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F2. The Committee finds MCOE staff also views the MCOE BOT only as an advisory body although as per Finding 1 and the California Education Code, the Board is not merely an advisory body, they are a policy board that must be fully engaged in the oversight and approval of the MCOE budget.

F3. The Committee finds a lack of continuing education for the MCOE BOT. Interviewees said they were not aware of available Continuing Education with relevant courses from CSBA (California School Board Association) and had not received any special training.

F4. The MCOE staff's written policy and procedures manual needs an update.

F5. The Committee finds the MCOE BOT has a general lack of oversight regarding the budget and contracts with charter schools. There is also a lack of transparency and accountability by MCOE staff concerning the income from the charter school and the related expenses to administer those contracts.

F6. The Committee finds that while MCOE Staff indicates funds received (profit) from that contract are invested into Mono County students, they could not produce existing documents that quantify the funds. Such documents were prepared for the first time only upon request by the Committee. They also could not demonstrate how the involvement in charter schools improves student achievement in Mono County.

F7. The budget for the charter agreement is currently represented as a single line item in the overall MCOE Budget with no detail of how expenditures are allocated. No profit/loss schedule exists to account for revenue versus actual expenses, staff time, or any related administrative costs.

RECOMMENDATIONS

The following are the recommendations from the MCOE Investigative Committee to improve the management of the MCOE.

R1A. MCOE BOT must implement the duties and responsibilities of the Board of Trustees as a whole and as individuals, shall embrace its oversight as detailed in the State of California statutes. The MCOE BOT must begin following the Bylaws for the Governing Board which defines its policy-making role. Timeline: Immediate.

R1B. It is recommended that the MCOE BOT review the current budget at the next scheduled meeting and review budget updates on a quarterly basis, beginning with the fiscal year 2019-20. Timeline: By Sept. 30, 2019.

R2. The Committee recommends that MCOE staff review the California Education Code and implement process and procedures to interact with the MCOE BOT as a policy board and that the MCOE BOT becomes fully engaged in the management oversight of the district MCOE budget. Timeline: By October 1, 2019.

R3. The Committee recommends that MCOE BOT adopt a policy for Continuing Education classes as defined by *California School Board Association Professional Governance Standards for The Individual Trustee and The Board Guidelines Recommended Guidelines For Successful Governing*, as a priority for each board member. In addition, set a required minimum standard for MCOE BOT in order to maintain the proper skills required to carry out their governing duties. Timeline: Scheduling of Continuing Education classes to be completed no later than December 1, 2019.

R4. The Committee recommends staff generate a complete and full update and revision of the MCOE Policy and Procedures Manual to 2019 standards for approval by the MCOE BOT. Timeline: By December 31, 2019,

R5. The Committee recommends expenses administered for oversight and administration for the Charter School be defined with separate profit/loss sheet available to the public. Timeline: Beginning with the current 2018-19 fiscal year.

R6. The Committee recommends the MCOE BOT and MCOE staff work together to develop a statement of purpose concerning charter schools and the benefits to Mono County. Timeline: By December 1, 2019.

R7. The Committee recommends the MCOE staff set forth a detailed budget for the charter school, using General Accounting Principles (GAP), to include revenue, forecasted expenses, staff time, and/or any related administrative costs. The budget to be approved by MCOE BOT. Timeline: By December 31, 2019.

2018-2019 MONO COUNTY GRAND JURY SOLID WASTE COMMITTEE Final Report

SUMMARY

The Mono County Grand Jury (Grand Jury) conducted an investigation into the plans and progress Mono County and the Town of Mammoth Lakes (TOML) are making in response to the upcoming mandated closure of the Benton Crossing Landfill at midnight on Jan. 1, 2023. It considered the impact on Mono County, TOML, and their residents, along with future solid waste and recycling mandates coming from the State of California. (A Glossary of Terms is included at the end of this report.)

BACKGROUND

Los Angeles Department of Water and Power (DWP) is closing the Benton Crossing Landfill as of January 1, 2023. After that date there will be no solid waste landfill available within Mono County that takes all forms of non-hazardous solid waste. Both Mono County and TOML officials have stated they oppose any new landfills in Mono County, reflecting a nationwide trend of fewer and larger landfills. This can create a difficult situation for rural areas. Mono County will be tasked with exporting all solid waste long distances to landfills that are willing to accept imported waste. As the future of solid waste in California changes, Mono County is tasked with planning how to meet new mandates from the State of California concerning recycling, organic waste, and other diversions from the solid waste stream.

METHODOLOGY

The Grand Jury conducted interviews with people familiar with solid waste issues and prospective solutions in Mono County and specific to TOML, including members of the private sector as well as employees of Mono County and TOML.

The Grand Jury reviewed the following documents:

- Franchise agreement; TOML and Mammoth Disposal, signed 2010, extended 2015 (per Mammoth Disposal option to extend for 5 years), expires Jan. 1, 2020
- U.S. Forest Service Wood Innovations Application FY2017
- Franchise agreement; Mono County and Mammoth Disposal
- Franchise Agreement, Mono County and D & S Waste
- Flow Agreement; TOML and Mono County, July 20, 2016
- Mono County Request for Information, Regional Solid Waste Services
- "MRF Arguments" 10-4-13 The Sheet
- <https://www.calrecycle.ca.gov/recycle/commercial/organics>

- MSWLF-Tipping-Fees-2018-FINAL.pdf
- Mono County Proposed Request for Proposal, presented to Mono County Board of Supervisors March 12, 2019
- TOML Solid Waste Update, presented to Town Council, March 6, 2019
- TOML Request for Statement of Qualifications. Issued 6-3-18
- <https://www.biocycle.net/2018/03/12/california-composting/>

Members of the Grand Jury also attended regular Solid Waste Task Force (Task Force) meetings, open to the public, beginning in November 2018, reviewed and/or attended several Mono County Board of Supervisors meetings, and Town of Mammoth Lakes Town Council (Council) meetings. In addition, the Grand Jury conducted two transfer station facility tours:

- The Mammoth Transfer Station located at 59 Commerce Drive, Mammoth Business Park, Mammoth Lakes, owned and operated by Mammoth Disposal.
- The South Tahoe Refuse Transfer Station located in South Lake Tahoe, owned and operated by South Tahoe Refuse and Recycling Services.

DISCUSSION

All of Mono County currently uses the Benton Crossing Landfill to dispose of municipal waste within Mono County. The Benton Crossing Landfill is owned by DWP. Mono County currently operates the landfill and charges fees to help defray costs. Mono County also receives parcel fees paid by homeowners in Mono County to defray costs. Two companies currently have franchise agreements with Mono County, D & S Waste and Mammoth Disposal, to service unincorporated areas of Mono County. Mammoth Disposal has an exclusive franchise for waste collection within the TOML. Sierra Conservation Project collects recyclables from residents, multi-family units, and businesses throughout Mono County from Lee Vining south to Inyo County. Recyclables are shipped out of Mono County to various facilities that will take them. Over time the number of outlets that accept exported recyclables and the market value of various recyclables is declining.

Through the investigation by the Grand Jury it became evident that there was a lack of awareness about the future of solid waste in Mono County. Even public officials admitted they were not fully educated regarding solid waste and the challenges facing Mono County and TOML associated with the imminent closure of the Benton Crossing Landfill.

Mono County

Mono County, in consultation with the Task Force, issued a Request for Information (RFI) soliciting interested parties for their view of the best way for Mono County to manage solid waste after the Benton Crossing Landfill closure. The two companies with

existing franchise agreements in Mono County were the only respondents to the RFI. Mono County Public Works Department's next step will be to issue a Request for Proposal (RFP), again in consultation with the Task Force and approval of the Mono County Board of Supervisors, for the operation and management of the six transfer stations in unincorporated Mono County. The winning bidder will process all waste coming into the transfer stations and be responsible to export the waste out of the county.

All developed properties in Mono County, including Mammoth Lakes, pay a parcel fee to help pay for maintaining landfills and transfer stations. Single family residents pay \$60 per year; commercial properties pay a fee based on their use and the waste generation associated with that use. With the knowledge of the required closing of the Benton Crossing Landfill, Mono County and TOML entered into a joint solid waste flow agreement effective through 2021 in order to set aside a portion of the parcel fees into the mandated Solid Waste Enterprise Fund. This will ensure Mono County will have funds to mitigate and maintain the Benton Crossing Landfill site before and after its closure. Mono County will be responsible for monitoring and maintaining the Benton Crossing Landfill for at least 30 years after its closure. (Past history of other closed landfills indicates this may last long beyond 30 years.) Per the joint solid waste flow agreement, Mono County returned 5% of the fees collected in Mammoth Lakes back to TOML in 2017 to help TOML with its future infrastructure expenses. The percentage rises each year through fiscal year 2021, when TOML will receive 25%.

As of now, Mono County has options on the table. Whoever ends up taking over operations of the existing transfer stations in Mono County will collect the gate fees paid by Mono County franchisee(s), residents, and businesses. The decision on the amount of those fees will be made in negotiations between Mono County and the operator of the transfer stations. The collected fees will have to pay for the operation of six (6) transfer stations spread throughout unincorporated Mono County in addition to the cost of long-haul trucking and tipping fees at the receiving landfill outside of the county.

Town of Mammoth Lakes

Currently, all developed properties in Mammoth Lakes are required to contract with Mammoth Disposal for waste removal. This could be self-drop-off at the Mammoth Transfer Station, curbside service, or, for larger properties, dumpster service. TOML contributes about 80% of the solid waste discarded in Mono County. The TOML will need a facility to process the solid waste currently going to Benton Crossing Landfill to be exported out of the county. Currently, the only site under consideration which could be ready in time to accomplish this is the Mammoth Disposal Transfer Station.

Depending on what happens with the Mono County RFP, a large portion of the solid waste from Crowley Lake could also be processed at that site. Some of Mammoth Disposal's administrative facilities will have to be moved to another location, but they believe the existing two-acre site will be adequate to handle the TOML needs. As of this writing, engineers from Waste Connections (parent company of Mammoth Disposal) are putting together a proposal to place a Multi-use Recycling Facility (MRF) at the site. The TOML and Mammoth Disposal are negotiating the financial details of the updated transfer station and MRF. A clean MRF on the site would process recyclables. The site would also receive solid waste from the Mammoth Lakes area for transfer into long-haul trucks to be shipped out of Mono County, presumably to the Lockwood Landfill near Sparks, Nevada.

TOML received a "Wood Innovations" grant from the United States Forest Service (USFS) to study the feasibility of building a biomass reactor to process the green waste coming out of USFS clean-up projects. While the primary focus of the grant is to handle green waste from USFS lands, the TOML would also use the site for processing other types of waste and mitigate the amount of solid waste needing to be transported out of the county. This would also accelerate USFS fire management programs and lessen the need to burn debris removed from local forests. The TOML had hoped to work with the USFS to locate a site on USFS land, but the time and costs associated with this option were too great.

The TOML issued a Request for Qualifications for companies interested in designing the biomass reactor in June of 2017. They received three responses from interested parties, but the TOML is waiting to locate a site before they move forward with a plan. Other benefits for TOML and Mono County would be to use the site to handle other types of waste such as Construction and Demolition (C & D) waste, industrial waste, white goods, and other large items. Clean C & D waste could be processed at the site, which would reduce the amount ending up in the Pumice Valley landfill.

If TOML were to choose a reactor which could also handle sludge, Mammoth Community Water District would be able to take advantage of it for disposal of their sludge which is currently being sent to Benton Crossing Landfill. Until such an option exists, Mammoth Community Water District is planning to ship their sludge out of Mono County, most likely to Fallon, NV. Other programs such as composting, dehydration of organic waste, could be explored at the site if the project were to advance.

As of the writing of this report, the TOML, having considered other sites, is moving toward locating the potential biomass reactor at the County-owned Pumice Valley site. Mono County acquired the 50-acre property from DWP in 2015, but DWP retained the water rights. The site isn't ideal due to its distance from Mammoth Lakes and its lack of

water or power, however, TOML staff and Mono County staff believe the property can be utilized to house the biomass reactor outlined in the “Wood Innovations” grant and handle other programs of the TOML and Mono County for future recycling and waste processing projects, assuming power could be brought to the site.

Recycling

Most of the recycling in Mono County occurs at the user level. All transfer stations in Mono County accept and process recycling, but the only buyback center is the transfer station in Mammoth Lakes. Sierra Conservation Project has a contract with TOML to service recycling bins placed in public areas around town, mostly near bus stops. Sierra Conservation Project also picks up recycling for USFS and Mono County.

The State of California passed legislation (AB341 and SB1018) which requires businesses which generate more than four (4) yards of waste per week or multi-family complexes of five (5) units or more, to arrange for recycling at their site. TOML has instituted a program in cooperation with Sierra Conservation Project to place bins at multi-family complexes and are tracking which units have complied. The compliance rate is around 80%. Sierra Conservation Project has been aided by grants from CalRecycle to offset the cost of bear-proof bins. Sierra Conservation Project also serves most of the commercial businesses in town. Multi-family complexes may also manage their own recycling without contracting with Sierra Conservation Project.

Commercial accounts in California are required to separate organic waste and arrange for it to be handled in an appropriate manner (AB1826). There is an exemption for rural communities from the organic waste requirement written into the bill. However, the exemption could be taken away if disposal of organic waste throughout California isn't reduced by 50% by Jan. 1, 2020. As of 2017 (the latest data available) the percentage going to landfills has not met that goal and is, in fact, going up.

Currently, California's organic waste processing infrastructure does not have the capacity to handle the amount of organic waste which would need to be transformed to meet the state's goals. If Mono County and TOML were to be required to meet these organic waste standards it would add significant costs to solid waste handling for commercial entities, Mono County and TOML. As California sets increasingly higher diversion and recycling goals in the years to come solid waste diversion mandates will only become more stringent.

Currently, the State of California doesn't count the incineration of recyclables such as paper, cardboard, or organic waste as diversion for purposes of compliance with

statewide diversion mandates. TOML and Mono County staff are aware of this problem and are working with other rural counties to try to change the requirements to better reflect realities in rural areas such as Mono County. The carbon footprint of processing and trucking these types of wastes long distances to be dropped off at a recycling facility to then be processed once again, is potentially much greater than the more local process of feeding them to a biomass reactor which produces biochar. There are many variables in determining the carbon footprint of such a program, but it would be more effective than long distance trucking or burning of these materials. Depending on the quality of the fuel used to create the biochar it can have commercial value as a soil amendment in agriculture.

FINDINGS

Whatever the process looks like after the Benton Crossing Landfill closure, it will involve long hauling solid waste out of Mono County, presumably to Nevada. The impact this will have on costs to Mono County, TOML, and their citizens is unclear at this time.

F1. The Grand Jury finds that TOML and its exclusive franchisee Mammoth Disposal consider an upgraded transfer station, at the current Mammoth Disposal owned site in Mammoth, will be adequate to meet the needs of the TOML once Benton Crossing Landfill closes.

F2. Through our investigation the Grand Jury concurs with interviewees that the County-owned Pumice Valley site near Mono Lake is the most likely site for a biomass reactor and associated waste programs.

F3. The Grand Jury finds that State of California rural county exemptions for recycling and the amount of organic waste going to landfills are subject to change.

F4. Rural jurisdictions in California face unique challenges in dealing with solid waste mandates coming from the State. For instance, Mono County and TOML could increase their state diversion goal compliance numbers if transformation of recyclables such as paper, cardboard, or organic waste into beneficial product such as biochar could be accepted in State mandates.

F5. Comments made by certain members of the Mono County Board of Supervisors and Council members at public meetings demonstrate a lack of urgency and in some cases, a lack of knowledge surrounding the issue of Solid Waste. Decisions, or lack thereof, made in the next few months may affect solid waste policy for many years to come.

F6. There is little information regarding the issue of the closing of the Benton Crossing Landfill and what that will mean to the citizens and visitors of Mono County.

F7. There is little or no information about recycling programs within Mono County and the TOML, what is or is not recyclable, ways to control solid waste, etc.

F8. Task Force meetings are posted to the Mono County website. However, when members of the Grand Jury signed up to subscribe to email updates through the link, nothing was ever received. Grand Jury members were also unable to find minutes of previous meetings and supporting documents listed as being posted on the site.

RECOMMENDATIONS

R1. We recommend that the TOML view the Mammoth Disposal transfer station as Phase One of their plan with Phase Two being a larger site which can accommodate the processing of industrial waste, green waste, and other programs which can be used to reduce landfill usage and reduce costs. Timeline: By January 1, 2023.

R2. The Grand Jury recommends that TOML and Mono County partner to make necessary improvements to the Pumice Valley site for it to be a viable location for a biomass reactor, associated waste programs, and recycling operations. Timeline: Completed no later than January 1, 2023.

R3. The Grand Jury recommends that TOML and Mono County develop a plan for complying with the amounts of recycling and organic waste going to landfills in the likely event that State of California rural exemptions are changed by July 1, 2020. Timeline: No later than July 1, 2020.

R4. The Grand Jury recommends that Mono County and TOML continue to work with other rural jurisdictions to expand the State's understanding of the challenges that rural areas face in achieving current mandated diversion and recycling goals. Timeline: Ongoing.

R5. The Grand Jury recommends that both the Mono County Board of Supervisors and the Council meet with appropriate Mono County and TOML staff on the issues pertaining to solid waste in order to educate themselves about the situation imposed by the closing of the Benton Crossing Landfill, in order to make informed decisions for their constituents. Timeline: By October 31, 2019.

R6. The Grand Jury recommends that both the Mono County Board of Supervisors and the Council and their staff develop a plan for mass communication to their constituents and visitors about the upcoming closure of the Benton Crossing Landfill and what steps they (Mono County Board of Supervisors and Council) are taking to manage that situation. Timeline: October 31, 2019.