

**DRAFT**

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

**Thursday, October 10, 2019**

**9:00 A.M.**

**StopWaste Offices  
1537 Webster Street  
Oakland, CA 94612  
510-891-6500**

**Members Present:**

County of Alameda	Keith Carson
City of Albany	Rochelle Nason
City of Berkeley	Susan Wengraf
City of Dublin	Melissa Hernandez
City of Emeryville	Dianne Martinez
City of Fremont	Jenny Kassan
City of Newark	Mike Hannon
City of Oakland	Dan Kalb
Oro Loma Sanitary District	Shelia Young
City of Union City	Emily Duncan

**Absent:**

City of Piedmont	Tim Rood
City of Pleasanton	Jerry Pentin

**Staff Present:**

Wendy Sommer, Executive Director  
Pat Cabrera, Administrative Services Director  
Rachel Balsley, Senior Program Manager  
Arliss Dunn, Clerk of the Board

**1. Convene Meeting**

Chair Shelia Young called the meeting to order at 9:06 a.m.

**2. Public Comments**

There were none.

**3. Approval of the Draft Minutes of September 12, 2019 (Pat Cabrera)**

There were no public comments on this item. Board member Carson made the motion to approve the draft minutes of September 12, 2019. Board member Duncan seconded and the motion carried 7-0. (Ayes: Carson, Duncan, Hannon, Kassan, Martinez, Nason, Young. Nays: None. Abstain: None. Absent: Hernandez, Kalb, Pentin, Rood, Wengraf).

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### 4. Election of Chair and Vice Chair (Arliss Dunn)

Staff recommends that the Programs and Administration Committee elect a Chair and Vice Chair for the period November 1, 2019 – June 30, 2020.

Clerk Arliss Dunn informed the committee that Vice Chair Jerry Pentin informed staff that if nominated in absentia, he would be pleased to serve as Chair. Chair Young opened the floor for nominations. Board member Nason nominated Vice Chair Pentin to serve as Chair and Board member Hannon seconded the nomination. There were no other nominations for Chair. The motion carried 7-0: (Ayes: Carson, Duncan, Hannon, Kassan, Martinez, Jason, Young. Nays: None. Abstain: None. Absent: Hernandez, Kalb, Pentin, Rood, Wengraf).

Board member Nason nominated Board member Duncan to serve as Vice Chair and Board member Hannon seconded the nomination. There were no other nominations for Vice Chair. The motion carried 7-0: (Ayes: Carson, Duncan, Hannon, Kassan, Martinez, Nason, Young. Nays: None. Abstain: None. Absent: Hernandez, Kalb, Pentin, Rood, Wengraf).

There were no public comments on this item. Wendy Sommer thanked outgoing Chair Young for her service and Clerk Dunn presented her with a recycled glass gift.

### 5. Mandatory Recycling Ordinance Project Update (Rachel Balsley)

This item is for information only.

Rachel Balsley provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [MRO-Update-10-10-19.pdf](#)  
Ms. Balsley introduced the MRO team, Sarah Adamchik, Anna Borg, Michelle Fay, Elese Lebsack, Shasta Phillips, and Jess Halter (Cascadia Consulting).

Board member Duncan inquired about the process for identifying businesses for inspections. Ms. Balsley stated that all commercial accounts that are above one cubic yard of waste are in the inspection pool and the frequency of inspections is based on past violations. Ms. Balsley added for the sake of efficiency, the inspectors will also attempt to inspect adjoining businesses. However, there are issues with access about 15% of the time. Board member Hannon asked if there was language in the ordinance that requires businesses to provide access for inspection of bins if we provide notification. Ms. Balsley stated that the ordinance does not include language regarding allowing access to bins, but only rarely is there a refusal for accessing the property. Access issues normally involve the lack of an employee on site. We don't schedule inspections because we want real time results. Board member Hannon commented that there are residual issues such as graffiti on the bins and overflowing garbage and inquired if this is something that can possibly be added to the ordinance, as it is confusing and complicated for the public to be required to contact more than one entity. Ms. Sommer stated that these issues are normally managed by the cities through their agreements with the haulers. Ms. Balsley added occasionally there are some accounts that stockpile materials such as cardboard while waiting for independent haulers to retrieve the materials. However, this is not considered adequate recycling services and they will receive a violation. Board member Hannon stated that when revisiting the ordinance we should consider including charging a re-inspection fee for accounts that consistently require re-inspections. Board member Hannon inquired about the percentage of citations that are paid. Ms. Balsley stated that there is a 25% rate of delinquency and it is a slight but steady increase. We are addressing the accuracy in the billing process to ensure that the citation is reaching the correct

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person/address and to avoid double payments. We are also planning to send mailers to delinquent accounts informing them that we can levy late fees if they don't pay the citation, and we are reaching out to the District Attorney for assistance. Board member Hannon suggested that as we look at changes in the ordinance we should include language that states we can attach those delinquencies to the garbage bill or on their annual business tax license bill. Board member Martinez inquired if we have data on recidivism. Ms. Balsley stated that we don't have data on recidivism. Board member Kalb commented that there are consistent problems with organics in multi-family units and inquired as to the authority that StopWaste has to require the waste haulers to provide ongoing outreach to multi-family properties. Ms. Balsley stated that Oakland is the last city to receive warning letters to multi-family properties and we plan to send out those letters over the next couple of months and we are hoping that it will have some effect. Ms. Balsley added the ordinance does not allow us to require haulers to do outreach. There are also access issues at multi-family properties and the ordinance does not require sorting at multi-family, it only requires that residents have access to recycling or organics bins. Board member Kalb stated that the Oakland ordinance does require that residents source separate. Ms. Balsley stated that we do not have authority over jurisdictions' franchise agreements. Board member Kalb stated that we should revisit the ordinance to allow StopWaste to have some authority with respect to ensuring the various ordinances are parallel. Ms. Balsley stated that these issues will become more prevalent in 2022 with the impending SB1383 legislation. Board member Martinez concurred with Board member Kalb with respect to more oversight for multi-family properties. Board member Nason commented that churches and houses of worship are valuable resources for providing outreach and education. Board member Hannon suggested that the future updates include the performance goals, e.g. number of commercial buildings targeted for inspection and did we meet those goals, number of citations issues for respective cities and percentage received and outstanding, etc. so that we can measure the effectiveness of the program and how the jurisdictions are performing. Board member Hernandez concurred with Board member Hannon with respect to making sure that accounts are paying their fines. Chair Young inquired if we can attach the fines to the property tax bill. Ms. Sommer stated that we would need to consult with agency counsel regarding this issue. Chair Young inquired if we know the locations of the majority of the inspections. Ms. Balsley stated the inspections occur throughout the county. We are trying to reach at least 30-40% of the accounts in the inspection pool in each jurisdiction. Chair Young inquired of the 20,000 accounts, have we inspected all of them over the eight years. Ms. Balsley stated that there are 13,000 accounts in the inspection pool that we have inspected (provided we could gain access) and most of the accounts not included in the inspection pool have received an administrative notice. Chair Young inquired as to who hears the appeal during the appellate process. Ms. Balsley stated that an Independent Hearing Officer is hired by the Citation Processing Center and we present our case, as does the appellant, and the Independent Hearing Officer makes a judgment. Ms. Balsley added the Primary Enforcement Representative from the respective jurisdiction also must concur with the citation before it is mailed to the regulated party. Chair Young inquired if the MRO videos are available on the website. Ms. Balsley stated that the videos are available at: <http://www.recyclingrulesac.org/> Chair Young commented that Oro Loma works with the Rental Housing Associations to train the property managers. Board member Hannon inquired if the appellant is required to pay the citation prior to the hearing. Ms. Balsley stated yes, they have to pay the fine as bail and it can be refunded if the appellant prevails.

Board member Kalb inquired if there will be an opportunity to discuss the ordinance. Ms. Sommer stated yes, and thanked the Committee for their valuable comments. Ms. Sommer added it will be necessary to revisit and revise the ordinance subject to the pending SB1383 legislation and we will need to consult with agency counsel with any revisions.

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There were no public comments on this item. Chair Young thanked staff for the excellent presentation and thanked the committee members for their comments.

### **6. Member Comments**

Board member Martinez inquired if there will be a brief on the SB1383 regulations when they are published. Ms. Sommer stated yes, staff will provide an update to the Board in November and in January or February when the legislation is finalized.

### **7. Adjournment**

The meeting adjourned at 10:00 a.m.