

DRAFT

MINUTES OF THE MEETING  
OF THE  
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA)  
AND  
THE ENERGY COUNCIL (EC)

Wednesday, February 28, 2018

3:00 P.M.

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

**I. CALL TO ORDER**

President Mike Hannon, WMA, called the meeting to order at 3:01 p.m.

**II. ROLL CALL OF ATTENDANCE**

**WMA & EC:**

County of Alameda	Keith Carson, WMA, EC
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Jesse Arreguin, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Pleasanton	Jerry Pentin, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Lorin Ellis, WMA, EC

**ABSENT:**

City of Dublin	
City of Fremont	Vinnie Bacon, WMA, EC
City of Piedmont	Tim Rood, WMA, EC

**Staff Participating:**

Wendy Sommer, Executive Director  
Patricia Cabrera, Administrative Services Director  
Meri Soll, Senior Program Manager  
Jennifer West, Program Manager  
Richard Taylor, WMA Legal Counsel  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Deidre Sanders, East Bay Community Energy  
Arthur Boone

**III. ANNOUNCEMENTS BY PRESIDENTS**

Board member Carling indicated that he would need to leave by 4:00 p.m. President Hannon requested the meeting to be adjourned in Board member Don Biddle's honor, who passed away suddenly after a brief illness. President Hannon offered condolences and stated that Board member Biddle served the Dublin community as well as other boards with distinction and honor. President Hannon announced that a Celebration of Life would be held on Thursday, March 1 at 11 a.m. at the John Knox Presbyterian Church, 7421 Amarillo Road Dublin, CA 94568. Immediately following the services, the City will be hosting a community reception at the Shannon Community Center, 11600 Shannon Avenue in Dublin. Board member Kalb expressed words honoring Board member Biddle's service. Wendy Sommer stated that Board member Biddle was a committed supporter of StopWaste' mission and his presence and contributions would be sorely missed.

**IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR**

There was none.

**V. CONSENT CALENDAR**

**1. Approval of the Draft Minutes of January 24, 2018 (Wendy Sommer)**

There were no public comments. Board member Young made the motion to approve the draft minutes of January 24, 2018 with the correction noted below. Board member Oddie seconded and the motion carried 17-0 (Arreguin, Carling, Carson, Cox, Ellis, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Sadoff, Young. Nays: None. Abstain: None. Absent: Bacon, Rood).

(Correction: Board member Oddie requested that the minutes be corrected to reflect that one of the businesses from the Business Recognition Event (Lola's Chicken Shack, Alameda) stated that they had switched from single use utensils to metal utensils and use real glasses).

**2. Annual Audit for Fiscal Year 2016-17 (Todd High)**

The Programs & Administration Committee and the Planning Committee recommend that the WMA Board review, accept and file the Fiscal Year 2016-17 Annual Audit.

Board member Kalb clarified that the audit was discussed at the Programs & Administration committee meeting. President Hannon stated yes. There were no public comments. Board member Kalb made the motion to review, accept and file the Fiscal Year 2016-17 Annual Audit. Board member Sadoff seconded and the motion carried 17-0 (Arreguin, Carling, Carson, Cox, Ellis, Hannon, Lamnin, Kalb, Maass, Martinez, Oddie, Pentin, Sadoff, Young. Nays: None. Abstain: None. Absent: Bacon, Rood).

**VI. REGULAR CALENDAR**

**1. Reusable Bag Law – Update (Meri Soll)**

This item is for information only.

Meri Soll presented an overview of the staff report and introduced Else Lebsack, Program Manager. Ms. Soll and Ms. Lebsack presented a PowerPoint presentation and provided the Board with an update on implementation of the expanded law, including effectiveness and enforcement activities. Ms. Soll acknowledged Elizabeth Earls, Outreach Associate, for her assistance in conducting technical assistance visits to newly affected stores and eateries. A link to the report and the presentation is available here: [Reusable-Bag-Update-02-28-18.pdf](https://www.cityofdublin.org/Reusable-Bag-Update-02-28-18.pdf)

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Board member Sadoff inquired about the inspection process. Ms. Lebsack stated that prior to entering the establishment, the inspectors observe activities outside of the store to see if customers are receiving single-use bags. The inspectors will then enter the store, identify themselves and will ask to speak to a manager. The inspectors will observe the check-out process to ensure that the store clerks are complying with the ordinance by asking the customer if they would like to purchase a reusable bag and then itemizing the \$0.10 charge on the receipt. If the store issues a single-use bag, the inspector will ask for a bag as evidence. Board member Young inquired if staff notifies the jurisdiction of the number of violations so that they can follow-up if necessary. Ms. Lebsack stated that under the mandatory recycling ordinance, jurisdictions are provided a monthly report of all businesses and multi-family properties that have received a violation letter and we are now including an additional report about any retail stores that received violation letters under the reusable bag ordinance. Board member Cox inquired about the timeframe of the violation process. Ms. Lebsack stated that after the initial notification is issued they are given at least four months until they receive a follow-up inspection. If another violation is found, they are then given a “warning” letter and a follow-up inspection no sooner than sixty days. If a citation is issued, they are given at least thirty days to come into compliance. Board member Maass inquired if there is a public display of the stores that are not compliant. Ms. Lebsack stated no. Board member Maass inquired if it is permissible to do so. Authority Counsel Taylor stated that there is nothing in the ordinance that prohibits the option but we would need to look closely to see if due process is protected and we would need to inform the establishments that in addition to the fine, we would also publicly notice the information. Board member Arreguin inquired about the costs of citations. Ms. Lebsack stated although we have not issued any citations, the costs would range between \$100-500. Board member Maass inquired about how often are the reusable bags used, and how many single-use bags is required to make a heavier reusable bag, and are we seeing the heavier bags ending up in the landfill. Ms. Soll stated that it is difficult to assess how many times a person reuses a bag, but previously the stores would “double bag” (using two single-use bags) for durability. Also, since customers are required to purchase a bag, they would be more likely to reuse the bag rather than discard it. Board member Kalb inquired if StopWaste has any control over the definition of reusable bag and asked if we could revise the ordinance if new research or other information became available. Ms. Soll stated that StopWaste put together the definition of the reusable bag and it is in our ordinance. The definition was based on other ordinances that were in effect around the country. Mr. Taylor stated that when the state law (SB270) passed, our expanded ordinance was grandfathered in but SB 270 limits changes we are able to make to our ordinance, including the definition of a compliant bag. Ms. Soll added the state law’s definition of a compliant bag is very similar to ours, but they allow compostable bags and ours does not. Board member Kalb inquired if the inspectors are allowed to go into restaurants undercover. Mr. Taylor stated that our ordinance is not setup for undercover operations as it was intended to allow transparency and promote compliance. However, we do have a process for public complaints at <http://www.reusablebagsac.org/shoppers>.

Wendy Sommer distributed the monthly topic brief on Reusable bags, also available here: [Reusable-Bags-Topic-Brief](#). Ms. Sommer stated that she has heard from the Altamont Landfill that they are not seeing as many plastic bags flying around as before and they are pleased to see the results of the single use plastic bag ban.

President Hannon opened the floor for public comment. Arthur Boone commented that he does not think that the reusable bag ban is working as he is still seeing plenty of plastic bags on the streets. He added he is also experiencing problems with recycling small rigid plastics and added the plastics industry is not being responsive to the public.

President Hannon inquired about the number of inspectors that we are currently utilized. Ms. Lebsack stated that we have three contracted inspectors working on both the mandatory recycling ordinance

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and the reusable bag ordinance. President Hannon commented that he is surprised at the low number of complaints and added the educational efforts appear to be working. President Hannon suggested that staff work with the jurisdictions to inform new businesses about the ordinance. Ms. Soll stated that staff works with the Technical Advisory Committee and provides outreach materials to new businesses when they obtain a business license. President Hannon stated that he is surprised regarding the generous timeframe with respect to the violation procedure and recommended that staff be more aggressive and look at a re-inspection fee if a third visit is required. Board member Pentin stated that the current ordinance does not provide for an inspection fee and inquired if we would need to modify the ordinance to include such a provision. Mr. Taylor stated that we would need to look at our general enforcement ordinance to see if there is a mechanism for recovering any enforcement costs and if not it would require board action to create a general enforcement policy that would cover both the MRO and the reusable bag ordinance with respect to any enforcement cost recovery. Board member Arreguin agreed that looking at re-inspection fees is a good idea and also adjusting the timeframe for when notices are provided and when inspections occur so that there is more of an incentive for compliance. Board member Arreguin commented that in Berkeley, they are seeing some establishments offering compostable bags and commented that it may be worth considering modifying the ordinance to phase out the requirement for the thicker plastic bags and replacing them with biodegradable bags. Ms. Soll stated that cost is an issue with the compostable bags. President Hannon inquired about the timeframe for future reports on this item. Ms. Sommer stated that we would like to see the results of the implementation of restaurants so possibly in the next six months. President Hannon requested that staff include an analysis on the cost of compostable bags and information on re-inspection fees. President Hannon thanked staff for an excellent presentation.

### **2. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)**

(Planning Committee and Recycling Board meeting, March 8, 2018 at 4:00 pm, StopWaste Offices, 1537 Webster Street, Oakland, CA 94612)

There were no requests for an interim appointment.

**EC President Dianne Martinez chaired the EC agenda items.**

### **3. East Bay Community Energy Presentation (Jennifer West) (EC Only)**

This item is for information only.

Jennifer West provided an overview of the staff report and introduced Deidre Sanders, Director of Governmental Affairs, East Bay Community Energy. Ms. Sanders presented a PowerPoint presentation on recent EBCE board actions and the upcoming launch in June 2018. A link to the staff report and the presentation is available here: [EBCE-Update-02-28-18.pdf](#)

Board member Lamnin stated that she is excited to see that the higher renewable portfolio is comparable to the current PG&E costs. Board member Lamnin stated that it is her understanding that the cities would need to make a decision by March 5 regarding their default choice and inquired if there is flexibility with regard to the deadline. Ms. Sanders stated that she is not sure if March 5 is a hard stop date so dependent upon the City of Hayward Council meeting date and the resolution that may be brought forth there may be some discretion. Ms. Sanders added if there is an option proposed that is different from what EBCE proposed then they would need to know this information by the end of March. Board member Lamnin inquired if there was consideration for the higher renewable as the default since both options are comparable. Ms. Sanders stated that there has been some discussion about that and things can change very quickly. Ms. Sanders added there could be some language in the JPA that obligates them to the current default. If so will they need to change the JPA to change the default. If the cities make a different decision, they will then make the necessary adjustments. Ms.

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Sanders stated that there may be some opportunity costs for commercial accounts that do not come in at the initial offering. Ms. Sanders recommended that the cities check in with EBCE staff, Annie Henderson or Dan Lieberman. President Martinez inquired if EBCE staff is working with member agencies or Councils to develop relationships. Ms. Sanders stated that staff met to discuss developing outreach tools with participating agency staff to inform the businesses in their areas. EBCE staff is reaching out to businesses to inform them that this is a legitimate program and that the cities are participating with them. Board member Lamnin inquired if they are working with the Chamber of Commerce as well. Ms. Sanders stated yes. Ms. Sanders notified the Board that there is a Community Advisory Committee and they have three openings and will be accepting applications through March 14. Interested applicants can apply at <https://ebce.org>.

President Martinez opened the floor for public comment. Arthur Boone commented that he is interested in the way utilities are moving as they have similar issues in the garbage world. Mr. Boone commented that whatever is done on the local level for energy should steer clear of PG&E.

### **VII. COMMUNICATION/MEMBER COMMENTS**

President Hannon recognized Executive Director Wendy Sommer on her induction into the Alameda County Women's Hall of Fame in the category of the Environment. The luncheon and ceremony will be held on Saturday, March 24<sup>th</sup> at 12:30 p.m. at the Greek Orthodox Cathedral, 4700 Lincoln Avenue, Oakland. If Board members are interested in attending please RSVP to Jeff Becerra at [jbecerra@stopwaste.org](mailto:jbecerra@stopwaste.org).

### **VIII. ADJOURNMENT**

The meeting was adjourned at 4:18 p.m. in memory of Board member Don Biddle.