



DATE: March 10, 2016
TO: Alameda County Recycling Board
FROM: Wendy Sommer, Executive Director
BY: Tom Padia, Deputy Executive Director
SUBJECT: Eligibility of Pleasanton to Receive Measure D Per Capita Allocations

SUMMARY

Per capita Measure D funding is provided to municipalities only if they meet certain requirements, one of which is the implementation of an “adequate” commercial recycling program. The City of Pleasanton had previously not satisfied the criteria, but in February their City Council opted in to the Agency’s Mandatory Recycling Ordinance (MRO) under a schedule waiver. At the March 10 Recycling Board meeting, staff will provide a status report of Pleasanton's commercial organics program as previously directed by the Board.

BACKGROUND

At the November 12, 2015 meeting the Recycling Board found that the City of Pleasanton had not satisfied the criteria for an adequate commercial organics recycling program, and directed that their quarterly Measure D payments continue to be calculated but placed in a holding account, pending a future action by the Board on this matter. The Board also directed that a status report about Pleasanton's commercial organics program be brought back to the Board no later than March and that a report on the status of all member agencies under this policy be brought back in November 2016.

The policy adopted in November 2012 has a compliance requirement for recyclables and another one for organics. An adequate commercial recycling program under the County Charter will satisfy ONE (or more) of these criteria on and after July 1, 2014 unless the Recycling Board adopts an alternative definition after that date.

1. The member agency participates in the ACWMA mandatory recycling ordinance, Phase 2 (or a variation on Phase 2 approved administratively as provided for in the ordinance). The

Recycling Board has previously formally stated that participation in the ordinance is not necessary, but is more than adequate.

OR

2. The member agency ensures that at least three hours per year of technical assistance work time is actually provided to organics generating businesses to encourage and assist commercial organics accounts to recycle more. The minimum amount of time can be provided by member agency staff, franchised hauler staff, consultants to the member agency or franchised haulers, or any combination of these. In addition, a member agency would need to either make source separated commercial organics services available at open market rates or adopt a rate schedule under which the prices per volume and frequency of source separated services are no higher than that for refuse/garbage service of the same volume and frequency. This second part of criteria 2 is necessary because technical assistance and outreach cannot increase recycling participation if the service is not available at a competitive price.

OR

3. The member agency achieves a 50% participation rate in its commercial organics program. Participation for commercial organics shall be calculated as a percentage of organics generating businesses based on SIC and/or NAICS codes. Participation through centralized processing will count so long as the centralized processing facility meets the less than 10% covered materials residual quality standard defined in the mandatory recycling ordinance.

Experience to Date

Organics: As of the November 2015 Recycling Board meeting, six municipalities were opted in to the MRO on the schedule in the ordinance and six more were opted in on an approved Compliance Schedule Waiver or alternative schedule, leaving four opted out jurisdictions that needed to meet one of the alternative criteria for FY 14/15 and beyond. Dublin, Oro Loma Unincorporated, and Union City met one of the alternative criteria, leaving Pleasanton as the one “opted-out” jurisdiction out of compliance with the Adequate Commercial Recycling standard. Pleasanton allocations from July-September 2015 (\$49,214) and October-December 2015 (\$47,698) have been withheld.

Pleasanton Action to Opt-in to MRO Phase 2

At the February 16, 2016 meeting the Pleasanton City Council adopted a resolution (attached) opting in to Phase 2 of the Mandatory Recycling Ordinance, subject to approval of a Compliance Schedule Waiver with an implementation date of January 1, 2017. The implementation date was the result of cooperative discussions with StopWaste staff and Pleasanton Garbage Service. Completion and approval of a Compliance Schedule Waiver is currently in progress.

A report on the status of all member agencies under the Adequate Commercial Recycling policy will be presented to the Board in November 2016 and this report will include a status update on Pleasanton.

RECOMMENDATION

Staff recommends that the Recycling Board find that Pleasanton, by opting in to Phase 2 of the Mandatory Recycling Ordinance under a schedule waiver, has satisfied the criteria for an adequate commercial organics recycling program, and that the Recycling Board authorize release of the past two withheld quarterly Measure D allocations and future allocations.

Attachment: Pleasanton City Council Resolution of February 16, 2015

Link to memo from the RB November 12, 2015 Agenda Packet

[ACRB Memo-11-12-15](#)

RESOLUTION NO. 16-823

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON TO OPT-
IN TO THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY MANDATORY
COMMERCIAL RECYCLING ORDINANCE PHASE 2**

WHEREAS, on January 25, 2012, the Alameda County Waste Management Authority (ACWMA) adopted an Ordinance Requiring Actions to Reduce Landfilling of Recyclables and Organic Solid Waste From Business, Multi-family Residences, and Self Haulers (hereinafter referred to as the "Mandatory Commercial Recycling Ordinance"); and

WHEREAS, Section 12 *Local Regulations and Opt-Out and Opt-In Provisions* of the Mandatory Commercial Recycling Ordinance provides that Alameda County cities had the option to opt-out of Phase 2 of the Ordinance by adoption of a city resolution prior to January 1, 2014, and to opt-in at a later date subject to approval of a Compliance Schedule Waiver; and

WHEREAS, on December 17, 2013, the City elected to opt-out of Phase 2 of the Mandatory Recycling Ordinance; and

WHEREAS, the City has determined that it is in its best interest to opt-in to Phase 2 of the Mandatory Recycling Ordinance as part of its refuse and recycling services.

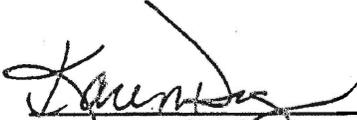
NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1: The City desires to opt-in to Phase 2 of the Mandatory Commercial Recycling Ordinance should its application for a Compliance Schedule Waiver for an implementation date of January 1, 2017 be approved by the ACWMA.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on February 16, 2016.

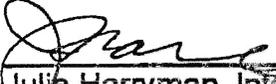
I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 16th day of February 2016, by the following vote:

Ayes: Councilmembers Brown, Narum, Olson, Pentin, Mayor Thorne
Noes: None
Absent: None
Abstain: None



Karen Diaz, City Clerk

APPROVED AS TO FORM:



Julie Harryman, Interim City Attorney