

# STAFF REPORT



ITEM NO. 17  
CITY OF OCEANSIDE

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DATE: August 21, 2013  
TO: Honorable Mayor and City Councilmembers  
FROM: Water Utilities Department  
SUBJECT: **APPROVAL OF REVISED BYLAWS OF THE INTEGRATED WASTE COMMISSION AND APPROVAL OF THE WORK PLAN FOR FY 2014-2015**

## **SYNOPSIS**

Staff and the Integrated Waste Commission recommend that the City Council approve revised Bylaws for the Integrated Waste Commission to amend the Purpose, Composition, and Establishment Sections of the bylaws, and approve the Integrated Waste Commission Work Plan for FY 2014 - 2015.

## **BACKGROUND**

The Work Plan for the Integrated Waste Commission was last updated in 2009. At the time, some of the work plan elements contained provisions which defined the mission/purpose of the Commission and the composition and structure of subcommittees. During discussions between staff and Commission members, it was thought that it was more appropriate that some of these work plan provisions be included in the Bylaws instead of the bi-annual work plan update.

The proposed action updates the Integrated Waste Commission Bylaws with language which was previously contained in the FY 2009-2011 work plan. The action also updates the work plan to reflect current general goals and tasks as well as specific goals and tasks, as determined by the Commission. The task areas focus on recycling, waste collection and disposal, source/waste reduction, technology, regional issues, solid waste codes, budget, education programs, green waste, grant programs, household hazardous waste and seminars. The revised Bylaws and the proposed work plan detail for FY 2014 – 2015 are attached as Exhibits A and B.

## **ANALYSIS**

The proposed change to Section 1.2 (Purpose) of the Bylaws would broaden the Commission's advisory capacity role. Presently, the Commission advises on matters related to disposal, transfer, management and reduction of waste, including hazardous waste. These matters also include litter and graffiti control, recycling, landfilling, and beautification. The proposed language change would allow for the inclusion of green

waste programs, construction waste programs, composting projects, the zero waste plan, environmental education, and all other related solid waste issues including solid waste code enforcement, compliance topics and sustainability as matters within the Commission purvue.

A proposed change to Section 2.1 (Composition) of the Bylaws would allow for the Chair to seat an alternate member who would have voting privileges for that meeting, in the event a regular voting member is absent.

A proposed change to Section 7.1 (Establishment) of the Bylaws would define the subcommittees which may be formed and the areas of focus.

### **FISCAL IMPACT**

The commission does not have its own budget. There is no fiscal impact beyond the staff time to support the commission.

### **COMMISSION OR COMMITTEE REPORT**

The Integrated Waste Commission approved the work plan and Bylaw amendments at its regularly scheduled meeting on July 23, 2013.

### **CITY ATTORNEY'S ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

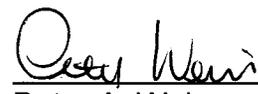
### **RECOMMENDATION**

Staff and the Integrated Waste Commission recommend that the City Council approve revised Bylaws for the Integrated Waste Commission to amend the Purpose, Composition, and Establishment Sections of the bylaws, and approve the Integrated Waste Commission Work Plan for FY 2014 - 2015.

PREPARED BY:

  
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Water Utilities Director

SUBMITTED BY:

  
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City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



Exhibit A: Integrated Waste Commission Bylaws with proposed amendments  
Exhibit B: Integrated Waste Commission Work Plan for FY 2014 - 2015

**BYLAWS OF THE CITY OF OCEANSIDE  
INTEGRATED WASTE COMMISSION**

**ARTICLE I. THE COMMISSION**

Section 1.1    Name of Commission

The name of the Commission shall be the "City of Oceanside Integrated Waste Commission (hereinafter referred to as "Commission").

Section 1.2    Purpose

The purpose of the Commission shall be to act in an advisory capacity to the City Council on matters relating to the collection and disposal of solid waste, recycling programs, household hazardous waste programs, green waste programs, construction waste programs, composting projects, the zero waste plan, environmental education, and all other related solid waste issues. This commission also makes recommendations on solid waste code enforcement, compliance topics and sustainability.

**ARTICLE D. MEMBERSHIP**

Section 2.1    Composition

The Commission shall consist of seven (7) regular voting members, with two (2) alternates who shall be appointed by the City Council. All commission members shall be residents of the City of Oceanside. In the event a regular voting member is absent, the Chair may seat an alternate member who shall have voting privileges for that meeting.

Section 2.2    Terms of Membership

The initial terms of membership for regular members shall be staggered, with the effective date of the Resolution establishing the Commission being the official date on which each term begins. Three (3) members shall serve an initial three (3) year term, three (3) members shall serve an initial two (2) year term, and three (3) members shall serve an initial one (1) year term. The initial term of membership for each commission member shall be determined by a draw of lots at the first regularly scheduled meeting of the commission. Thereafter, regular members shall serve terms of three (3) years. Commission members whose terms have expired may apply for reappointment if they wish to do so.

Section 2.3    Termination of Membership

Membership in the commission shall automatically terminate upon any of the following occurrences:

- 1) The member is no longer a resident of the City of Oceanside;

- 2) The member has been absent from three (3) consecutive meetings without sufficient cause and/or without notifying the Chairperson or City staff;
- 3) The expiration of the term of membership;
- 4) Upon removal by a majority of the City Council, with or without cause.

#### Section 2.4    Resignation

Any Commission member may resign at any time by giving written notice to the Mayor of the City of Oceanside. Any such resignation shall be effective upon receipt or any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

#### Section 2.5    Vacancy

If a vacancy shall occur otherwise than by expiration of the term, the Mayor shall appoint a new member, subject to majority approval of the City Council, to fill the unexpired portion of the term.

### **ARTICLE III. OFFICERS**

#### Section 3.1    Officers

The officers of the Commission shall consist of a chairperson and a vice-chairperson.

#### Section 3.2    Chairperson

The chairperson shall preside at all meetings of the Commission and shall submit such agendas, recommendations, and information at such meetings that are reasonable and proper for the conducting of business affairs and policies of the Commission.

#### Section 3.3    Vice-chairperson

The Vice-chairperson shall perform the duties of the chairperson in the absence or incapacity of the chairperson. In the event of the resignation, death, or removal of the chairperson, the vice-chairperson shall assume the chairperson's duties until such time as the Commission shall elect a new chairperson.

#### Section 3.4    Additional Duties

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, other rules and regulations, or duties and functions which are incidental to the offices held by such officers.

#### Section 3.5    Election

The Chairperson and Vice-chairperson shall be elected by the Commission at its initial meeting and annually at a designated regular meeting from among the Commission

members, who shall each hold office for a term of one (1) year or until their successors are elected and qualified. An officer shall not be prohibited from election to successive terms of office.

#### Section 3.6    Vacancies

Should the office of either chairperson or vice-chairperson become vacant, the Commission shall elect a successor from among its members at the next regular or special meeting and the office shall be held for the unexpired term of office.

### **ARTICLE IV. MEETINGS**

#### Section 4.1    Regular Meetings

Regular meetings shall be held at 4:00 P. M. on the fourth Tuesdays of each month. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be held on the next regular date or as agreed upon by the Commission members at the prior meeting.

#### Section 4.2    Special Meetings

Special meetings may be held upon call of the chairperson or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 72 hours before the time specified in the notice of the meeting. At such special meeting, no business other than that designated in the call should be considered.

#### Section 4.3    Adjourned Meetings

Any meeting of the Commission may be adjourned to an adjourned meeting providing the adjournment indicates the date, time and place of the adjourned meeting. Commission members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

#### Section 4.4    Meetings to be Open and Public

All meetings of the Commission and its subcommittees shall be open and public to the extent required by the California State Brown Act. All persons shall be permitted to attend any such meetings, except as otherwise provided by law.

#### Section 4.5    Quorum

A majority of the Commission membership shall constitute a quorum for the purpose of conducting the Commission business, exercising its powers and all other purposes, but less than a majority of the Commission membership may adjourn the meeting from time to time until a quorum is obtained. Unless otherwise provided in the bylaws, an affirmative vote by a majority of members of the Commission shall be required for approval of any action brought before the Commission.

Section 4.6    Attendance at Meetings

All members of the Commission, regular and alternate, shall be required to attend all Commission meetings unless such member has been excused from participation.

Section 4.7    Excused Absences

A member's absence from a meeting shall be excused if, prior to the meeting from which a member will be absent, the member notifies the chairperson or City staff of his/her intent to be absent. At each meeting, after the meeting has been called to order, the chairperson shall report to the Commission the name of any member who has so notified the chairperson or staff of his or her intent to be absent.

Section 4.8    Absence of Regular Member

When a regular member is absent from a meeting, an alternate member shall participate in the Commission proceedings in place of the absent regular member. An alternate member shall have voting privileges only when acting in the stead of an absent regular member.

Section 4.9    Order of Business

The order of business shall be established by the Commission. Agenda shall be published and posted in compliance with applicable state and local laws and rules.

Section 4.10   Rules of Order

Unless otherwise decided by the Commission, all business and matters before the Commission shall be transacted in conformance with the Oceanside City Code, established City policy and Robert's Rules of Order (latest edition).

Section 4.11   Off-Agenda Items

No off-agenda items shall be acted upon or discussed by the Commission. Commission members, staff and/or the public may announce off-agenda matters of concern. Each off-agenda matter shall be automatically referred to staff for resolution or placed on the next available Commission agenda.

ARTICLE V. RECORDS, REPORTS AND ANNUAL WORKPLAN

Section 5.1    Meeting Records

The Commission shall keep minutes of all meetings, which shall be open for inspection by any member of the public. Upon approval of meeting minutes by the Commission, copies of such minutes shall be distributed to the City Council and City Manager.

In addition, copies of all commission agendas and minutes approved by the Commission shall be distributed to the City Clerk's Office as an official record.

Section 5.2    Reports Submitted to City Council

The Commission shall submit copies of all written reports, studies, and correspondence sent to public agencies to the City Manager and City Council upon distribution of the original document.

Section 5.3    Presentation of Annual Workplan

The Commission shall submit to the City Council no later than June 30 of each year a comprehensive workplan indicating specific projects and tasks proposed for the fiscal year to support the purpose and scope of responsibilities as described in section 1.2.

ARTICLE VI. REPRESENTATION BEFORE PUBLIC BODIES

Section 6.1    Representation

Any official representations on behalf of the Commission before the City Council, or any other public body, shall be made by the Chairperson, the Vice-chairperson in the Chairperson's absence, or a member of the Commission specifically designated by the Commission.

Section 6.2    Statement of Minority Views

All reports by City staff and all official representations on behalf of the Commission pursuant to Section 4.1 on matters that have been approved or disapproved by the Commission shall, in addition to a statement of the majority vote, include a brief statement of any minority opinions on the matter.

ARTICLE VII. SUBCOMMITTEES

Section 7.1    Establishment

The Commission shall have the authority to and may establish subcommittees as necessary to accomplish the purposes set forth in Section 1.2 herein. Subcommittees may meet to discuss specific issues within the scope of responsibility for the Commission and to make recommendations for action by the Commission. Membership composition and terms shall be determined by the Commission for any subcommittee created; however; no subcommittee shall consist of more than three (3) Commission members, so as not to cause a majority of Commission members to serve on one (1) subcommittee. In addition to a maximum of three (3) Commission members, the Commission may appoint an unspecified and unlimited number of other persons not currently serving as a Commission member.

The Integrated Waste Commission meets as a whole to vote on various issues and make recommendations to the City Council. It may also convene subcommittees to address the specific goals and tasks listed above. The commission on direction of the

Chair or upon request by the Commission may form *ad hoc* subcommittees that focus on specific areas of recycling, composting and solid waste management. These subcommittees will analyze the short term and long term benefits of policy change in relation to the following topics: AB939/Source Reduction; AB341,E expansion or significant change to current management of solid waste; Transfer Station/Recycling Center/Green Waste Analysis and Siting; Waste to Energy Technology; Pay as you throw programs; Zero Waste; Composting; Business Recycling; Construction Recycling; Multi-Family Residential Recycling; Green Waste Recycling; Contract Advisory; Education/Outreach/Earth Day/Youth Activities; Plastic Bag Reduction; Construction and Demolition Debris Recycling and the City Solid Waste Budget. This list is not conclusive but rather demonstrative of the commission's commitment to putting Oceanside at the leading edge of environmental awareness and sustainability.

A. Other committees may be formed as follows:

1. Futures of Solid Waste Subcommittee: This subcommittee will look issues related to better management practices of solid waste services and recycling. Past goals of the subcommittee have been primarily focused around Transfer Station/Recycling center analysis and siting and Waste to Energy technology and development but also includes implementation of the Zero Waste Plan.
2. Budget Contract Advisory. To recommend and advise the City on solid waste contract issues regarding the City's present and proposed solid waste services provided to ratepayers.
3. Large Item Disposal. To recommend and advise the City on large item disposal matters and concerns.
4. Pay As You Throw. To recommend and advise the City on Pay as you Throw programs for possible future implementation and development in Oceanside.
5. Incentives for ratepayers to recycle. To recommend a policy for rewarding ratepayers for increased recycling and reduction in trash.
6. Reduction of single-use plastic bags. To consider and analyze a model ordinance for the City Council to consider.
7. Public spaces recycling and programs. To increase recycling in public spaces and inform and educate the public.

Section 7.2    Appointment of Subcommittee Members

Members on a subcommittee shall be appointed by the chairperson with the approval of a majority of the Commission members.

Section 7.3    Subcommittee Reports

Subcommittee(s) shall from time to time make reports, written or verbal, to the Commission as requested by the Chairperson.

## ARTICLE VIII. MISCELLANEOUS

### Section 8.1 Councilmember Advocates to Commission

The Mayor shall appoint to the Commission, subject to approval of the City Council, one (1) member of the City Council to serve as a non-voting ex-officio member of the Commission. Said ex-officio member shall serve as an advocate between the City Council and the Commission, shall from time-to-time inform the City Council of the activities and issues addressed by the Commission, and shall assist the Commission in promoting recommendations made to the City Council.

### Section 8.2 City Assistance to Officers and Commission

The City Manager shall appoint staff to assist the Commission officers and members, as necessary in such activities as setting and conducting meetings, preparing meeting minutes, and responding to requests for assistance from Commission members.

### Section 8.3 Amendment of Bylaws

The bylaws of the Commission shall be recommended for amendment upon the affirmative vote of at least two-thirds (2/3) of the total membership of the Commission at a regular or special meeting of the Commission. No such amendment shall be adopted unless at least seven (7) days written notice has previously been given to all members of the Commission. Notice of amendment shall identify the section or the sections of the bylaws proposed to be amended. Any amendment to the bylaws shall be approved by resolution of the City Council and shall take effect as of the date of such City Council approval.

### Section 8.4 Procedural Situations Not Addressed

In procedural situations not addressed in the body of the Commission Bylaws, the determination of the situation shall be subject to the jurisdiction of the City Attorney's Office.

### Section 8.5 Planning Commission Liaison

The Planning Commission may appoint to the commission one (1) member of the Planning Commission to serve as a non-voting liaison between the Planning Commission and the Integrated Waste Commission. Such liaison shall from time-to-time inform the Planning Commission of the activities and issues addressed by the Commission, and shall assist the Commission in promoting recommendations made to the Planning Commission.

# CITY OF OCEANSIDE

## INTEGRATED WASTE COMMISSION WORK PLAN

### FY 2013-2015

1. **General Goals and Tasks:**

The commission will evaluate and make recommendations to the City Council regarding programs and/or projects presented by City management staff and Integrated Waste Commissioners relating to all aspects of collection, disposal, recycling, reuse, composting, education, zero waste and contract and fees for solid waste; as well as solid waste code enforcement issues, including but not limited to littering, scavenging and compliance with City Codes and state statutes. The Commission's goals include assisting the City with meeting AB939 and AB341 requirements, improving the City's rate of recycling beyond state mandates and to make Oceanside a leader in San Diego County with regards to recycling, waste reduction, composting, reuse and solid waste management through implementation of the Zero Waste Plan.

2. **Specific Goals and Tasks:**

- A. Recycling: The commission will make recommendations to City staff and the City Council on effective means to remain in compliance with State requirements including AB939 and AB341 and prepare for stricter mandates in the future. The commission will inform and educate City residents and taxpayers about recycling; including, but not limited to-source reduction, available recycling facilities, incentive programs and expanded identified resources that may be recycled
- B. Waste Collection and Disposal. The commission will continue to monitor the services provided by the City's contractor to ensure ratepayer satisfaction with the service levels as outlined in the franchise agreement. In addition to the Commission monitoring the current Solid Waste Franchise Agreement, the Commission will assist with developing a Request For Proposal for a new agreement for Council consideration to ensure a public competitive process for the City's solid waste contract. The commission will carefully consider input from the public on solid waste issues and problems and look for ways to improve solid waste management and handling to improve current diversion and waste reduction rates and bring Oceanside closer to a zero waste reality.
- C. Source/Waste Reduction. The commission may investigate methods, policies, technologies and other tools to determine feasible ways to foster source/waste reduction programs in Oceanside. Recent emphasis has included outreach aimed at focusing on reusing materials and reducing the use of products that are detrimental to the environment such as single use plastics (plastic bags, etc.). The commission may make recommendations to the City Council for changes as appropriate.

- D. Technology. The commission reviews new technologies that may be applied to the solid waste programs and recommend changes as appropriate to use such technologies in the Oceanside environment.
- E. Regional Issues. The commission will monitor issues facing the region that may affect the City and make recommendations to the City Council on an as needed basis. The commission will continue to look for opportunities to work with other regional agencies and organizations to promote increased reduction and diversion rates and environmental sustainability.
- F. Solid Waste Codes. The commission may review the solid waste portion of the City's codes and make recommendations for change as appropriate. The commission is currently exploring the development of new ordinances related to both construction and demolition debris recycling and plastic bag usage.
- G. Budget. The commission will review the solid waste budget and make recommendations concerning the creation and operation of the funded solid waste programs.
- H. Education Programs. The commission will promote public education on integrated waste matters and assist with the development of brochures and other informational materials regarding waste collection, disposal, waste reduction, and all recycling practices. The commission will also continue to participate in environmental educational programs in conjunction with school districts and other public education projects concerning recycling, composting and litter reduction activities and during numerous special events including the Green Fair, Environmental Film Festival, Sunset Market, and so forth.
- I. Green Waste. The commission monitors the City's green waste program, investigates methods, policies, technologies and other tools to determine feasible ways to continue the composting program and make recommendations for changes, as appropriate to increase Green Waste recycling in the City and assist in upgrading and siting the compost facility in order to comply with State AB939 mandates.
- J. Grant Programs. The commission monitors and makes recommendations to the City's grant programs related to solid waste, used oil and other recycling programs.
- K. Household Hazardous Waste. The commission monitors the progress of the permanent hazardous household waste facility and makes recommendations concerning the options available to the City in the disposal of household hazardous waste exchange program, E-waste, universal collection options and other recycling efforts.

- L. Seminars. The commission may attend seminars and other educational opportunities to stay abreast of changes in laws, technologies and policies impacting solid waste.