions and documenting all enforcement efforts

Plastics Policy Implementation

ReCREATE has assisted with in-person technical assistance to businesses, related to local single use plastics ordinances. ReCREATE staff have conducted technical assistance visits to businesses and food establishments in the cities of Palm Springs, Burbank, and Glendale.

Natalie has assisted with leading the stakeholder engagement process and supported policy development for plastic waste reduction ordinances for the cities of Glendale and Burbank.

ReCREATE is preparing to assist jurisdictions with SB 54 implementation.

Other Services

- Capacity Planning - Organic Waste and Edible Food Recovery
 - Have submitted Organic Waste Capacity reports for the city of Riverside and the City of Burbank
 - Have submitted Edible Food Capacity planning reports for Imperial County (IVRMA), City of Santa Clarita, City of Glendale and City of Riverside
- De Minimis and Physical Space Waivers
 - Conducted de minimis and physical space waivers assessments and assisted generators with the exemption process for the City of Hawaiian Gardens and City of Culver City (as a subcontractor to Go2Zero).
- Stakeholder Engagement
 - As a subcontractor to Tetra Tech, Co-Founder Natalie Lessa managed the State of Arizona's public engagement process for the development of its updated solid waste materials management plan. Tasks included conducting nine regional community workshops, managing public survey responses received and conducting stakeholder interviews.
 - Currently assisting the City of Burbank and City of Glendale with stakeholder engagement to solicit feedback from the business and residential community about potential policy details related to the plastic waste reduction ordinances,



- inclusive of webinars and in-person presentations to various chambers of commerce and surveys to hundreds of impacted businesses.
- City of Santa Monica Zero Waste Plan stakeholder engagement presentations and facilitation of discussions at community groups and HOAs.
- Zero Waste and Education and Outreach Plans
 - The firm specializes in creating education and outreach and edible food recovery implementation and enforcement plans to support cities with their SB 1383 compliance.
 - Natalie Lessa has co-written Zero Waste Plans for the City of Santa Monica, Town of Corte Madera, City of Santa Rosa, City of Carlsbad and an Education and Outreach Plan for the City of Torrance. She additionally worked with the State of Arizona (ADEQ) as a subcontractor to Tetra Tech on a statewide stakeholder engagement strategy planning and execution for the update to its Solid Waste Materials Management Plan.
 - Created a recycling ambassador business outreach program for the City of Key West for increasing participation in the commercial recycling program.
- Social Media Content Development and Management
 - ReCREATE has developed social media content (Facebook, NextDoor and Instagram) for the MDMRA, City of Torrance, City of Burbank and as part of a new contract with the City of Glendale
 - Available to create static posts, stories and reels and monitor analytics to measure engagement
- Print and Digital Collateral Development
 - ReCREATE regularly engages a graphic designer contractor to develop digital and print flyers, website content, mailers, business outreach packets, and other program material

Hourly Billing Rates

Hourly Billing Rates	
Position	Hourly Rate
Project Manager	\$180.00
Recycling Specialist II (Project Lead)	\$95.00
Recycling Specialist I (Field Staff)	\$78.00

Please note that travel expenses may be incurred for in person fieldwork.

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Resolution 24-01: Authorizing Submittal of CalRecycle Individual Grant Applications and Related Authorizations for all Grant Programs; and Authorizing a Solar Panel Reuse and Recycling Pilot Project

SUMMARY STATEMENT

CalRecycle is accepting applications for its Household Hazardous Waste Grant Program. This is a competitive grant designed for small projects that complement existing programs. Applications are due August 20, 2024.

The Authority partnered with California Product Stewardship Council (CPSC) in 2019 and received \$100,000 to promote and distribute reusable one gallon propane cylinders. That grant is completed with full reimbursement including \$5,000 for Authority management.

CPSC is prepared to apply now for a \$100,000 three-year solar panel pilot project focused on expanding solar panels reuse and recycling within the Authority. The project would include community outreach and solar panel collection events:

- Mapping solar installers and reuse partners
- Developing a solar reuse/repair campaign
- Launching temporary collection events for solar panels
- Utilizing campaign and reuse partners to find markets for working panels
- Sending non-working panels for recycling by state approved recyclers
- Collecting and reporting data on type/style of panels, manufacturer, volume, and disposal methods

CPSC would prepare the application, carry out the tasks with local coordination, collect project data, and prepare reports and reimbursement requests.

CalRecycle requires a Board resolution authorizing grant submittals. Resolution 24-01 covers applications for all CalRecycle grants, consistent with the Board's action in 2019 that has expired.

The recommendation action also authorizes the described solar panel project.

RECOMMENDED ACTION

Approve Resolution 24-01; Authorize a solar panel reuse and recycling pilot project.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	\$100,000 grant	August 8, 2024	4

Resolution 24-01

**Resolution of the Board of the Mojave Desert and Mountain Recycling Authority
Authorizing Submittal of CalRecycle Individual Grant Applications
and Related Authorizations for all Grant Programs**

Whereas, the California Public Resources Code authorizes the Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs; and

Whereas, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Grant Programs; and

Whereas, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle Grants.

Whereas, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Grant Programs; and

Now, therefore, be it resolved that Mojave Desert and Mountain Recycling Authority is authorized to submit an application to CalRecycle for all Grant Programs offered.

Be it further resolved that the Administrator, or their designee, are hereby authorized as Signature Authority to execute in the name of Mojave Desert and Mountain Recycling Authority all grant documents, including but not limited to, applications, agreements, amendments, and requests for payment, necessary to secure grant funds and implement the approved grant project.

Be it further resolved that these authorizations are effective for five years from the date of adoption.

Date Adopted: August 8, 2024

Certified by _____
Chair

Board Secretary

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Unincorporated Container Contamination Budget

SUMMARY STATEMENT

The 2024/25 Budget included funds carried over to complete container contamination work in Twentynine Palms and Yucca Valley where organics collection starts were delayed by truck and cart back-orders. The same delays affected work in nearby unincorporated areas, compounded by summer heat.

Consequently, an additional \$19,944 of work is carried over from the prior year budget. Because that amount was not appropriated in the current budget, the authorized expenditure limit of \$409,490 may be exceeded and should be increased to \$429,434.

The unexpended \$19,944 in 2023/24 revenue will be reflected in the 2025/26 budget as excess reserves. Any necessary adjustments will be made in accordance with Board policy during next year's budget process.

RECOMMENDED ACTION

Increase 2024/25 Authority Administration Fund 8510 to \$429,434

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	No net impact	August 8, 2024	5

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Upcoming Contract Adjustments

SUMMARY STATEMENT

Recycling Authority work is provided by contractors or arrangement with member agencies. There are no Authority employees. By using contractors instead of staff, the JPA can anticipate and respond to changing dynamics and circumstances, shifting budget resources rather than increasing expenditures.

Current emphasis on digital public outreach and edible food recovery are expected to continue, with SB 1383 tasks continuing for more projects going forward. SB 54 will offer new challenges and opportunities to reduce, reuse and recycle single use packaging and food service ware.

Mobius Intelligent Systems provides social media management and digital outreach services to the Authority at a \$1,250 monthly cost that is unchanged since 2018. High Desert Second Chance is paid \$2,500 monthly to arrange and report edible food recovery, an amount unchanged since 2019.

Compensation in two other Authority contracts is adjusted by Consumer Price Index changes, and that approach would be appropriate for Mobius and HDSC's arrangements.

The other two contracts are with Erin Duckhorn for marketing support; and the Authority Administrator. Erin's contract includes five one-year terms ending in 2026, renewed unless either party gives a non-renewal notice by December 31 to be effective the follow June 30. The Administrator's contract, initially agreed in 1982, has a two-week termination option by other party. The current version runs through June 2027.

The stability of these four core contracts justifies bringing compensation and terms more aligned by standardizing cost of living adjustments and contract length and termination provisions.

RECOMMENDED ACTION

Board input on updating and standardizing ongoing Authority contracts.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	Ongoing contract work	August 8, 2024	6

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Edible Food Recovery Capacity

SUMMARY STATEMENT

The Authority and member agencies have worked closely with edible food recovery organizations since SB 1383's adoption. The law requires that large commercial generators make edible food available to those organizations. To assure sufficient capacity, SB 1383 regulations require that counties complete periodic edible food recovery capacity planning. San Bernardino County Environmental Health Services (EHS) completed the work in consultation with local agencies and food recovery organizations.

The regulations require an estimate of the amount of edible food that will be disposed of by commercial edible food generators. That estimate is compared to existing and proposed new or expanded capacity at food recovery organizations that is available to generators. Any shortfall would require that local jurisdictions arrange for new or expanded capacity.

EHS completed its calculations in June. Each JPA member showed verified and potential recovery capacity exceeding edible food disposal. Overall generation is 7,277,819 pounds (3,639 tons), with capacity of 23,342,819 pounds (11,671 tons). Excess capacity varies by agency but is sufficient to meet the current generation and expected to expand as needed.

RECOMMENDED ACTION

Update on edible food capacity.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	No new impact	August 8, 2024	7

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

SB 54 Needs Assessment Recommendations

SUMMARY STATEMENT

CalRecycle is seeking input from stakeholders in advance of issuing its SB 54 Collection, Processing, and End Markets Study Request for Proposals. This Study is part of the statewide needs assessment informing Producer Responsibility Organization’s plan.

The Study begins by evaluating the current system by describing existing recycling and composting collection, hauling and processing infrastructure, as well as market conditions and availability. Phase 2 includes identifying actions and investments needed to meet the mandates of SB 54.

The Authority Administrator meets monthly with Apple Valley, Victorville and Burrtec staff to discuss Victor Valley MRF and Compost Facility operations. CalRecycle producer responsibility staff joined virtually in July to discuss the upcoming needs assessment.

Written comments were drafted following the discussion to be shared with CalRecycle. The full draft comments are attached and address these topics:

1. Market viability and volatility
2. Responsible end markets
3. MRF capital and processing costs and ratepayer impacts
4. Transportation cost
5. Compostable materials performance
6. Covered materials standardization and design for recycling
 - Thermoformed containers
 - Glass
 - Flexible packaging
7. Chemical recycling mass balance
8. Pyrolysis performance

RECOMMENDED ACTION

Provide any Board input to the recommendations.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	Unknown Producer cost reimbursement	August 8, 2024	8

SB 54 Needs Assessment Recommendations Mojave Desert and Mountain Recycling Authority

Background

CalRecycle is seeking input from stakeholders in advance of issuing its SB 54 Collection, Processing, and End Markets Study Request for Proposals. This Study is part of the statewide needs assessment informing Producer Responsibility Organization's plan.

The Study begins by evaluating the current system by describing existing recycling and composting collection, hauling and processing infrastructure, as well as market conditions and availability. Phase 2 includes identifying actions and investments needed to meet the mandates of SB 54.

Recommendations

1. Market viability should compare the costs to process materials to those materials' market values. Market volatility means that values need to be presented historically. For example, a thirteen-year OCC and mixed paper pricing chart shows a declining trend line with values lower now than in 2011.
2. The Needs Assessment process should include identification of California's statutory and regulatory requirements addressing environmental benefits and minimizing public health and worker safety risks. This would provide a relative framework to compare responsible end market requirements outside California.
3. Processing costs are MRF and compost facility specific and reflect differing capital, staffing, overhead and operating expenses. Tip fees provide comparability among facilities but may not reflect ratepayer costs.

The Victor Valley MRF operating agreement describes the owners' fiscal responsibilities as well as the tip fee paid by other users. The Authority recently completed a rate study that includes a capital reserve set-aside, while other facilities may rely more on debt financing.

Differentiating MRF capital and operating costs between covered and non-covered materials is essential. The Victor Valley MRF was built in 1995 and last upgraded in 2006. The system is largely obsolete, and some components are inoperable or lack replacement parts. We are faced with plugging in new components or installing a completely new system. The needs assessment study should consider both alternatives and not focus simply on incremental improvements to existing facilities.

Cost recovery through residential and commercial rates are community specific. With SB 54's focus on ratepayer relief, the needs assessment should isolate processing charges from collection and ancillary costs. Impacts of materials value revenue on rates needs to be identified specifically.

While gathering all local rate details may be impossible during the study, a rate model should be developed to allow subsequent local data gathering.

4. Transportation to and from MRFs and organics facilities needs to be modeled. Some material arrives directly on collection vehicles, while other material must be consolidated and transferred over longer distances. The cost and rate differences can be substantial, especially for rural areas. Driving time reflects those costs more accurately than mileage by considering traffic and geographic impediments.

Transportation to markets directly affects recovered material value. Shipping to ports with long wait times erodes bale prices; as does trucking to domestic mills or brokers. Moving compost to agricultural markets similarly adds costs borne by facilities and ratepayers, particularly with SB 1383's procurement obligations shifting the burden to local agencies.

5. Compostable materials need to be assessed for actual active composting performance in different operating systems. Materials should break down along with food and landscape waste to be acceptable feedstocks and not add time to the process. They should not leave visible residue or microplastics in the finished products.
6. Covered materials evaluations should promote standardization, reducing materials proliferation while assuring performance through design.
 - Rigid PET thermoform containers are recyclable. PVC thermoforms/blister pack should not be used.
 - Clear thermoforms are sorted by optical systems; dark tinted are not.
 - Glass recovery is focused on CRV which needs to be distinguished from other glass covered materials.
 - Flexible packaging and single use plastic food ware are not recovered with current technologies. This is an area of special concern as reuse, drop-off, take-back, compostable and chemical recycling may be infeasible or require long term scaling.
 - Design parameters set by the Association of Plastics Recyclers should be considered as practical and effective steps to increase recyclability.
7. Chemical/advanced/molecular recycling relies on mass balance calculations to determine recycling output. This raises questions about those technologies' ability to meet SB 54's plastic covered materials recycling mandates. It may be impossible to correlate incoming materials composition with end products; or even to characterize post-consumer feedstock throughput separate from post-consumer or virgin materials.

Recent articles point to some of the issues to address in the needs assessment <https://www.waste360.com/waste-recycling/breaking-it-down-the-chemical-recycling-mass-balance-debate> and <https://www.propublica.org/article/delusion-advanced-chemical-plastic-recycling-pyrolysis>

8. Pyrolysis facilities may accumulate dioxins and furans, or other compounds created during their operations. The assessment should look at these outputs, as well as energy combustion impacts, through the responsible end market lens.

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

SB 1383 Organics Procurement Legislation

SUMMARY STATEMENT

CalRecycle’s SB 1383 regulations require local agencies to procure organic products based on their population. Three bills in this session attempt to address problems with the regulations and CalRecycle’s implementation. The Authority Board supported them at its May 2024 meeting.

AB 2902 would exclude communities with low population or elevation waivers from the procurement requirements. CalRecycle requires that procurement now, as their regulations do not provide this exemption. This includes Big Bear Lake, Needles, and multiple San Bernardino County communities. There was no opposition to the bill in the Assembly, and it cleared the Senate’s policy committee unanimously.

AB 2346: The bill would authorize local jurisdictions to determine a local per capita procurement target using information from a local jurisdiction waste characterization study. The current target is statewide, and Authority territory generates far less landscape waste than coastal and valley areas. The Administrator will pursue this option upon enactment of this provision.

AB 2346 would also credit edible food recovery as an offset to the procurement target; and would credit creation of “food hubs”, meaning facilities that engages in accepting food for the purpose of repackaging or reprocessing items through a commercial kitchen, where that food is distributed to a network of food recovery agencies or directly to individuals who are food insecure.

SB 1175 would require that CalRecycle revise it regulations and consider, in addition to census tracts, alternatives to those census tracts when deciding the geographic boundaries of a low-population or elevation waiver. This could increase unincorporated population granted waivers in existing census tracts.

RECOMMENDED ACTION

Updated information from May 9 Board meeting; no action necessary.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	Potential reduced local costs	August 8, 2024	9

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Active Legislation

SUMMARY STATEMENT

Five Authority-supported bills remain active, having cleared the original house and policy committees. The next step is Appropriations Committee approval by August 13. Floor voting continues through August 31, with amendments allowed through August 23.

SB 1280 would require that propane cylinders be reusable or refillable beginning 2028.

AB 660 would simplify expiration dates by requiring food manufacturers to use uniform terminology when labeling their products with "safety" or "quality" dates and banning the use of consumer-facing "sell-by" dates by July 1, 2026. Standardized labels would prevent consumers unnecessarily wasting food.

AB 863 was amended in June to include carpet and artificial turf in a producer responsibility organization that would pay to collect, transport, recycle and divert those products through planned activities paid for by the producers. Beginning in 2029 the products must be collected at approved sites and sent for recycling. Carpet would be required to include 15% post-consumer content by 2028, increasing to 50% by 2025. By January 1, 2026, CalRecycle would prepare an initial statewide needs assessment designed to determine the necessary steps and investment needed for resilient flooring to achieve a 25% recycling rate by 2030 and subsequently determine whether to authorize formation of a separate product responsibility organization for resilient flooring.

SB 707, the Responsible Textile Recycling Act, would require that textile manufacturers form a producer organization by 2030 and fund collection, sorting and recycling, including repair, of post-consumer clothing and textiles. Nonprofit thrift stores are prioritized for collection, sorting, reuse and repair with the PRO covering recycling and disposal costs.

SB 1143 would shift the cost burden of managing HHW disposal from local jurisdictions and ratepayers to a producer responsibility organization (PRO) for Household Hazardous Waste (HHW) products that are flammable, toxic, ignitable, corrosive, reactive, or pressurized. By July 2027, the PRO would ensure that producers fund safe and convenient collection and management of covered products, decreasing improper disposal in aggregate by 20% by 2032 and 40% by 2035.

RECOMMENDED ACTION

Continue support of AB 660, AB 863, SB 707, SB 1143, and SB 1280

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	Reduced local HHW costs	August 8, 2024	10

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Inactive Legislation

SUMMARY STATEMENT

The Authority supported three bills that are no longer active.

AB 2 would have expanded existing e-waste programs to include a fee for consumer photovoltaic solar panels and establish a producer-run program for commercial and leased panels. AB 2 was supplanted by AB 1238, which was substantially amended in June 2024 but withdrawn before its policy committee hearing. Legislation may be reintroduced in 2025 if enforcement issues can be resolved.

AB 2577 Would require CalRecycle to include product labeling requirements that reduce food waste in existing edible food recovery efforts. This bill was considered an alternative to AB 660 should it fail to clear the Agricultural Committee. AB 2577 subsequently was tabled.

AB 2761 is the Reducing Toxics in Packaging Act, which would prohibit use of vinyl plastic (PVC/PVDC) in packaging, as well as prohibiting fluorination of plastic packaging (PFAS). The bill was withdrawn before its policy committee hearing over enforcement concerns.

RECOMMENDED ACTION

Updated status of inactive legislation; no action necessary.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	No direct impacts	August 8, 2024	11

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Public Comments.

SUMMARY STATEMENT

Comments on items of interest to the Public.

RECOMMENDED ACTION

No recommended action.

PRESENTED BY

Melissa Krejckant

MEETING DATE

August 8, 2024

ITEM NUMBER

12

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Board Comments.

SUMMARY STATEMENT

Comments by members of the Board.

RECOMMENDED ACTION

No recommended action.

PRESENTED BY

Melissa Krejckant

MEETING DATE

August 8, 2024

ITEM NUMBER

13