Committee Members

Dave Sadoff, Chair Castro Valley Sanitary District Jennifer West, Vice Chair

City of Emeryville Lena Tam, City of Alameda

Keith Carson, Alameda County

Peter Maass, City of Albany

Luis Freitas, City of Newark

Dan Kalb, City of Oakland

Laython Landis, Oro Loma Sanitary District

Garrett Keating, City of Piedmont

Jerry Pentin, City of Pleasanton

Pauline Cutter, City of San Leandro

Lorrin Ellis, City of Union City

AMENDED

AGENDA

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY MEETING **OF THE** PROGRAMS AND ADMINISTRATION **COMMITTEE**

> Thursday, November 14, 2013 9:00 A.M.

> > **StopWaste Offices** 1537 Webster Street Oakland Ca 94612 510-891-6500

And Teleconference: Cheryl Cook-Kallio Irvington High School 41800 Blacow Road, Room 217 Fremont, CA 94538 925-918-2665

1. **Convene Meeting**

2. **Public Comments**

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Programs & Administration Committee, but not listed on the agenda. Each speaker is limited to three minutes.

3. Approval of the Draft Minutes of June 13, 2013 (Gary Wolff) Action

Legislative Planning for 2014 (Garv Wolff & Jeff Becerra) 4.

Action

Staff recommends that the Boards confirm the above priorities for the upcoming legislative year.

5. Benchmark Report Draft Review (Gary Wolff & Jeff Becerra) **Information**

6. Closed Session: Government Code Section: 54957.6(a)

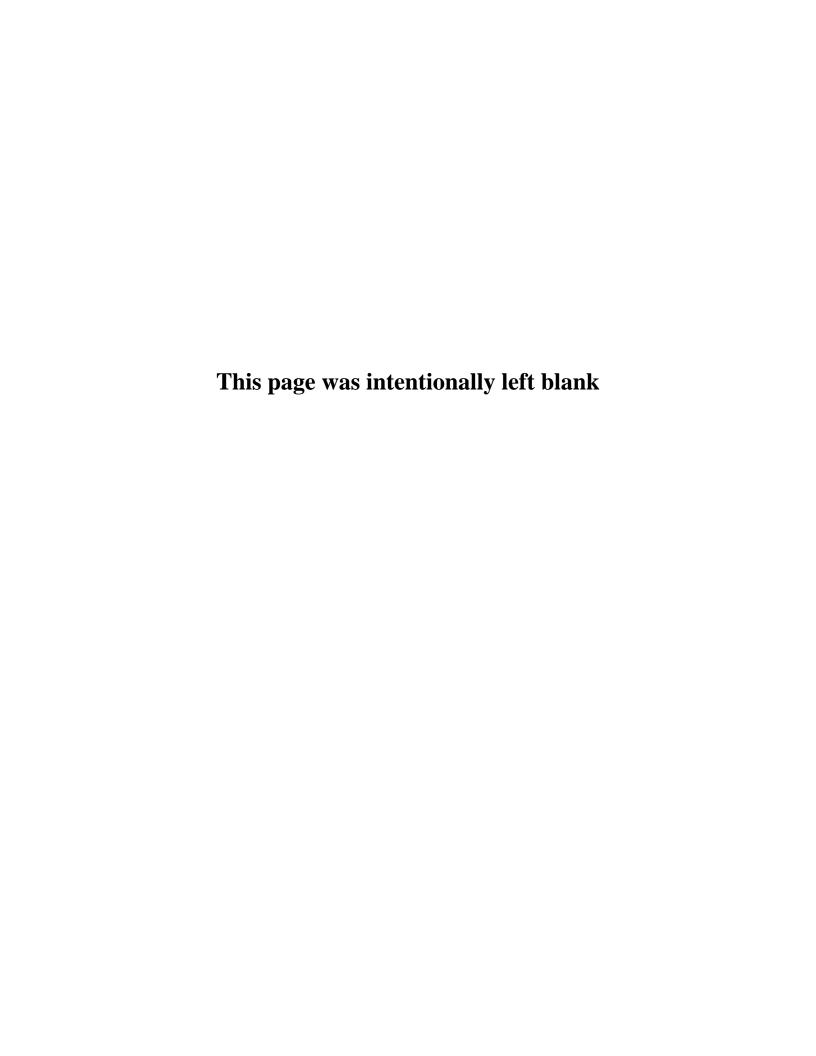
Conference with Labor Negotiator

Agency Negotiator: Gary Wolff

Unrepresented employees (all Agency employees; Employee Organization: position titles available upon request) (confidential materials mailed separately)

- 7. **Member Comments**
- 8. Adjournment

The Programs & Administration Committee is a Committee that contains more than a quorum of the Board. However, all items considered by the Committee requiring approval of the Board will be forwarded to the Board for consideration at a regularly noticed board meeting.



DRAFT

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY MEETING OF THE PROGRAMS AND ADMINISTRATION COMMITTEE

MINUTES

Thursday, June 13, 2013 9:00 A.M. StopWaste Offices 1537 Webster Street Oakland CA 94612 510-891-6500

Members Present:

Lena Tam, City of Alameda
Dave Sadoff, Castro Valley Sanitary District (left 10:15 a.m.)
Jennifer West, City of Emeryville
Barbara Halliday, City of Hayward
Dan Kalb, City of Oakland (arrived 9:12 a.m.)
Robert Marshall, City of Newark (arrived 9:10 a.m.)
Laython Landis, Oro Loma Sanitary District (left 10:10 a.m.)
Garrett Keating, City of Piedmont
Jerry Pentin, City of Pleasanton
Pauline Cutter, City of San Leandro (left 10:15 a.m.)
Lorrin Ellis, City of Union City (arrived 9:08 a.m.)

Members Absent:

Keith Carson, Alameda County

Staff Present:

Gary Wolff, Executive Director Jeff Becerra, Communications Manager Arliss Dunn, Clerk of the Board

Others Present:

Bill Pollack, Program Manager, Alameda County HHW Facility

1. Convene Meeting

Dave Sadoff, Chair, called the meeting to order at 9:05 a.m.

2. Public Comments

There were none.

3. Approval of the Draft Minutes of April 11, 2013 (Gary Wolff)Ms. West made the motion to approve the draft minutes of April 11, 2013. Ms. Tam seconded and the motion was carried 8-0 (Carson, Ellis, Kalb, and Marshall absent).

4. Household Hazardous Was (HHW) Service Level Options (Gary Wolff) Action Provide direction to staff with respect to service level options.

Mr. Wolff provided an overview of the staff report. The report is available here: http://www.stopwaste.org/docs/06-13-13-pa-hhw.pdf

Bill Pollack, HHW Program Manager, was present to answer questions and provide additional input.

DRAFT

Ms. Cutter stated in order to make an informed decision it would be helpful to have information on the time of day the facility receives the most traffic. This would assist in determining the daily hours of operation. Ms. Cutter inquired about the methodology that will be used when determining how and where to host the four annual drop-off events and expand those events if necessary. Mr. Pollack stated he doesn't have accurate numbers but there is a surge of customers in the morning hours and then a lull but picks up again in the afternoon so this information would not be useful in scheduling hours of operation. Mr. Wolff stated that the drop off events cannot handle the full range of materials that the fixed facility can handle. They are useful but not identical to permanent facilities, so these events are supplemental to the permanent facilities. With respect to where the drop-off events will be most useful will be determined by the areas with the lowest participation. Ms. Cutter stated that she would like to see the facility open closer to the weekend such as a Sunday or Monday.

Ms. Halliday asked if customers were surveyed to determine what materials and what time they visited the facility. Mr. Pollack stated no, customers were mostly asked how they heard about the facility. Customers frequently request expanded hours of operation. Ms. Halliday stated that she supports something like Options 1a or 1b. Ms. West stated that considers it important to reach as many households as possible and we should investigate the union issues with respect to being open on Sundays. Ms. West added she is pleased to see expanded hours on Saturday. Ms. West inquired about the level of outreach in each of the expansion options. Mr. Wolff stated that outreach is expanded significantly in all of the expansion options. Ms. West stated that she supports either of the expansion options and is pleased to see the increase in mobile events.

Mr. Kalb asked if there is consideration for increasing door to door service for the elderly and disabled and will demand for this service increase if publicized. Mr. Pollack stated the 500 door to door collection options are built into the budget however if publicized there would be more demand, and at a much higher cost than what is built into the proposed expansion options. Mr. Kalb asked that staff provide information on the expected outcomes of each expansion option at the WMA meeting later this month. Mr. Wolff stated that this information was provided in the supplemental memo at the April 11th meeting.

Ms. Tam stated her support for Option 1 b as it provides consistency in operating hours and recommends that the committee make a recommendation to the full Board. Mr. Ellis stated that he strongly supports investigating being open on Sundays, as well as exploring increasing mobile capabilities for collecting and processing materials. Mr. Keating inquired about seasonality and is it possible to shut down during the slow times during the day. Mr. Pollack stated that there is slowdown during the holidays, and variability during the day makes it impossible to shut down and reopen during the day hours. Mr. Keating inquired if there is consideration for limiting the types of materials accepted at mobile events. Mr. Pollack stated that experience at these events demonstrate that accepting all materials possible tend to increase the levels of materials collected, otherwise residents will improperly dispose of the materials.

Mr. Pentin supports increasing hours in Livermore and supports something between status quo and Option 1b and being open at least 1 day per week in each location. Mr. Sadoff stated that he supports investigating being open on Sundays as well.

Ms. Halliday made the motion to support either Expansion Option 1a or 1b pending further analysis and information from staff with different options for days of operations including Sunday operations and union ramifications. Mr. Ellis seconded and the motion carried 10-0 (Carson and Landis absent).

Ms. West assumed chairmanship of the meeting.

5. Legislative Status of Tracked Bills for 2013/2014 Session (Gary Wolff, Jeff Action Becerra)

DRAFT

Staff recommends that both Committees recommend that the Waste Management Authority receive this status update and adopt a support position on AB 513, AB 1021, AB 1022 as outlined above, and an oppose unless amended position on AB 841.

Mr. Becerra provided a summary of the staff report. The report is available here: http://www.stopwaste.org/docs/06-13-13-pa-leg.pdf

Mr. Kalb inquired about the opposed unless amended position on AB 841 (Torres), and asked has the agency proposed language for amendment to the author. Mr. Becerra stated that the primary amendment would be to make it clear that this does not pertain to the bottle bill such as aluminum cans and that there would be some other mechanism for payment other than a check. In addition, the agency will work with Californians Against Waste with respect to specific language amendments. Ms. Halliday stated that cities can benefit from this bill with respect to theft of copper wires and aluminum cans from residential curbside containers. Mr. Keating asked if recycling companies have commented on the proposed bill. Mr. Wolff stated he is unsure. However, the individual small customer will be adversely affected by this legislation. Current law requires a waiting period of several days before a customer is paid in cash or by check. The bill just prevents payment in cash, but does not address the issue of enforcement under the current law, which might be the problem, rather than payment in cash.

Ms. Halliday stated that it would be helpful for Board members to have information on specific legislators to contact with respect to specific legislation. Mr. Becerra stated that this information was provided in April and informed Board members that the most important bill was the mattress bill sponsored by Loni Hancock. It is a very fluid bill and we are expecting language changes today. Staff will inform Board members if their influence is required on this. Ms. Tam stated that she is aware of the significant issues of theft of heavy materials with respect to PG&E, EBMUD, etc. but doesn't consider method of payment the most effective way to address it nor can the agency fight this bill on our own.

Mr. Kalb stated the he needs more information on AB 1021 in order to make an informed decision. Mr. Wolff stated that he received a request from the BIN Coalition (Recycling Business Infrastructure Network), Steve Lautze, City of Oakland staff is co-chair, and Frank Farrell, Stockton Chamber of Commerce, also a co-chair. The BIN Network is a statewide coalition that advocate for recycling based manufacturing in California. They strongly support the legislation and asked us to send a letter of support to the committees.

The committee asked staff to provide links to legislative and policy analysis of proposed legislation, in the future.

Ms. Tam made the motion to approve the staff recommendation and adopt a support position on AB 513, AB 1021, AB 1022, an opposed unless amended position on AB 841, and to allow flexibility on the mattress bill to support if amended. Mr. Pentin seconded and the motion carried 8-0 for AB 513 and 1022 and the flexibility on AB 241 (Hancock) the mattress bill to support if amended (Carson, Cutter, Landis, and Sadoff absent), 7-0-1 for AB 841 (Halliday abstained) (Carson, Cutter, Landis, and Sadoff absent), and 7-0-1 for AB 1021 (Kalb abstained) (Carson, Cutter, Landis, and Sadoff absent).

6. Member Comments

There were none.

7. Adjournment

The meeting adjourned at 10:33 a.m.

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November 7, 2013

TO: Programs and Administration Committee

Planning and Organization Committee/ Recycling Board

FROM: Gary Wolff, Executive Director

BY: Jeff Becerra, Communications Manager

SUBJECT: Legislative Planning for 2014

BACKGROUND:

The first half of the 2013-2014 regular session of the California Legislature has adjourned. As directed by the Waste Management Authority, StopWaste once again pursued Extended Producer Responsibility (EPR) as the priority area for the 2013 legislative year. At the November 13 Programs and Administration Committee and Planning and Organization Committee/ Recycling Board meetings, staff will report back on results of the 2013 legislative session, and lead a discussion of priorities for the upcoming legislative session.

DISCUSSION:

StopWaste works in Sacramento to support its priorities and protect against legislation or regulations that would be detrimental to the agency. Staff prioritizes its time analyzing and working closely with partner organizations to support or oppose those bills that have the greatest potential to impact—either positive or negative—our waste-reduction goals. This typically amounts to 3-5 priority bills each legislative session with additional monitoring of 30-40 bills.

The Agency's lobbyist, Justin Malan, advocates our positions on a daily basis in the legislature. Staff provides testimony on the Agency's position for priority bills on an as-needed basis, and sends letters on all bills that we support and oppose to the author and local legislators. Agency positions are defined as follows:

- **Support** An official Agency endorsement of a bill. Occurs when the bill supports or advances Agency priorities and staff has developed a thorough understanding of the bill's implications.
- **Support if Amended** A position indicating that the Agency could support the bill if one or more of the bill's provisions are modified. A "Support if Amended" position should indicate how the bill would need to change to garner the Agency's full support.
- **Oppose** Position taken for bills that are expected to have significant, detrimental impacts on Agency priorities.
- Watch A watch position means that the bill is not a high priority bill or issue for the Agency, but one the Agency will follow in the event the language changes significantly enough to potentially affect Agency priorities. A watch position also may be used in cases where we wish to remain neutral on a bill.

Attachment A provides a comprehensive list of bills the agency followed and their resulting status at the end of the legislative session. Of those bills, two rose to the top of our priority list. Both were enacted:

- SB 254 (Hancock) *EPR for mattresses:* Would establish an EPR program for mattresses, with interim plans due to CalRecycle by April 1, 2014. Sponsored by Californians Against Waste. The Agency worked extensively with the authors and sponsors to ensure that continued success of existing mattress recyclers is facilitated by this bill. StopWaste moved from an oppose to neutral position once our key concerns with the bill were addressed.
- AB 341 (Dickinson-Gordon)—*Green Building Standards*: Would require the California Building Standards Commission and state agencies that propose green building standards to allow for input by other state agencies that have expertise in green building subject areas. The bill concept was developed and supported by StopWaste staff.

In addition to advocating legislative positions through our lobbyist, we also advocate policies that support our mission within the purview of California regulatory agencies (e.g., CalRecycle, the California Air Resources Board, etc.). In both legislative and regulatory work, we collaborate with multiple partners, recognizing that we are much likelier to be successful when part of coalitions rather than acting on our own. While advocating at the state level is important, we have been told by numerous partners that one of the most important things we can do to help at the state level is to demonstrate through local ordinances and actions how various approaches can be successful. This undercuts the arguments of naysayers in Sacramento who argue that various policies and approaches can't be implemented in a practical manner (e.g., the plant debris landfill ban; and going beyond the State's mandatory commercial recycling law to include specific material types banned from landfill and a provision for adequate volume of recycling service).

The Agency works most closely with Californians Against Waste and the California Product Stewardship Council, providing financial support to both.

- Californians Against Waste is a non-profit environmental research and advocacy organization that develops and monitors statewide waste-management policy. Expected CAW priorities for the 2014 legislative session are likely to include (subject to approval by their board):
 - Organics Continue to push for a comprehensive organics policy. Key policy elements include eliminating diversion credit for greenwaste used as ADC and require large commercial generators of organic materials to subscribe to separate collection and recycling services.
 - o **Bottle Bill** Maintain funding, include all beverage container types, and reduce program inefficiencies and administrative costs.
 - o **Plastic Bag** Statewide reusable bag ordinance via SB 405, technically still eligible for reconsideration next year.
 - Market Development Keeping prior year bills alive designed to reduce costs of
 equipment for recycled material processing and creating a market development program
 for CRT glass.
 - Fast food Support Senator Leno's fast food packaging bill to reduce non-recyclable 'fast food' packaging waste, litter and associated local government cleanup costs.
- The California Product Stewardship Council is a coalition of local governments, non-government organizations, businesses, and individuals supporting product stewardship and extended producer responsibility (EPR). The goal of product stewardship and EPR is to have producers and manufacturers take responsibility for end-of-life management of their products that are hazardous and/or difficult to recycle. CPSC's priorities for the upcoming legislative year are

likely to include one or all of the following, but depend on some conversations that are scheduled to occur in December:

- **Pharmaceuticals** Pursue statewide pharmaceutical legislation consistent with Alameda County's ordinance.
- o **Batteries** Continue to push for a product stewardship program to increase battery recycling.
- o **Sharps** Establish an EPR program for home-generated pharmaceuticals.
- o **Mattresses** Work with CalRecycle and key stakeholders to ensure that clean up legislation on the mattress bill ensures a "best in class" EPR model.

For the upcoming year, staff intends to focus on the following legislative and regulatory issues:

- Extended Producer Responsibility: Support for EPR as a mechanism to deal with problem products continues to grow. For StopWaste, EPR has the potential to reduce the disproportionate (per ton) local fee payer financial burden associated with managing products that are processed via the four in-County Household Hazardous Waste facilities. Consequently, we propose to focus on any EPR proposal that would actually reduce financial burden locally.
- Organics Processing: The Agency will work to ensure that regulations from local and state air and water boards are not detrimental to siting an in-county compost facility or operating compost facilities that serve us. In particular, we support state requirements that would prohibit or reduce plant debris or food scraps from being landfilled.
- Other Agency Priorities: Staff will assist as needed with legislation and related opportunities to strengthen the implementation of Cal Green building codes and support the work of the Energy Council.

As we did last year, we anticipate bringing updates to the Boards in April and June. The April update will include electronic links to the analysis by the Legislative Analyst's Office (LAO), as requested by the Board members last year.

RECOMMENDATION:

Staff recommends that the Boards confirm the above priorities for the upcoming legislative year.

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Legislative Memo Attachment A

Final Status of Agency Followed Bills 2013 Legislative Session

Extended Producer Responsibility

• AB 403 (Stone) – *EPR for home-generated sharps:* Would establish an EPR program for all home-generated sharps. Mandates previous voluntary sharps producer responsibility. Sponsored by the California Product Stewardship Coalition.

Agency Position: Support

Status: Held in Appropriations Committee. May be reintroduced in 2014

• AB 488 (Williams) – *EPR for single-use household batteries:* Would require a producer of single-use primary household batteries or stewardship organization to submit a single-use primary household battery stewardship plan to the department. Follows on StopWaste battery EPR efforts; sponsored by the California Product Stewardship Coalition.

Agency Position: Support

Status: Dead; Held in Appropriations Committee. May be reintroduced in 2014

• SB 254 (Hancock) – *EPR for mattresses:* Would establish an EPR program for mattresses, with interim plans due to CalRecycle by April 1, 2014. Sponsored by Californians Against Waste. The Agency worked extensively with the authors and sponsors to ensure that continued success of existing mattress recyclers is facilitated by this bill.

Agency Position: Neutral

Status: Enacted

• SB 727 (Jackson) – *EPR home-generated pharmaceutical waste:* Would establish an EPR program for home-generated pharmaceuticals. Sponsored by the California Product Stewardship Coalition. Supports the Alameda County medications EPR ordinance.

Agency Position: Support

Status: Held in Senate Environmental Quality Committee. Will move in early 2014

Plastic Bags/Single use take-out containers

• AB 158 (Levine) – *Single-use carryout bags:* Would prohibit certain stores from providing single-use carryout bags. This, in addition to SB 405 (Padilla), is the bag ban bill supported by most environmental groups and local government.

Agency Position: Support if no retroactive preemption of local ordinances, OR the bill has provisions that prevent 'back-sliding' from our existing local ordinance.

Status: Dead; Held in Appropriations Committee

• AB 521 (Hueso/Stone) – *Plastic pollution:* Would create the Plastic Pollution Reduction Act and declare intent to establish EPR for certain packaging. Sponsored by the Natural Resources Defense Council.

Agency Position: Review, with likely support, when substantive language is added.

Status: Dead; Held in Appropriations Committee. May come back in 2014 in different form.

• AB 1337 (Allen) – *Plastic bag recycling:* Placeholder bill likely intended to be detrimental to reusable bag ordinances.

Agency Position: Oppose because it is likely detrimental compared with local bag ordinances

Status: Failed to get out of Natural Resources Committee

• SB 405 (Padilla) – *Single-use carryout bags:* Would prohibit certain stores from providing a single-use carryout bag to customers. This, in addition to AB 158 (Levine), is the bag ban bill supported by most environmental groups and local government.

Agency position: Support if no retroactive preemption of local ordinances, OR the bill has provisions that prevent 'back-sliding' from our existing local ordinance.

Status: Held on Senate Floor. Likely to be moved early 2014

• SB 529 (Leno) – *Fast food take-out containers:* This bill would go beyond last year's single use polystyrene take-out container ban and would prohibit the use of single-use fast food containers unless they meet certain compostable or recycled content requirements.

Agency Position: Support

Status: Dead; Held in Appropriations Committee

• SB 700 (Wolk) – *Carryout bags:* Would require a retail establishment to collect a charge of \$0.05 for each single-use carryout bag provided to a customer. A new tax on plastic bags in lieu of an outright ban. There are concerns from reusable bag ordinance advocates that it may deflect support from a statewide ban.

Agency Position: Neutral; consider oppose if it undermines support for SB 405 and AB 158

Status: Dead; Held in Appropriations Committee

Organics Processing

• AB 323 (Chesbro) – *Diversion of green materials:* Would require CalRecycle to adopt regulations that prohibit green material as alternative daily cover or alternative intermediate cover by January 1, 2020.

Agency Position: Support

Status: Dead; Held in Appropriations Committee

• AB 794 (Gorell) – *CEQA exemption for use of landfill and organic waste:* Would exempt from CEQA requirements a project that takes landfill materials or organic waste and converts them into renewable green energy if the lead agency finds that the project will result in a net reduction in greenhouse gas emissions or supports sustainable agriculture.

Agency Position: Watch until additional review is conducted

Status: Dead; Held in Natural Resources Committee

• AB 997 (Chesbro) – *Composting and anaerobic digestion:* Would revise the definition of the term composting to include anaerobic digestion. Codifies existing practice.

Agency Position: Support

Status: Held on Senate Floor: Operative language placed in AB 1398

• SB 804 (Lara) – Solid waste to energy: Includes conversion technologies in the definition of biomass conversion. Clarifies that for the purposes of complying with specified provisions of the integrated waste management act, composting includes aerobic and anaerobic decomposition of organic wastes.

Agency Position: Oppose

Status: Vetoed 10/11/2013

Medical Waste

• AB 333 (Wieckowski) – *Medical Waste Management Act:* Would provide for technical amendments to the Medical Waste Management Act. Sponsored by Stericycle, the bill is intended to harmonize California law with federal law. Some concerns over proposed draft language that may preempt local government authority and limit small quantity generator exemption. Staff will review more fully when substantive amendments are added.

Agency Position: Watch until more information available

Status: Held in committee. Will be moved early 2014.

Climate Change

• AB 416 (Gordon) – *State Air Resources Board: Local Emission Reduction Program:* Would have provided grants and other financial assistance to develop and implement greenhouse gas emissions reduction projects in the state. Could have helped with developing local compost facilities and energy recovery.

Agency Position: Support

Status: Dead; Held in Assembly Appropriations Committee

Green Buildings

• AB 341 (Dickinson-Gordon) – *Green Building Standards*: Would require the California Building Standards Commission and state agencies that propose green building standards to allow for input by other state agencies that have expertise in green building subject areas.

Agency Position: Support

Status: Enacted

Recycling: Market Development

• AB 513 (Frazier) — *Tire Recycling Program: Rubberized Asphalt:* This bill directs CalRecycle to expend up to \$10 million of its special tire funds for direct incentive payments to California manufacturers utilizing scrap tires and awards grants for certain public agency projects that utilize rubberized asphalt concrete.

Recommended Position: Support

Status: Enacted

• AB 1021 (Eggman) – *Alternative Energy: Recycled Feedstock:* Current law authorizes the authority to approve a project for financial assistance in the form of the sales and use tax exclusion. This bill would have expanded projects eligible for the sales and use tax exclusion to include projects that process or utilize recycled feedstock, as defined, that is intended to be reused in the production of another product or soil amendment.

Recommended Position: Support

Status: Dead; Held in Senate Appropriations Committee

• AB 1022 (Eggman) – *Electronic Waste: CRT Glass Market Development Payments*: This bill would direct the Department of Toxic Substances Control to spend up to \$10 million of their surplus e-waste funds for direct incentive payments for value-added processing of CRT glass in California.

Recommended Position: Support

Status: Dead; Held in Senate Appropriations Committee

Recycling Payments for Nonferrous Scrap Metals (excluding redemption value aluminum cans)

• AB 841(Torres) – Payment for Nonferrous Scrap Metal Purchased by a Junk Dealer or Recycler This bill will require a payment for nonferrous scrap metal purchased by a junk dealer or recycler to be a check only and be mailed directly to the seller as opposed to the current payment method which allows a seller to pick up cash or check payment from the junk dealer or recycler after the third business day.

Recommended Position: Oppose

Status: Enacted

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November 8, 2013

TO: Programs and Administration Committee

Planning and Organization Committee/ Recycling Board

FROM: Gary Wolff, Executive Director

BY: Jeff Becerra, Communications Manager

SUBJECT: Benchmark Report Draft Review

BACKGROUND:

We currently plan to distribute the first Benchmark Service report to residential and commercial customers in January 2014. At the November 14 Programs and Administration Committee, and Planning and Organization Committee/ Recycling Board meetings, staff will share a draft layout of the first report with Board Members.

DISCUSSION:

The purpose of the Benchmark Service is to communicate directly with those who pay hundreds of millions of dollars of disposed waste bills each year. Account holders deserve to know the quantity of valuable materials they are sending to landfills unnecessarily, and how to make better use of the infrastructure that they are, in most cases, already paying for.

The draft report has been distributed to members of the Technical Advisory Committee for their review and feedback, and staff is obtaining review from those with expertise in the field of behavioral science as well. We currently plan to finalize the report in December and distribute it in January.

RECOMMENDATION:

This report is informational; we have no recommendations at this time.