



**Regular Meeting of the Board of Directors
Thursday, November 21st, 2019 - 9:30 am PST**

**Offices of Van Ness Feldman PC
719 2nd Avenue, Suite 1150
Seattle, WA 98104**

Conference call number: 1-563-999-2090 Access code: 755212#

MINUTES

Board Members Present:

Gregg Chason, Funai Corp. Inc.
Kim Fox, Lenovo
Brandon Seegmiller, HP
Eric Gilbert, Acer America
Madeline Smith, LG
Chris Kaasmann, Samsung
Ken Lowe, VIZIO
Mark Dabek, RE-PC
Melissa Mallory, Dell
Chipper Hervieux, Dept. of Ecology

Also Present Were:

John Friedrich, Executive Director, WMMFA
Cynthia Mendoza, TCL

Board Members Absent:

Kristyn Rankin, Apple
Radi Simeonova, Department of Commerce – WA State

1. **Call to order – *Brandon Seegmiller***

The meeting was called to order by Brandon at 9:32 am

2. **Approve minutes of the: October 3rd, 2019 regular meeting of the Board (Board vote) – *Brandon Seegmiller***

Brandon asked the board members in attendance to review the October 3 minutes draft for any suggested additions or edits. There was no further discussion and on a motion by Gregg Chason seconded by Mark Dabek the draft minutes were approved unanimously as final approved.

3. **Report on year to date 2019 operational and financial results and discussion – *John Friedrich***

- A. Pounds by CEP totals
- B. Financial reports
- C. Cost and volume trends
- D. Unpaid past due manufacturer's invoices to date

The board was provided with financial and operational summaries for the month of October and YTD. Friedrich stated that volumes had decreased by 40%, for the month, from October 2018 with expenses showing a similar decrease (approximately). Friedrich went on to say that YTD volume was down 17.7% due to lower volumes - somewhat anticipated based on the decline of CRT TV. Friedrich mentioned that volume in October was adversely affected by some late yet unreceived processing invoices likely to result in greater volume being reported for November. Friedrich stated that total expenses YTD October were approximately 1 million dollars less than last year based on decreased volume even though processing expenses had increased somewhat during that time

4. **2020 Q1 proposed budget (Board vote) with annual volume and budget projections– *John Friedrich***

Executive Director Friedrich provided the board with a Q1 2020 proposed and annual proforma budget which projected volume and expenses through plan year 2020. Friedrich summarized line item detail for each expense category and shared his methodology for estimating volume for 2020. Friedrich explained that the product mix change in the TV category and computer volumes anticipated for next year might increase per pound expenses in future quarters as 2020 processing contracts were not finalized yet. Friedrich stated that he didn't expect the cost per pound to increase much from the current level. On a motion by Gregg Chason seconded by Mark Dabek the Q1 2020 budget was approved by unanimous vote.

5. **Old business – Continued discussion on restitution funding allocation -*Board Members, Exec. Director***

The executive director began the discussion by giving a re-cap from the prior two board meetings of discussion and progress on potential implementation of a tracker program for CEP's submitted to the E-cycle program in order to monitor collector and processor compliance with the environmental standards. A contract from a tracker service provider was presented to the board for discussion. The contract being reviewed had been edited over time, based on board input, by WMMFA counsel and the executive director to ensure protections for the WMMFA member manufacturers. Service provider confidentiality as it related to the tracker data and the obligation of the WMMFA to protect such was discussed. The board members discussed several issues including the ultimate disposition of the trackers at destination, high level data aggregation, and the legal obligations of parties to a tracker contract and certain definitions within the proposed contract in regards to illegal downstream. Many questions and issues were discussed and Director Friedrich agreed to gather more specific suggestions from board members and discuss some potential items with his contact at EarthEye / BAN. The director also agreed to get back to the board with an editable copy of the contract for mark up. Gregg After discussions Gregg Chason made a motion "*Reserve the remaining unallocated funds received from court judgement for improving down stream monitoring of WMMFA processors*". This motion was seconded by Ken Lowe and approved by a vote of 8 ayes by all board members present and one nay (Chris Kaasmann). The motion passed. Friedrich advised that the amount unallocated to date was approximately \$120,000.

6. **Discussion of legal counsel for 2020 (Board vote) *John Friedrich and Board Members***

John Friedrich described the unique knowledge and understanding by Marlys Palumbo, Van Ness Feldman, of the WMMFA and the legal, environmental, and legislative experience necessary to provide counsel to the organization. Van Ness Feldman, and Marlys in particular, have played a key role in ensuring a legally compliant and sustainable program. Friedrich summarized the cost, benefits, and risks associated with the choice of counsel. On a motion by Gregg Chason, seconded by Kim Fox, Van Ness Feldman was approved as 2020 counsel to the WMMFA by unanimous vote.

7. **WMMFA elected from within Board position – Vice Chairperson (Board vote)**
Chris Kaasmann volunteered as nominee for the vacant Vice Chairperson position as a result of the departure of Beth Johnson at the last board meeting. On a motion by Brandon Seegmiller, seconded by Melissa Mallory Chris Kaasmann was approved by unanimous vote to the Vice Chairperson position.

8. **WMMFA elected from within Board positions – nominees (Board vote on nominees at January 2020 meeting)**
Executive Director Friedrich explained that the WMMFA board positions selected from within included Chairperson, Vice Chairperson, Treasurer, Secretary, and Member at Large. These positions, Friedrich explained, needed to be filled/voted on, annually, at the first board meeting of each year. There were currently no new nominees for these positions and none of the incumbents holding these positions had expressed interest in stepping down at this point. Friedrich asked board members to let him or Gregg Chason know if they were either interested in being a nominee, or, interested in vacating their elected position prior to the January meeting.

Matters to discuss at future meetings:

Legislative Review

Old business – use of funds – processor compliance/improvement

Adjourn meeting