

WMA, P&O/RB Board and Energy Council (EC)

Members

Don Biddle, **WMA President**

Dublin, WMA, EC,

Jennifer West, **WMA 1st Vice President**

Emeryville, WMA, EC

Pauline Cutter, **WMA & EC 2nd Vice President**

San Leandro, WMA, EC

Anu Natarajan, Fremont, **RB President**

WMA, EC, RB

Daniel O'Donnell, **RB 1st Vice President**

Environmental Organization, RB

Laureen Turner, **RB 2nd Vice President**

Livermore, WMA, RB

Lena Tam, **EC President**

Alameda, WMA, EC

Barbara Halliday, **EC 1st Vice President**

Hayward, WMA, EC, RB

Keith Carson, Alameda County, WMA, EC

Gordon Wozniak, Berkeley, WMA, EC, RB

Peter Maass, Albany, WMA, EC

Dave Sadoff, Castro Valley Sanitary District, WMA

Luis Freitas, Newark, WMA, EC

Dan Kalb, Oakland, WMA, EC

Laythton Landis, Oro Loma Sanitary District, WMA

Tim Rood, Piedmont, WMA, EC

Jerry Pentin, Pleasanton, WMA, RB

Lorin Ellis, Union City, WMA, EC

Chris Kirschenheuter, Recycling Programs, RB

Michael Peltz, Solid Waste Industry Representative, RB

Steve Sherman, Source Reduction Specialist, RB

Minna Tao, Recycling Materials Processing Industry, RB

Vacant, Environmental Educator, RB

AGENDA

**JOINT MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT
AUTHORITY (WMA) BOARD,
THE SOURCE REDUCTION AND RECYCLING BOARD (RB)
AND
THE ENERGY COUNCIL (EC)**

Wednesday, April 23, 2014

**Closed Session
2:30 P.M.**

**Regular Meeting
3:00 P.M.**

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

Meeting is wheelchair accessible. Sign language interpreter may be available upon five (5) days notice by calling 510-891-6500. Members of the public wanting to add an item to a future agenda may contact 510-891-6500.

CLOSED SESSION (WMA only)

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Sections 54956.9(d)(2):

(1 potential case)

(confidential materials mailed separately)

REGULAR MEETING

I. CALL TO ORDER (WMA, RB & EC)

II. ROLL CALL (WMA, RB & EC)

III. ANNOUNCEMENTS BY THE PRESIDENTS (*Members are asked to please advise the board or the council if you might need to leave before action items are completed*)

Page **IV. CONSENT CALENDAR (WMA, RB & EC)**

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|---|--|---------------|
| 1 | 1. Approval of the Draft Minutes of March 26, 2014 (WMA & EC-Separate Votes) (Gary Wolff) | Action |
| 7 | 2. Approval of the Draft Minutes of February 13, 2014 (RB only) (Gary Wolff) | Action |

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| 11 | 3. Minutes of the March 28, 2014 Technical Advisory Group (TAG) (EC only) (Gary Wolff) | Information |
| 15 | 4. Annual Audit for Fiscal year 2012/13 (WMA, RB & EC) (Gary Wolff & Pat Cabrera) Staff recommends that the WMA Board, the Recycling Board and the Energy Council review, accept and file the fiscal year 2012/13 audit report. | Action |
| 17 | 5. Recycling Board Attendance Record (Gary Wolff) (RB only) | Information |
| 19 | 6. Written Report of Ex Parte Communications (Gary Wolff) (RB only) | Information |
| 21 | 7. Grants Under \$50,000 (WMA only) (Gary Wolff) | Information |
| | OPEN PUBLIC DISCUSSION (WMA, RB & EC) An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the board or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes. | |
| | VI. REGULAR CALENDAR (WMA & RB only) | |
| 23 | 1. Household Hazardous Waste (HHW) Services and Fee Ordinance (WMA only) (Gary Wolff) Waive reading of the full draft fee ordinance (attachment C), read it by title only, and adopt it. | Action |
| 45 | 2. Preliminary Legislative Positions for 2014 (WMA & RB only) (Gary Wolff & Jeff Becerra) Staff recommends that the Boards confirm the above preliminary legislative positions for the 2014 session of the California legislature. | Action |
| | 3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (WMA only) (P&O and Recycling Board meeting, May 8th at 7:00 pm - Hayward City Hall, 777 B St, Hayward, Ca) | Action |
| | VII. COMMUNICATIONS/MEMBER COMMENTS (WMA, RB & EC) | Information |
| | VIII. ADJOURNMENT | |

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

Wednesday, March 26, 2014

**Closed Session
2:30 p.m.**

**Regular Meeting
3:00 p.m.**

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

CLOSED SESSION (WMA only):

CONFERENCE WITH LABOR NEGOTIATORS (pursuant to Government Code Section 54957.6) Agency Designated Representative: Gary Wolff. Unrepresented Employee: Authority Counsel
(confidential materials mailed separately)

CLOSED SESSION (WMA only)

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Sections 54956.9(d)(2): (1potential case)
(confidential materials mailed separately)

There was nothing to report from Closed Session.

I. CALL TO ORDER

President Biddle, WMA, called to meeting to order at 3:08 p.m.

II. ROLL CALL

WMA & EC

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| County of Alameda | Keith Carson |
| City of Alameda | Lena Tam |
| City of Albany | Peter Maass |
| City of Berkeley | Gordon Wozniak |
| Castro Valley Sanitary District | Danny Akagi |
| City of Dublin | Don Biddle |
| City of Emeryville | Jennifer West |
| City of Fremont | Anu Natarajan |
| City of Hayward | Barbara Halliday |
| City of Livermore | Laureen Turner |
| City of Oakland | Dan Kalb |
| City of Piedmont | Tim Rood |
| City of Pleasanton | Jerry Pentin |
| City of San Leandro | Pauline Cutter |
| City of Union City | Lorin Ellis |

Absent:

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| City of Newark | Luis Freitas |
| Oro Loma Sanitary District | Laython Landis |

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Staff Participating:

Gary Wolff, Executive Director
Jeff Becerra, Communications Manager
Karen Kho, Senior Program Manager
Richard Taylor, Counsel, Authority Board
Arliss Dunn, Clerk of the Board

Others Participating:

Bill Pollack, HHW Program Manager

III. ANNOUNCEMENTS BY THE PRESIDENTS

President Biddle welcomed Councilmember Tim Rood as the new representative for the city of Piedmont.

IV. CONSENT CALENDAR (WMA & EC)

1. **Approval of the Draft Minutes of February 26, 2014 (WMA & EC-Separate Votes) Action**
(Gary Wolff)
2. **Adoption of a Resolution to Adopt the San Francisco Bay Area Integrated Regional Water Management Plan Update (Gary Wolff & Teresa Eade) (WMA only) Action**
Staff recommends that the Waste Management Authority Board adopt the attached Resolution 2014- [], adopting the San Francisco Bay Area Integrated Regional Water Management Plan Update.

Ms. Tam made the motion to approve the Consent Calendar for the WMA Board. Mr. Wozniak seconded and the motion carried 17-0-1 (Landis and Freitas absent) (Rood abstained).

Ms. Cutter made the motion to approve the Consent Calendar for the Energy Council. Ms. Natarajan seconded and the motion carried 16-0-1 (Freitas absent) (Rood abstained).

V. OPEN PUBLIC DISCUSSION (WMA & EC)

Gwen Smith, Oakland resident provided public comment regarding the issue of illegal dumping. Ms. Smith suggested that Waste Management consider increasing the number of bulky pick-ups to 2 or 3 times per year.

VI. REGULAR CALENDAR (WMA only)

1. **BayREN Contract Amendment - Resolution (Gary Wolff & Wendy Sommer) Action**
(EC only)
Adopt the Resolution attached.

Mr. Wolff provided an overview of the staff report. The report is available here:
<http://www.stopwaste.org/docs/03-26-14-bayren.pdf>

Ms. Natarajan stated that the Governor's budget has \$80 million in its cap and trade allocation for water and energy efficiency projects and inquired if the Energy Council is seeking this funding. Ms. Kho indicated that the Energy Council is definitely tracking the cap and trade allocations and will provide a future update on this effort. Mr. Kalb inquired if staff is considering exploring the newly revitalized PACE program with respect to multi-family and energy efficiency projects. Ms. Kho stated that BayREN has a commercial PACE program and we are implementing local outreach. Ms. West inquired if the \$4 million grant includes the \$2 million in rebates. Ms. Kho affirmed that it is included.

Ms. Natarajan made the motion to approve the staff recommendation. Mr. Wozniak seconded and the motion carried 17-0 (Freitas absent).

2. **Household Hazardous Waste Services and Fee Ordinance (Gary Wolff) (WMA only) Action/**
After a public hearing and a report on the number of protests, consider adopting the ordinance (this would include waiving reading of the entire ordinance, and reading the ordinance by title only). Staff may want to make a more specific recommendation after the public hearing and report on the number of protests. **Public Hearing**

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Mr. Wolff provided an overview of the staff report and presented a powerpoint presentation. The staff report is available here: The presentation is available here: www.stopwaste.org/docs/march26-hhw-powerpoint.pdf Mr. Biddle inquired if the fee collection report was available to the public. Mr. Wolff affirmed and stated that the report was positioned at the front desk and was provided on disc pursuant to a public records request.

President Biddle opened the public hearing. There were 27 public speakers. Most were against the fee, and many of those making comments related to multi-family buildings spoke in support of assessing multi-family units about units one-half of the proposed fee (\$5 per year rather than \$9.55 per year). An audio of the public hearing is available here: www.stopwaste.org/docs/03-26-14-hhh-hearing.mp3

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|-----------------|------------------|-----------------|----------------|
| John Arens | Claudia Hoverton | Joyce Nichelini | Dan Sullivan |
| John Bassetti | Minh Le | Truc Nguyen | John Sullivan |
| Marcus Crawley | Rutha Lemons | Jim Olson | Leslie Strauss |
| Marlene Daniels | Timothy May | Ed Payne | R. Wallace |
| Caroll Deaton | David Mix | Vuong Phi | M. Willey |
| Richard Dekay | Duane Mongerson | Jeff Rehholts | Ligia Zelaya |
| John Doe | Sandy McMurray | Tom Silva | |

Tom Silva, California Apartment Association, provided public comment and distributed two items. One item was from the StopWaste website that listed all of the household hazardous waste items. Item two also from the StopWaste website included items from Oro Loma Sanitary District and Dublin regarding the collections that are offered. Mr. Silva indicated that some household hazardous waste items when empty are already collected by the waste haulers through the co-mingled recycling program. Mr. Silva also spoke in support of having multi-family units assessed one-half of the proposed fee. John Sullivan, California Rental Housing Association, spoke in support of paying one-half of the proposed fee.

Dan Sullivan, Emerald Properties, referenced an email sent to Board members and stated that residents pay a fee that is included in the rent to cover recycling of HHW items.

Sandy McMurray, Acacia Properties, spoke in support of assessing multi-family units one-half of the proposed fee.

Leslie Strauss, Emeryville resident, spoke to the spirit of the law regarding Prop 218 with respect to the protest process. Ms. Strauss distributed a memo expressing her concerns in more detail.

Caroll Deaton, Fremont resident, distributed a memo expressing his concerns, which mostly focused on government spending which he feels is unnecessary.

David Mix inquired how public housing properties are treated with respect to the proposed fee and opportunity to protest. Mr. Wolff stated that publicly owned and tax exempt properties are subject to the same fee and have the same opportunity to protest. Mr. Mix stated his opinion that as a joint powers authority the agency does not possess the legal authority to levy this fee.

Timothy May, California Rental Housing Association, spoke to the definition of multi-family and single-family homes including duplexes, triplexes and fourplexes and how waste is composed, and its effect on how to levy the fee. Mr. May also commented on the complications of the second mailing. Mr. May restated his support of levying one-half of the proposed fee for multi-family units. Mr. May added that he has spoken with Mr. Wolff regarding how to lower the fee in the future through more effective extended producer responsibility or advanced disposal fee approaches, and that his organization or its affiliates will support those approaches regardless of the outcome of this decision.

After hearing from all the public speakers Mr. Wolff notified the public that this was the final opportunity to submit any remaining protest letters. The public hearing was closed. Mr. Biddle explained the make-up of the Board. There are 17 Board members (elected officials) representing the 14 cities in Alameda County, the Alameda County Board of Supervisors, and two special districts (Oro Loma Sanitary District, and Castro Valley Sanitary District). The board recessed for 5 minutes.

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After the 5 minute recess the Board resumed discussion of the HHW Fee Ordinance.

Ms. Turner inquired about a possible error in the Spanish language statement on the back of the first notification letter. That statement, made in six languages, told readers whose first language was not English that the notice was about a potential fee and they might want someone more familiar with English to translate the full letter for them. Mr. Wolff explained that the first letter contained an error in the one sentence Spanish statement to that effect; it said the fee was \$9.95 rather than \$9.55. The error was corrected and included in the letter later posted to the website. But the fee was correctly stated in the rest of the letter, and to the extent the error in the one sentence Spanish language statement on the back might affect the number of protests, it would likely increase rather than decrease them. Ms. Turner asked why the second mailing -- a postcard -- was not provided in multi-language. Mr. Wolff stated there was an urgency to provide notification appropriately and to send a letter in the same format as the first would cause confusion, such as leading people to believe they had to resubmit protests already submitted. Ms. Turner inquired if there was precedent that the public prevailed in this type of balloting process. Mr. Wolff stated that he was unaware of such precedent. Ms. Turner inquired if we could have asked for a yes or no vote. Mr. Taylor stated there is no law that prohibits the ability from asking for a yes and no vote, however there is no requirement to do so. Mr. Taylor responded to a public comment regarding Prop 218 and stated the agency does have the Authority as a JPA to place items on the ballot.

Mr. Wozniak inquired about the possible cost of placing an item on the ballot. Mr. Becerra stated that based on a discussion a few years ago on another topic it could be a multi-year process costing millions of dollars. Mr. Wolff noted that there would be the cost of the election itself, but also the additional cost of printing booklets and engaging in extensive outreach. Mr. Rood asked if the agency has the authority to spend public money on such an effort. Mr. Taylor stated the agency's expenditures would be limited to contracting with the Registrar of Voters for the election, providing basic information, and responding to inquiries. Mr. Pentin added Pleasanton held a special election in May that cost approximately \$250,000 however if they would have waited until the fall the cost would have decreased significantly to approximately \$60,000.

Mr. Pentin asked with respect to transparency how many presentations were made to City Councils. Mr. Wolff stated that he appeared upon request before the cities of San Leandro, Alameda, and Albany. Mr. Pentin stated that more outreach to the cities could have generated more support for the effort. Mr. Wolff stated that he did reach out early to the rental property associations and continued communicating with them, conducted media and community outreach beginning in September, and community meetings in October.

Ms. Cutter asked if customers visiting the HHW facilities are surveyed to ascertain if they are from a home or apartment. Mr. Pollack stated the facility has recently implemented this procedure in January. Ms. Cutter stated that she was not satisfied with the response to her inquiries regarding modifying the program to cover the \$700,000 shortfall by reducing the fee for multi-family units. Ms. Cutter stated possible program modifications could include reducing the drop-off events from 12 to 9 or reduce 1 hour from hours of operation for all facilities or other modifications. Mr. Wolff stated with respect to the protest process and what people have already provided protest for we cannot change the services already publicized in the ordinance and notice. Additionally, the independent report conducted by HF&H Consultants in 2012 include cost saving measures and there are no other areas for reduction. We can either find new revenue sources or develop another service proposal which will require another protest process. Ms. Cutter inquired if the service proposal includes salary or benefit increases, etc. and Mr. Wolff stated that the proposal included an allowance for 2.5% inflation each year.

Mr. Wolff announced the results of the protest tabulation:

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| Number of parcels in the County that were subject to the fee: | 388,943 |
| Number of total residential units on parcels subject to the fee: | 565,566 |

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| Number of valid protests (incl. 33 received @ meeting): | 51,203 |
| Protest rate by parcel: | about 13% |
| Number of total residential units on parcels that protested: | 102,756 |
| Number of residential units on parcels that protested divided by total residential units subject to the fee | about 18% |

Mr. Wolff stated that by law and the Board's procedures resolution, if there are 50% protests by either the record owners of parcels potentially subject to the fee, or the number of total residential units on parcels that protested, the fee cannot be adopted. Since there was not a 50% protest by either criteria, the Board has the discretion to adopt or not adopt the fee.

Ms. Natarajan inquired about the turnout for the 4 community events held. Mr. Wolff stated approximately 40 people attended the four community meetings. The dedicated email address we setup in advance of the meetings received approximately 30-40 emails, including some for and some against the fee. Ms. Natarajan inquired about the cost for the mailings. Mr. Becerra stated the first mailing cost between \$110-115,000. Mr. Wolff stated the second mailing cost was approximately \$80,00 for postage only. The mailing house absorbed other costs due to their error in the first mailing. Ms. Natarajan inquired about an analysis of the tabulation with respect to clustering or geographical information. Mr. Wolff stated that he can request this information from the Registrar's office. There may be some difficulty in separating out information especially in the unincorporated areas but staff will prepare that information if the Board asks that it be prepared.

Ms. Natarajan made the motion to carryover discussion of the HHW Fee proposal to the April 23 WMA meeting. Mr. Wozniak seconded. Mr. Carson asked for clarification with respect to public participation since the public hearing was closed. Mr. Taylor stated under the Brown Act the public has the right to comment at any public meeting.

Mr. Kalb inquired if there is any method for lowering the fee for multi-family and increasing the fee for single family that would not create a re-notification process. Mr. Taylor stated that the agency would have to explore such scenarios.

Ms. Halliday stated that the item warrants further discussion and supports the motion to carry the item over to the April 23 meeting. Ms. Turner stated that she would like to vote on the item due to the number of likely voters that would have participated if this were an actual election.

Mr. Pentin stated that because we don't have the data to support lowering the fee for multi-family, we should not arbitrarily consider such an action.

Mr. Ellis inquired if residents placing HHW items in the recycling bin are sorted by the haulers. Mr. Wolff stated HHW materials that are placed in the recycling bins and that are not completely empty are dangerous and recycling workers are put at risk by this method. Ms. West stated there is still a need for robust outreach. Ms. West inquired about the source for paying for satellite drop-off locations such as libraries, etc. Mr. Pollack stated the HHW budget covers these services. Ms. West stated the public should be informed that this fee includes those locations.

Ms. Halliday stated that she is not comfortable with the information regarding single-family and multi-family waste production, and feels the item merits further discussion. Ms. Halliday added StopWaste is an agency that requires cooperation and this process seemed to alienate some people. Ms. Halliday stated support for carrying the item over to the April 23 meeting. Mr. Kalb stated that we have an obligation of ensuring that HHW materials are out of the waste stream with the ultimate goal of having point of purchase fees.

President Biddle tallied the vote for the motion to carryover discussion of the HHW Fee Ordinance to the April 23 WMA meeting: The vote was 12-3 (Voted yes: Biddle, Carson, Cutter, Halliday, Kalb, Maass,

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Rood, West, Wozniak) (Voted no: Ellis, Pentin, Turner) (Absent: Akagi, Freitas, Landis, Natarajan, Tam) (Abstain: None).

Mr. Wolff asked the Board for feedback and direction for the April 23 meeting. Ms. Turner requested information on changing the service level proposed without having to re-notice the ordinance as well as provide information on other agencies that have successfully or unsuccessfully utilized the protest process and their response rates. Mr. Pentin requested information on the effects of changing the rate structure with respect to restarting the process and what the public initially protested, as well as documentation to support splitting the fee. Ms. Cutter requested information on the budget effects of modifying the work schedule at HHW facilities. Ms. West requested clear information on the definition of multi-family and single-family to assist the Board in defining its own criteria.

Mr. Rood inquired if the Board could vote on bringing the ordinance back as proposed or consider modifications to it prior to giving direction to staff to bring back options that the Board has not yet considered. Mr. Taylor stated increasing the fee for single-family to lower the fee for multi-family would require re-noticing the ordinance. Staff will need to look closely at the ability to modify service levels without having to re-notice the ordinance. Mr. Taylor added that we are constrained by the data we have and the public outreach that we have done.

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

(P&O and Recycling Board meeting - April 10, 2014 at 4:00 p.m. - StopWaste Offices)

There were none. Mr. Wolff informed the Board that the meeting may be cancelled as there will be a joint meeting of the WMA and RB Boards on April 23.

VII. COMMUNICATIONS/MEMBER COMMENTS (WMA & EC) **Information**

There were none.

VIII. ADJOURNMENT (WMA & EC)

The meeting adjourned at 5:55 p.m.

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING & ORGANIZATION COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

**Thursday, February 13, 2014
7:00 p.m.**

**San Leandro Public Library
300 Estudillo Avenue
Conference Room B
San Leandro, CA 94577
(510) 577-3971
(Directions provided)**

Meeting is wheelchair accessible. Sign language interpreter may be available upon five (5) days notice to 510-891-6500.

I. CALL TO ORDER

1st Vice President Daniel O'Donnell called the meeting to order at 7:00 p.m.

II. ROLL CALL

Pauline Cutter for Gordon Wozniak
Chris Kirschenheuter
Barbara Halliday
Daniel O'Donnell
Jerry Pentin
Steve Sherman

Absent:

Anu Natarajan
Michael Peltz
David Ralston
Minna Tao
Laureen Turner

Staff Present:

Gary Wolff, Executive Director
Tom Padia, Recycling Director
Wendy Sommer, Principal Program Manager
Arliss Dunn, Clerk of the Board

Others Present:

Judi Erlandson, City of Livermore

III. ANNOUNCEMENTS BY THE PRESIDENT

Mr. O'Donnell announced that fliers for the grants to non profits program were available at the meeting.

IV. CONSENT CALENDAR (P&O & RB)

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| 1. Approval of the Draft Minutes of December 12, 2013 & January 9, 2014 (Gary Wolff) | Action |
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| 2. | Board Attendance Record (Gary Wolff) | Information |
| 3. | Written Report of ExParte Communications | Information |
| 4. | Grants Under \$50,000 (Gary Wolff) | |

Mr. Pentin made the motion to approve the Consent Calendar. Ms. Halliday seconded and the motion carried 6-0 (Natarajan, Peltz, Ralston, Tao, and Turner absent).

V. OPEN PUBLIC DISCUSSION

There was none.

VI. REGULAR CALENDAR

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| 1. | Accumulated Measure D Fund Balance Exceeding Policy Threshold - approval of City of Livermore Expenditure Plan (Gary Wolff & Tom Padia) | Action |
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It is recommended that the Recycling Board:

- Approve the Expenditure Plan submitted by the City of Livermore and find that Livermore is eligible to continue receiving its quarterly per capita disbursements from the Recycling Fund through June 30, 2015, while it expends its Measure D funds according to the Expenditure Plan or on other eligible uses.
- Direct staff to return to the Board in the future with options for revising the Fund Balance Threshold.

Mr. Padia provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/docs/livermore-d-02-13-14.pdf>

Judy Erlandson, City of Livermore, was present to answer questions. Mr. Pentin inquired regarding prior occurrences of cities exceeding the threshold. Mr. Wolff stated that the city of Hayward in the past exceeded the balance threshold and submitted an expenditure plan that was approved by the Recycling Board. Ms. Cutter inquired if a plan can extend indefinitely as long as it is submitted ahead of time. Mr. Padia affirmed and stated some cities fund ongoing expenses such as staff positions and others have saved it towards larger purchases such as equipment. Mr. Sherman asked if this is pro forma when cities exceed the balance threshold by any amount. Mr. Padia affirmed. Ms. Halliday inquired about a timeline for staff to return to the Board of with options, and why not select the 16 quarters option. Mr. Wolff stated that as long as the revisions are completed sometime next year all jurisdictions should be fine as the threshold report is done at the end of each year, and staff is exploring multiple options. For example, there might be simpler solutions such as setting a fixed threshold based on current year Measure D payments or some other City-specific fixed annual number.

Ms. Erlandson stated that Livermore is facing declining revenues and would prefer allocating the funds to higher priorities and looks forward to working with staff on developing options for revising the fund balance threshold.

Mr. Pentin made the motion to accept the staff recommendation. Ms. Cutter seconded and the motion carried 6-0 (Natarajan, Peltz, Ralston, Tao, and Turner absent).

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| 2. | Regionalizing Bay Friendly Landscaping (Gary Wolff & Wendy Sommer) | Action |
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- Staff recommends that the Recycling Board direct staff to prepare budget proposals for each of the next three years that implement this general approach to Regionalizing Bay Friendly work, and that both Committees recommend to the Waste Management Authority Board that it also endorse this approach at its meeting on February 26th. The budget proposals will be included in the overall agency budget proposal in each of the next three fiscal years.

Wendy Sommer provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/docs/bayfriendly-02-13-14.pdf>

Mr. Sherman requested staff provide a scenario of low, medium and high threshold funding and the impacts on the agency budget and the Coalition deliverables. Ms. Halliday inquired about the consequences of drastically reducing the funding. Ms. Sommer explained that \$275,000 of the \$479,000 was StopWaste staff assisting the Coalition. The Coalition would now prefer to operate themselves without significant StopWaste staff involvement. However, they are pleased that StopWaste will continue to have limited involvement. The Coalition will remain the implementer locally of the bay-friendly guidelines and will continue to do trainings and workshops while the Sustainable Landscape Council is an umbrella standards organization.

Mr. Sherman inquired about the legal structure of the two organizations. Ms. Sommer stated that Coalition is a 501c3 organization and the proposed Sustainable Landscape Council will be a 501c3 as well. Mr. Sherman asked if the Executive Director of the Coalition appeared before the Board. Ms. Sommer stated no, the Executive Director position has been unstable over the past 4 years and the current ED is in an interim capacity. Ms. Halliday stated that she is hopeful that the Coalition is stable. Ms. Sommer stated that she will remain on the Board of the Coalition.

Mr. O'Donnell inquired about the bay-friendly budget when the Master Compost program and garden tours were a part of the bay-friendly program. Mr. Wolff stated the total bay-friendly budget was approximately \$1.3 million then, and work related to the bay-friendly approach is approximately the same now but the regionalizing effort is being phased down in favor of a narrower focus on recycled content compost and mulch, lawn replacement without landfill waste, etc., The main change is the program is now more narrowly focused on the solid waste mission of the organization. Mr. O'Donnell inquired if the Sustainable Landscape Council will retain a lobbyist. Ms. Sommer stated that it was not envisioned that it would be a lobbying organization. There was a plan to create a Public Agency Council where member agencies, cities, etc. can voluntarily join a forum to promote ordinances and policies that can then be brought to their own agencies and jurisdictions. Mr. O'Donnell inquired if there will be a loss of jobs due to the budget reduction. Ms. Sommer stated that the project manager at StopWaste will receive a shift in duties.

Mr. Sherman inquired about the 233,000 tons of waste diverted from the landfill. Ms. Sommer stated that this is possibly due to plant debris prevented through sheet mulching. Mr. Sherman added he is impressed by this program and his employer EBMUD is a signatory to this program as well.

Mr. Sherman made the motion to approve the staff recommendation. Mr. Pentin seconded and the motion carried 6-0 (Natarajan, Peltz, Ralston, Tao, and Turner absent).

3. Measuring Waste Diversion (Gary Wolff & Mark Spencer)

Information

Mr. Wolff provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/docs/diversion-02-13-14.pdf>

Ms. Halliday stated that she was not on the Board when the Benchmark program was developed and although she is pleased with the report design is disappointed that the report does not provide information on how to properly sort and recycle. Mr. Wolff stated that the report directs readers to the web where they can find out how to properly sort and recycle. Over the past 5 years, from drawing attention to the good stuff that people are throwing away, we have moved from close to 60% of good stuff in the garbage to about 31% for residential, and we're hoping the benchmark service will help us to improve those numbers. Mr. Wolff stated that we are thinking of another report this fiscal year and two more next fiscal year and they will be much simpler. The inaugural report was designed to attract attention and to alert the public to the opt-out provision. Mr. Padia stated that he is sure that most cities as well as StopWaste have information on their websites that illustrate how to properly sort and recycle materials.

Ms. Cutter stated that it would be helpful to have information on the product label about where to recycle. Mr. Wolff stated that one of our product decisions targets promotes the "how 2 recycle" labeling program, which is being rolled out by different companies across the country.

Mr. Sherman stated that he would like to see a metric that shows per capita disposal or residential waste over an extended period of time and setting the bar higher especially in comparison to the same numbers for so-called advanced developed countries. Mr. Wolff stated that we have a table in the strategic plan that illustrates those numbers and we can update that information. Mr. Kirschenheuter stated that the recycling industry is driven by revenue and the European countries are way ahead of the United States, and the East Coast is ahead of the West Coast due to the landfills being more expensive than ours.

Ms. Halliday inquired about the impact of the plastic bag ban. Ms. Sommer stated that we have some anecdotal results through parking lot surveys wherein we tally results of how many people come out with bags and there is definitely a decline in the numbers. Mr. Wolff stated that we will have pre and post ordinance information at the end of the year using three different metrics; 1) parking lot surveys 2) information on store sales of paper and reusable bags, and 3) analysis on storm drains.

VII. OTHER PUBLIC INPUT

There was none.

VIII. COMMUNICATIONS/MEMBER COMMENTS

Mr. Sherman inquired about the interim appointment process. Mr. Wolff stated that the Board of Supervisors can appoint an interim for Board of Supervisor appointees on the Recycling Board, for up to 90 days. The Waste Management Board must appoint the interim appointment for the WMA members on the Recycling Board. County Counsel informed us that due to the rules of the County Charter, we are unable to establish interim appointments in advance on a regular basis (e.g., like alternates on some Boards) as the interim appointments must be made as need arises. Up to 2 Board members may attend via teleconference if staff is provided sufficient advance notice (the rules call for 8 day prior to the meeting). The Board member telephone number and public location must be posted on the agenda and the agenda must be displayed at the offsite location. WMA alternates are not able to serve as interim appointments on the Recycling Board.

Mr. O'Donnell stated that he enjoyed the Davis Street Tour and suggested touring the HHW facility when the Recycling Board meets at the Fremont Transfer Station. He further suggested lining up tours of other recycling plants. Board members also suggested tours of StopWaste grantees.

Mr. Wolff announced the March 13th Recycling Board meeting will also be the StopWaste Business Awards event. The event will begin at 8:00 a.m. and run until about 10:30, and awards will be given to 12 businesses. The event will be held at the Zero Net Energy Center in San Leandro. Directions to the Center will be provided on the March 13th agenda.

IX. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

**Energy Council
TECHNICAL ADVISORY GROUP (TAG)**

Friday, March 28, 2014 – 10:00 am to 12:00 pm

MEETING SUMMARY

Attendance:

County of Alameda: Damien Gossett

City of Alameda: Maria DiMeglio

City of Berkeley: Billi Romain

City of Dublin: Kathy Southern

City of Fremont: Dan Schoenholz, Rachel DiFranco

City of Hayward: Erik Pearson

City of Oakland: Pete Fong

City of Piedmont: Kevin Jackson

City of San Leandro: Sally Barros (phone), Anjana Mepani (phone)

StopWaste: Wendy Sommer, Karen Kho, Lou Riordan, Miya Kitahara

BKi: Brian Gitt (phone), David Bates, Chris Bradt

Update from Energy Council Board Meeting

- Board approved the BayREN contract amendment to supplement multifamily program funding. Board member questions and comments included:
 - Interest in residential PACE, whether it was being promoted to MF owners
 - Are we pursuing Cap and trade funding and water-energy nexus?
 - Was rebate funding included in contract amendment?

HVAC Contractor Engagement

- BayREN Specialty Contractor Focus Groups
 - Focus group report will be posted on Basecamp
 - Invite to April 17th Contractor Forum (hosted at StopWaste) will be sent out
- BKi Industry Research
 - Pain points for contractors are: job turnaround time, additional cost of code compliance, and inspector coordination/timing with homeowner
 - California State Licensing Board says only 5% HVAC jobs currently being properly permitted
 - Smaller “mom & pop” companies most likely not in compliance (larger companies have more to lose)
 - Pilot programs operating statewide:
 - Central Coast provides rebates to cover the permit cost of installations to code
 - Self-certify program – contractor trained by building department, get to bypass permitting delays for smaller scopes of work, and are checked up on afterwards

- Online expedited permitting process (currently none are 100% online)
- Other ideas
 - If consumer sees value in contractors that pull permits, they will help drive the market – how can we show the value that inspections and permits bring
 - Lack of crossover between building inspectors and HERS raters in a gap that can be addressed for streamlining
- Next Steps: Start small and test some ideas, then submit a larger funding proposal
 - Roundtable in April to continue gathering feedback from contractors and city staff and brainstorm pilot ideas
 - Berkeley, Dublin, Hayward, San Leandro interested in participating in pilot

PAYS Update

- EBMUD's Pilot Concept
 - Handouts to be distributed electronically
 - EBMUD rolling out some test concepts this year to start seeing what works
 - BKi trying to figure out a turnkey model based on what has worked in the past
- Hayward Update
 - Initial pilot focused on multifamily buildings (www.greenhaywardpays.com)
 - Working try to leverage BayREN Multifamily program (rebates and TA)
 - Hayward exploring potential for energy measures to be put on water bill financing as long as it pencils to appropriate payback period (rebates, customer co-pay can help)
- Prop 84 Sustainable Landscape Initiative
 - StopWaste including PAYS in a sustainable landscaping proposal for Prop 84 funding. landscaping team \$70 mil allocation for round 3 was expected, but due to drought there has been an expedited round of funding for half of round 3 that will be funded by the end of the year, with more proposals in summer of 2015
 - Complicated process, StopWaste putting together 8-page concept paper (CALI proposal document will be distributed electronically)
 - Further discussion will be needed at future TAG meetings

Program Updates

- Multifamily
 - Dashboard on basecamp
 - MF Financing program starting lender recruitment in April
- BayREN 2015 Filing on basecamp
 - We requested more than 50% of original funding for MF. PG&E senior management said that they may protest the BayREN filing, but Energy Division staff felt this was a reasonable request
- BayREN Codes and Standards
 - Workshop on benchmarking held recently
 - Some attendees felt mandatory ordinance was being pushed, but doesn't seem appropriate for smaller jurisdictions
 - Hayward, Albany and Livermore participating in PROP

- BayREN Single-family/Home Energy Analyzer
 - Dashboard on basecamp
 - Fremont Energy Challenge will be launching next
- Climate Action Plan Implementation
 - Presentation on basecamp
 - Results of CAP staffing survey included
 - Volunteers to test ICLEI ClearPath: Alameda, Fremont, Piedmont, Berkeley

March 24th East Bay CCA Workshop Debrief

- CCA models are continuing to be refined and improved
- CCA “road show” will be presenting to City Managers and Mayors in April
- Albany preparing membership analysis with MCE
- County-wide feasibility study would be helpful, but need to find funding
- Opt-in vs. Opt-out makes a big difference in participation (PG&E Green Option vs. CCA)

NEXT TAG MEETING: Friday, April 25 from 10am-12pm

A scheduling poll will be circulated to determine if another standing meeting date/time will work for more jurisdictions. May meeting tentatively rescheduled to Friday, May 16th

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April 15, 2014

TO: Waste Management Authority Board, Recycling Board and Energy Council

FROM: Gary Wolff, Executive Director
Pat Cabrera, Administrative Services Director

SUBJECT: Annual Audit for Fiscal year 2012/13

Background

On April 10, 2014, the Programs and Administration Committee heard a presentation of the Fiscal Year 2012/13 Annual Audit. There were no audit exceptions or material deficiency findings. Additionally, there were no recommendations for improvements in internal controls for the Agency's financial statements. However, with respect to the Single Audit, the auditors did note that three submittals were not filed within the prescribed time frame. While these late submittals did not impact our grant funding, we concur with the auditors findings. As such, the Chief Finance Officer will take the necessary steps to ensure that all required reporting is submitted in a timely manner.

The P&A Committee reviewed and recommended by a vote of 9-0 (Carson, Kalb, and Navarro absent) to forward the audit report to the Waste Management Authority for review, acceptance and filing. The report submitted to the P&A can be found at <http://www.stopwaste.org/docs/04-10-14-pa-audit.pdf>

Recommendation

Staff recommends that the WMA Board, the Recycling Board and the Energy Council review, accept and file the fiscal year 2012/13 audit report.

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2014 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

| | J | F | M | A | M | J | J | A | S | O | N | D |
|--------------------|---|---|---|---|---|---|---|---|---|---|---|---|
| REGULAR MEMBERS | | | | | | | | | | | | |
| B. Halliday | X | X | A | | | | | | | | | |
| C. Kirschenheuter | X | X | A | | | | | | | | | |
| A. Natarajan | X | A | X | | | | | | | | | |
| D. O'Donnell | X | X | X | | | | | | | | | |
| M. Peltz | X | A | X | | | | | | | | | |
| J. Pentin | | X | X | | | | | | | | | |
| D. Ralston | X | A | A | | | | | | | | | |
| S. Sherman | X | X | X | | | | | | | | | |
| M. Tao | X | A | X | | | | | | | | | |
| L. Turner | I | A | I | | | | | | | | | |
| G. Wozniak | X | I | X | | | | | | | | | |
| INTERIM APPOINTEES | | | | | | | | | | | | |
| P. Cutter | X | X | X | | | | | | | | | |
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Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

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April 15, 2014

TO: Recycling Board
FROM: Gary Wolff, Executive Director
SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

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April 15, 2014

TO: Authority & Recycling Board

FROM: Gary Wolff, Executive Director

SUBJECT: Informational Report on Grants Issued Under ED Signature Authority

General Mini-grant and board agendas by giving the Executive Director authority to sign contracts and grant agreements less than \$50,000. A condition of the new grant policy is that staff inform Board members of the small grants issued at the next regularly scheduled Board meeting.

Grants – March 15, 2014 - April 15, 2014

| Project Name | Grant Recipient | Project Type/Description | Location | Verification | Grant Amount | Board |
|--------------------|----------------------------|--|-----------|-----------------------------|--------------|-------|
| Agency Mini-grants | Planting Justice | Organics composting and garden construction supplies for McClymonds High School Culinary Program | Oakland | Final Report and Site Visit | 5,000 | WMA |
| Agency Mini-grants | Livermore Valley Joint USD | Gymnasium Hydration Station/Water Filtration Station Installation | Livermore | Final Report and Site Visit | 1,200 | WMA |
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*Use Reusables grants are funded externally by US EPA.

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April 17, 2014

TO: Waste Management Authority Board
FROM: Gary Wolff, Executive Director
SUBJECT: Household Hazardous Waste (HHW) Services and Fee Ordinance

Background

Following a public hearing and the close of the protest period on the proposed HHW fee at the March 26 WMA meeting, the WMA Board decided to carry over the HHW draft fee ordinance second reading and decision until this meeting. Staff was directed to answer some questions (see discussion, below).

The HHW services and fee decision was documented thoroughly in the March staff report, which is available at: <http://www.stopwaste.org/docs/03-26-14-hhw.pdf> The staff presentation at the March 26 meeting is available at: www.stopwaste.org/docs/march26-hhw-powerpoint.pdf

Following the close of the public hearing, staff announced the number of protests tabulated by the Registrar of Voters. The tally has two components. The first component was protests received up until approximately noon on the 26th, which were taken to the Registrar of Voters office and tabulated in an electronic application. The second component was protests submitted during the public hearing, which were tabulated by hand by staff from the Registrar of Voters, but were not entered into the electronic application. Both components were made known to me only after the close of the public hearing, and I read them aloud. The numbers below summarize the results of the protest process. Certificates from the Registrar of Voters as to the accuracy of the tabulated numbers are attached.

| | |
|--|---------|
| Number of parcels potentially subject to the fee: | 388,943 |
| Number of residential units on those parcels (original): | 565,663 |
| Number of residential units on those parcels (revised): | 566,660 |
| Number of valid residential parcel owner protests: | 51,203 |
| Number of residential units on parcels with valid owner protests (original): | 101,769 |
| Number of residential units on parcels with valid owner protests (revised): | 102,756 |
| Number of invalid parcel protests: | 1,829 |
| Valid parcel protests as a percentage of parcels potentially subject to the fee: | 13.2% |
| Number of residential units (revised) on those parcels: | 18.1% |

The "original" versus "revised" designation reflects the fact that parcel owners could inform us that the number of residential units on their parcel was more or less than was on the notification form mailed to them. We are treating all revisions as accurate for the purpose of the protest

process. Because both the calculated percentages (13.2% and 18.1%) are less than 50%, the WMA Board has the discretion to adopt or not adopt the fee ordinance.

Discussion

WMA Board members asked that staff address the following questions this month:

1. What changes can be made in the service proposal without having to re-notice the changes and initiate a new protest process?
2. What changes can be made in the fee proposal without having to re-notice the changes and initiate a new protest process?
3. Can the cost of the proposed system expansion be reduced?
4. If a different fee were imposed on residential units in multi-family buildings, how many residential units are there in each category of building (single family, 2-4 plexes, and buildings with 5 or more units)?
5. What has been the experience with protest processes at other agencies, to the extent such information is readily available (including in-County agencies when feasible)?

The first three questions are inter-related. Legal counsel has indicated that a reduction in both services and fees that affected all residential units proportionally should not require re-noticing. However, the only proportional reduction in both services and expenses that is possible would be a reduction in the hours and days of operation, and the number of 'one-day' drop-off events. But these reductions would create inefficient use of staff and facilities. As stated by HFH Consultants: *"The Proposed System Expansion provides a better 'bang-for-the-buck", taking fuller advantage of the efficiencies that can result from a larger Program, and providing new services."* (See page 2 of their October 4, 2013 review of the proposal. Attachment F of the March 26 staff report.)

According to legal counsel, a reduction in the fee for all residential units without a reduction in proposed services would not require re-noticing. One commenter at the March 26 meeting suggested that a 14% reduction in budget should be achievable based on his estimate that each of the approximately 4 new county staff was going to cost about \$1 million per year. Actually, staff costs as documented in the HFH report are about \$100,000 per position, including benefits. And all of the costs in the proposal are already budgeted at an efficient operational level per the HFH report just cited (*"Underlying operational and fiscal assumptions appear reasonable and well-considered."* p. 2).¹

According to legal counsel, a reduction in the fee for some residential units (e.g., those in multi-family buildings) but not others (e.g., single family residences), without a reduction in services to

¹ Further, the HFH Productivity Review of the facilities in February 2012 (attachment D to the March 26 staff report stated (p. 2): "In general, after adjusting for key differences in program design and circumstances, the Alameda County Program appears to be operating in a cost-effective and efficient manner. The Program compares well with that of Santa Clara County, as well as to the Fremont and San Francisco programs on the basis of cost and productivity indices for total and operating costs per household, and for transportation and disposal costs."

anyone, should not require re-noticing as long as those paying the higher fee are not subsidizing the cost of service to those paying the lower fee.

With respect to the fourth question, the data on residential units per parcel in the mailing list we used can be sorted to create Table 1 (modified to reflect revised residential units).

Table 1: Estimated Residential Unit Distribution in Alameda County

| | 1 residential unit | 2-4 residential units | 5+ residential units |
|---|---------------------------|------------------------------|-----------------------------|
| Number of Parcels (percent of parcels) | 354,838 (91.23%) | 26,935 (6.93%) | 7,170 (1.84%) |
| Number of Residential Units (percent of units) | 354,828 (62.62%) | 69,330 (12.23%) | 142,502 (25.15%) |
| Note: revised units used from the registrar of voters electronic tabulation application | | | |

This information could be used to re-allocate the cost of the program among residential units, using these three classes. However, as presented last month and summarized in Table 2, multi-family units (regardless of whether 2-4 unit buildings are considered multi-family or not) do not dispose less HHW than single family units. Table 3 shows that other studies confirm this result.

Table 2: Summary of HHW Studies from March 26 Staff Presentation

| Waste Characterization Study | Single Family Units | Multi-Family Units |
|--|----------------------------|---------------------------|
| SBWMA 2012 and 2013 | 0.8% | 2.5% |
| State of CA 2009 | 1.0% | 1.0% |
| ACWMA 2008 | 0.7% | 1.0% |
| ACWMA 2000 | 0.6% | 0.8% |
| ACWMA 1995 | 0.6% | 1.0% |
| The composition of waste: HHW (including E-waste) as a percent of disposed waste from that sector (all data from the tables in Attachment I) | | |

Table 3: Supplemental Summary of Other HHW Studies

| Waste Characterization Study | Single Family Units | Multi-Family Units |
|-------------------------------------|----------------------------|---------------------------|
| San Diego 2012 | 1.2% | 1.3% |
| King County, WA 2011 | 0.3% (excludes e-waste) | 0.4% (excludes e-waste) |
| Palo Alto 2006 | 0.1% (excludes e-waste) | 0.4% (excludes e-waste) |
| State of CA 2004 | 0.2% (excludes e-waste) | 0.6% (excludes e-waste) |

The findings from these studies are consistent across time and place, and are reasonable given that HHW is hazardous waste produced in the course of owning or maintaining a place of residence. Consider the many factors that could affect the quantity of HHW produced at any residence over time other than whether the building is multi-family or single family: size of the building, age of the building, type of construction, maintenance practices (while occupied or while vacant, etc.), habits of the residents, number of residents, size of the residence, level of recycling, owner-occupied versus rental, lack of storage space, and length of tenure as a resident in that location. For example, multi-family buildings sometimes lack storage space, and turnover

in rental units (whether multi- or single-family) is likely more frequent than in owner-occupied units. Both factors make it more difficult to store HHW products until they can be fully used.

The preponderance of evidence (the legal standard in this situation) supports an equal fee per household. This is also a reasonable and fair allocation of cost because the special benefit to owners of residences is an equal opportunity to dispose of HHW in a legal and safe manner.

With respect to the fifth question, Table 4 summarizes Proposition 218 protest results that we were able to assemble in the last month. Apparently there is no database for these protests, although there is reportedly some interest at the League of Cities in creating one.

Table 4 shows that most protest processes do not generate many protests. Nonetheless, some protests have been quite strong (with percentages significantly higher than in our case), and in one case the protest was strong enough to prevent adoption of the proposed water rates (Amador Water Agency). The last refuse collection protest in Berkeley generated about as much opposition on a percentage basis as did ours (16% in Berkeley versus 13-18% in our case).

As I noted last month, the protest process provides valuable information to the WMA Board in deciding whether or not to adopt the HHW fee. But it is not the only information available to the WMA Board. Around 45,000 households used the HHW facilities last year: a sign that the service is viewed as valuable by many people. And Board members have other sources of information or stakeholder opinions that may be relevant to your decision.

Table 4: Summary of readily available Proposition 218 protest results

| Agency/City | Rate Increase | Protest Votes | Date – most recent on top |
|-----------------------------------|----------------------|--|----------------------------------|
| City of Sierra Madre | Water/sewer | 1,035 – 28% for water 32.5% for sewer | 4/2/2014 |
| Castro Valley Sanitary District | Refuse collection | 43 - .3% | 4/1/2014 |
| Alameda County Water District | Water | 59 - .08% | 1/9/2014 |
| City of Santa Rosa | Water/wastewater | 74 - .15% | 1/7/2014 |
| City of San Carlos | Refuse collection | 4 – unknown % | 12/19/2013 |
| City of San Diego | Water | 8,557 – 3% | 11/21/2013 |
| Crescent City | Water | 1,302 – 35% | 11/8/2013 |
| San Lorenzo Valley Water District | Water | Unknown -- 38% | 10/24/2013 |
| City/County of San Francisco | Refuse collection | 5 – unknown % | 7/30/2013 |
| City of Hayward | Water/sewer | 20 - .06% | 7/9/2013 |

| | | | |
|-------------------------------|-------------------|---|-----------|
| Central Contra Costa SD | Sewer | 67 - .1% | 6/20/2013 |
| EBMUD | Water/wastewater | 206 - .05% | 6/11/2013 |
| City of Sutter Creek | Refuse collection | 503 – 43% | 3/18/2013 |
| City of Davis | Water | 1,822 – unknown % | 3/19/2013 |
| City of San Mateo | Refuse collection | Unknown -- 0.3% | 1/7/2013 |
| City of Rialto | Water/wastewater | 4,345 – 38% for water 6,883 – 33% for wastewater | 6/26/2012 |
| City of Livermore | Water | 5 – unknown % | 5/14/2012 |
| Ross Valley Sanitary District | Wastewater | 4,852 – 32% | 6/28/2011 |
| Oro Loma Sanitary District | Sewer | 60 - .3% | 6/7/2011 |
| Amador Water Agency | Water | 1,691 – 64% | 7/2010 |
| City of San Leandro | Water | 338 – 2.3% | 6/21/2010 |
| City of Berkeley | Refuse collection | 4,665 – 16% | 7/7/2009 |
| City of Hayward | Refuse collection | 580 – 1.7% | 1/9/2007 |

Supplemental Legal Memo

Attachment B contains some supplemental information in response to questions raised in the public hearing last month or in subsequent correspondence (also attached).

Recommendation

Waive reading of the full draft fee ordinance (attachment C), read it by title only, and adopt it.

Attachment A: Certificates from the Registrar of Voters

Attachment B: Supplemental Legal Memo

Attachment C: Draft fee ordinance

ATTACHMENT A

STATE OF CALIFORNIA

) SS.

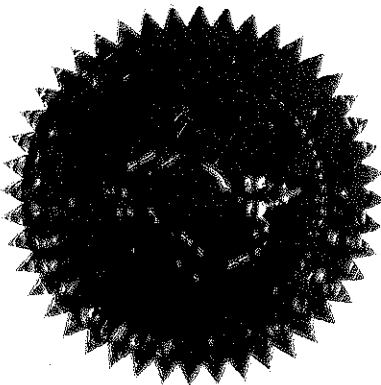
COUNTY OF ALAMEDA

I, Tim Dupuis, Registrar of Voters of the County of Alameda, having counted the returns of all protests from the Alameda County Waste Management Authority at the Household Hazardous Waste Collection and Disposal Fee held on March 26, 2014 for the **ADOPTION OF ORDINANCE 2014-01**, pursuant to the resolution of said authority, do hereby certify the following to be a full, true and correct Statement of the Result:

| | |
|---|---------|
| NUMBER OF PARCELS | 388,943 |
| NUMBER OF VALID PARCEL PROTESTS | 51,170 |
| NUMBER OF RESIDENTIAL UNIT PROTESTS, ORIGINAL | 101,726 |
| NUMBER OF RESIDENTIAL UNIT PROTESTS, REVISED | 102,711 |

I hereby further certify that a total of 51,170 protests were counted for this Household Hazardous Waste Collection and Disposal Fee in accordance with the resolution of the Alameda County Waste Management Authority.

Dated: March 26, 2014



Handwritten signature of Tim Dupuis.

Tim Dupuis
Registrar of Voters
County of Alameda

ATTACHMENT A



Search ALCOWEB

GO

[Advanced Search](#) | [Search Help](#)[For You](#)[For Work](#)[Go Green](#)[About the County](#)[Contact Us](#)

ROV Waste Management Authority Protest - Tracking

[Process Protest](#) [Report](#)

USER ID: clin (Logout)

Report

Counts as of 03/26/2014

Total Parcel: 388943

Total Residential Units: 565663

Total Protests Received: 52987

of Valid Protests: 51170

of Units (only on valid protests received):

Original: 101726

Revised: 102711

of Invalid Protests: 1817

The Alameda County Intranet site is best viewed in Internet Explorer Version 7 or later.
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ATTACHMENT A

STATE OF CALIFORNIA

) SS.

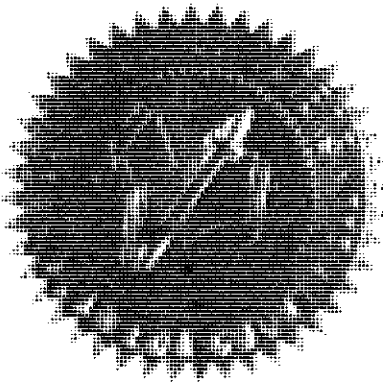
COUNTY OF ALAMEDA

I, Tim Dupuis, Registrar of Voters of the County of Alameda, having counted the returns of all protests from the Alameda County Waste Management Authority at the Household Hazardous Waste Collection and Disposal Fee held on March 26, 2014 for the **ADOPTION OF ORDINANCE 2014-01**, pursuant to the resolution of said authority, do hereby certify the following to be a full, true and correct Supplemental Statement of the Result:

| | |
|---|---------|
| NUMBER OF PARCELS | 388,943 |
| NUMBER OF VALID PARCEL PROTESTS | 33 |
| NUMBER OF RESIDENTIAL UNIT PROTESTS, ORIGINAL | 43 |
| NUMBER OF RESIDENTIAL UNIT PROTESTS, REVISED | 45 |

I hereby further certify that a total of 33 supplemental protests were counted for this Household Hazardous Waste Collection and Disposal Fee in accordance with the resolution of the Alameda County Waste Management Authority.

Dated: March 31, 2014



A handwritten signature in black ink, appearing to read "Tim Dupuis", is written over a horizontal line.

Tim Dupuis
Registrar of Voters
County of Alameda



396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

RICHARD S. TAYLOR
Attorney
rtaylor@smwlaw.com

TO: Alameda County Waste Management Authority Board of Directors
FROM: Richard S. Taylor
DATE: April 16, 2014
RE: Household Hazardous Waste Collection and Disposal Fee

Members of the public have raised questions regarding the manner in which the Household Hazardous Waste Collection and Disposal Fee (“HHW Fee”) may be adopted, the legal basis for a joint exercise of powers agency such as the Alameda County Waste Management Authority (“WMA”) to adopt a fee, and whether the HHW Fee is a fee for refuse collection services. This memorandum responds to those inquiries.

I. Manner of Fee Adoption.

The WMA is considering the HHW Fee in accordance with the majority protest procedures set forth in Proposition 218 (Cal. Const. Article XIIIID § 6(a).) Those procedures require notice and an opportunity to protest. If more than fifty percent of the record owners protest, a fee may not be adopted. Proposition 218 requires this protest process for all property related fees.

For sewer, water, and refuse collection service fees such as the HHW fee, if fewer than fifty percent of the record owners protest, an agency has the discretion to adopt the fee. (Cal. Const. Article XIIIID § 6(c).) For all other fees an agency is required to submit the fee to a vote of property owners subject to the fee or to the electorate residing in the affected area. To be adopted the fee must be approved by a majority vote of property owners or by a two-thirds vote if the agency elects to submit the fee to the electorate.

Although this second step is not required for the HHW Fee, members of the public have asked if the WMA has the option of nonetheless proceeding with the second step and submitting the fee to a vote. As noted during the Board’s discussion of the HHW Fee on March 26, 2014, the WMA Board has this option. There is nothing in the text of

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Proposition 218 or cases interpreting the law that would preclude the WMA from proceeding in that fashion.

II. Adoption of HHW Fee by a Joint Powers Agency

Members of the public have claimed that the WMA, as a joint powers authority, does not have the legal authority to impose the HHW fee because the powers of the individual members do not extend to the imposition of regional fees and that they may not extend their powers by acting as a joint powers agency.

The WMA is a joint powers agency created under the Joint Exercise of Powers Act set forth in Government Code section 6500 and following. Section 6502 states that “two or more public agencies by agreement may jointly exercise any power common to the contracting parties” and that “[i]t shall not be necessary that any power common to the contracting parties be exercisable by each such contracting party with respect to the geographical area in which such power is to be jointly exercised.” Thus the express purpose of the Joint Exercise of Powers Act is to allow individual agencies to act collectively and on a regional basis.

In the case of the WMA, Alameda County, all of the cities in Alameda County, and the Castro Valley and Oro Loma Sanitary Districts each have the power to adopt fees within their jurisdictions. These agencies have entered a joint exercise of powers agreement to adopt and implement the Alameda County Integrated Waste Management Plan (“CoIWMP”) and related waste management programs. That agreement authorizes the WMA to “perform all acts necessary for the exercise of said powers” including, but not limited to, the power to levy fees. (Joint Powers Agreement for Waste Management § 5(1).)

The CoIWMP was adopted in 2003 and last amended in 2011. It sets as a primary objective “That hazardous waste be removed from the solid waste stream for proper separate management.” (CoIWMP Objective 1.3.) It then describes the collection program that would be funded by the HHW Fee as a key tool in implementing that objective:

[T]he County Environmental Health Department, with policy direction and funding provided by the Waste Management Authority operates three permanent Household Hazardous Waste (HHW) collection facilities located in the northern, southern, and eastern sections of the County. BLT Recycling, under contract with the [] City of Fremont, operates a fourth HHW collection facility at the Fremont Transfer Station, partially funded by the Authority. In FY 2008-09, over 1,000

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tons of material were processed at the four facilities, serving 39,000 households. Approximately 85% of these materials were reused or recycled. These facilities serve all Alameda County jurisdictions. (CoIWMP, p. V-4.)

In light of the specific wording of the Joint Exercise of Powers statute authorizing exercise of any shared powers, the WMA member agencies' powers to impose fees, the explicit grant of authority to the WMA to adopt fees for implementation of the CoIWMP and the CoIWMP's specific objective of removing household hazardous waste from the waste stream, the WMA has authority to adopt the HHW Fee.

III. The HHW Fee is a Fee for Refuse Collection Services.

As noted above and described in more detail in the HF&H Consultants reports included in the March 26, 2014 staff report, the HHW Fee funds the operation of four HHW collection facilities in the County. These facilities are part of the overall system for refuse disposal and recycling in Alameda County, which also includes waste transfer stations and landfills. The household hazardous waste collected at these facilities is refuse.

Refuse is commonly understood to be “[s]omething rejected or discarded as worthless or useless.” (Websters II New Riverside University Dictionary, 1984.) The legislature has adopted a similar definition in Health & Safety Code § 4740 (“‘refuse’ shall include ... anything thrown away as worthless”). The residents disposing of household hazardous waste through the HHW collection facilities have made the determination that the material in question is no longer of value to them, hence it fits well within the common understanding of the term “refuse.”

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ATTACHMENT B

From: Darline Mix [de.louise@att.net]
Sent: Saturday, April 12, 2014 1:03 PM
To: Arliss Dunn
Cc: Gary Wolff
Subject: The "PHONY" ACWMA Vote!

Dear Mr. Dunn, as Clerk of the Board please forward this to all Board Members and all other interested parties.

All Board Members

The Phony Vote

The rhetoric Mr. Wolff espoused with his oratory at the last meeting regarding the Voting "scheme", (so-called, "majority protest") was the same blatant nonsense in his letter to the editor published in the Trib and his March 20th report to the Board. At page eleven of his report, Mr. Wolf attempts to rationalize and justify the use of the "majority protest" by citing Proposition 218 and the California Constitution.

Unfortunately, he resorts to telling a half-truth in hopes that the reader is gullible enough to believe the whole thing and then compounds his deceit and hyperbole by attempting to blame the voter for their approval of Prop 218. While the majority protest procedure is indeed a part of Prop 218 it is unarguably a "sham", but more importantly, it is Not mandatory as Mr. Wolff implies.

(Prop. 218) Article XIID, at Section 6(c) provides:

"Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision."

Mr. Wolff's contention that they are merely "following the law" goes far beyond being disingenuous - his contention is deceitful and outright false. The law is clear, it expressly provides that the agency (ACWMA) may, at its option, adopt a procedure similar to those for increases in assessments and further provides that an approval may be by a majority vote of "property owners" or by a 2/3's of "registered voters".

By law, the "option" clearly lies with the Waste Management Authority and is Not mandated by the California Constitution - to maintain otherwise is erroneous and purposeful deception. However, it is necessary and important to point out that the procedure (majority protest) was

ATTACHMENT B

not selected by Mr. Wolff alone but was duly approved by the ACWMA Board. And, it is unquestionably a direct reflection of the governance and attitude of each individual member of the Board.

Let's not kid ourselves, the "majority protest" procedure was chosen for a very specific reason. It is a "fail-safe" method of assessing property owners in preventing a "real vote" on the Tax. There is no recorded instance where a protest against an agency's proposal has ever succeeded. In other words, without question or doubt - it is a "sure thing". Board member Laureen Turner of Livermore, asked for an accounting and history of the "majority protest" procedure but unfortunately that information has not been forthcoming. However, there is more than ample information on the WEB or through the Howard Jarvis Taxpayers Assn. concerning the fallacies of this procedure.

With all due consideration given the above, the two primary issues have not been adequately addressed. (1.) The Joint Powers Authority does not have legal authority to levy taxes, assessments, nor fees. Despite General Council's report and analysis (March 20, 2014 Memorandum) the JPA lacks the express legal authority constitutionally required. Counsel's basic premise is false in that the powers of the individual members do not extent to regional taxation or the imposition of regional fees or assessments and therefore may not be accomplished as a JPA that which is not permitted individually.

(2.) As noted above, (Article XIII, Section 6(c)) the proposed fee does not fall under the "refuse collection services" exemption. And, General Counsel fails to cite any post Prop 218 cases supporting his position as Kern County Farm Bureau (1993) (see his f.n. 1) is not on point and is clearly distinguishable.

Your attention to this matter is greatly appreciated.

David E. Mix

DRAFT

ORDINANCE 2014-__

**AN ORDINANCE ESTABLISHING A HOUSEHOLD HAZARDOUS WASTE
COLLECTION AND DISPOSAL FEE**

The Board of the Alameda County Waste Management Authority hereby ordains as follows:

Section 1. Findings

The Authority finds that:

(a) It has been standard practices since the early 1990s for Cities and Counties in California to periodically characterize the components of garbage and refuse sent to landfill in order to facilitate planning for diverting recoverable and harmful materials from landfill disposal. Waste characterization studies for Alameda County, and the State of California overall find that household hazardous waste (HHW; see Health & Safety Code Section 25218.1 (e)) is about the same weight or percentage of residential garbage and refuse regardless of whether the dwelling unit is in a single family or multi-family residential building. Furthermore, vacant Households also require household hazardous waste collection and disposal in connection with property improvements, maintenance, or landscaping.

(b) State law precludes disposal of household hazardous waste in municipal landfills such as those serving Alameda County residents and the Alameda County Integrated Waste Management Plan calls for removing hazardous wastes from the solid waste stream for proper separate management through separate collection and other programs.

(c) In Health and Safety Code section 25218 the State legislature has found that “residential households which generate household hazardous waste and conditionally exempt small quantity generators which generate small amounts of hazardous waste in the state need an appropriate and economic means of disposing of the hazardous waste they generate” and disposal of household hazardous waste “into the solid waste stream is a threat to public health and safety and to the environment.” The Health and Safety Code further provides for the establishment of “household hazardous waste collection facilities”, which are defined in Section 25218.1 (f) as facilities operated by public agencies or their contractors for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste and hazardous waste from conditionally exempt small quantity generators.

(d) The Alameda County Environmental Health Department, with policy direction and funding provided by the Waste Management Authority, operates three permanent Household Hazardous Waste (HHW) collection facilities located in the northern, southern, and eastern sections of the County and BLT Recycling, under contract with the City of Fremont, operates a fourth HHW collection facility at the Fremont Transfer Station, partially funded by the Authority. These facilities are operated in accordance with Health & Safety Code 25218 et seq, and under two memoranda of understanding (MOUs) between the Authority and the County

of Alameda and the Authority and the City of Fremont. These MOUs will be revised to implement this ordinance.

(e) These Household Hazardous Waste collection facilities benefit and serve Alameda County residential property owners by collecting and providing a legal, safe, place for disposal of HHW materials generated in Alameda County in compliance with the law. The services and facilities of this program may be used only by Alameda County Households. The Household Hazardous Waste Collection and Disposal Fee funds this program and may not be used for any other purpose. The program was evaluated in an October 4, 2013 memorandum from HF&H Consultants, LLC to the Alameda County Waste Management Authority which determined that the funds generated by the fee do not exceed the costs of the program services and facilities.

(f) The costs of the program's HHW collection and disposal services and facilities for Alameda County Households are offset in part by funds received or cost reductions associated with product stewardship programs implemented in accordance with State law (such as the PaintCare Product Stewardship Program established at Public Resources Code sections 48700 et seq. which reduces costs associated with collection and disposal of architectural paints and provides funds for processing those materials). These programs are expected to expand in the future and the amount of the fee will be reduced commensurate with the cost offsets or funding associated with these programs. In anticipation of full cost offset and funding from these programs in the future the fee sunsets in 2024.

(g) Article 4 of Health & Safety Code Division 5, Part 3, Chapter 6 authorizes public agencies including cities, counties, and special districts, upon a two-thirds vote of the legislative body, to prescribe and collect fees for garbage and refuse collection services and facilities on the tax roll. This ordinance prescribes a fee for collection and disposal at the four HHW facilities in Alameda County of the HHW component of garbage and refuse generated by Alameda County Households.

(h) The Authority has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management. That agreement grants the Authority all of the powers necessary to implement the Alameda County Integrated Waste Management Plan including the power to levy and collect fees and charges for programs such as HHW collection and disposal services and facilities.

(i) This Ordinance was introduced on December 18, 2013 at which time the Board set a public hearing for consideration of the Ordinance on February 26, 2014 and directed the Executive Director to prepare a report containing a description of each parcel of real property with one or more Households, the number of Households on each parcel, and the amount of the charge for each parcel computed in conformity with this Ordinance. The Board directed the Executive Director to publish and cause a notice in writing of the filing of said report and the proposal to collect the annual charge on the tax roll together with the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is listed as owner in the last equalized assessment roll available on the date said report is prepared (a "Record Owner"), at the address shown on said assessment roll or as known to the

Executive Director. On January 22 the Board continued the protest hearing date to March 26, 2014. Notice of the new hearing date and extended protest period was published and mailed in accordance with law. This Ordinance was re-introduced with clarifying amendments on February 26, 2014.

(j) Following the protest hearing the Board considered all objections or protests to the report and this Ordinance. Protests were received from the Record Owners of (1) less than a majority of the separate parcels of property described in the report and (2) less than a majority of the Households on property described in the report. The Board approved the ordinance by a two-thirds majority or greater of the Board membership.

(k) Enactment of this Ordinance is not a “project” subject to the requirements of the California Environmental Quality Act, California Code of Regulations, title 21, section 15378(b)(4); further, even if it were a “project,” it would be categorically exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 21, section 15308.

Section 2. Definitions

(a) “Alameda County” or “County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.

(b) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management.

(c) “Board” means the governing body of the Authority made up of elected representatives of the member agencies pursuant to the Joint Exercise of Powers Agreement for Waste Management.

(d) “Executive Director” means the individual appointed by the Board to act as head of staff and perform those duties specified by the Board.

(e) “Fee” means the fee described in section 3 of this ordinance.

(f) “Fee Collection Report” means the annual report containing a description of each parcel of real property with one or more Households served by the Household Hazardous Waste Collection and Disposal Program, the number of Households on each parcel described, the amount of the charge for each parcel for the year, computed in conformity with this Ordinance, and whether the Fee is to be collected on the tax roll or by other means.

(g) “Household” means a residential dwelling unit (e.g., a single family home, apartment unit or condominium unit in a multi-unit building, etc.). Nothing in this Ordinance is intended to prevent an arrangement or the continuance of an existing arrangement under which payment for garbage and refuse collection and disposal service is made by residents of a household who are not the owner or owners thereof. However, any such arrangement will not affect the property owner’s obligation should such payments not be made.

(h) “Household Hazardous Waste Collection and Disposal Program” means the Proposed System Expansion Option described in the October 4, 2013 memorandum from HF&H Consultants, LLC to the Alameda County Waste Management Authority.

(i) “Other Revenue” means the sum of (1) revenue received from the household hazardous waste fee of \$2.15 per ton pursuant to Authority Resolution No. 140 and Resolution No. 2000-03 and (2) Product Stewardship Offsets.

(j) “Product Stewardship Offset” means funds received by the Household Hazardous Waste Collection and Disposal Program or operational cost reductions at the program attributable to household hazardous waste product stewardship programs implemented in accordance with federal, state, or local laws.

(k) “Small Quantity Generator” has the same meaning as Conditionally Exempt Small Quantity Generator as defined in California Health and Safety Code Section 25218.1 as it now exists or may be amended from time to time hereafter.

Section 3. Household Hazardous Waste Collection and Disposal Fee

(a) An annual household hazardous waste collection and disposal fee of \$9.55 or such lesser amount established by the standards below shall be paid by each Household in Alameda County beginning July 1 2014 and ending June 30, 2024 in the manner set forth in this ordinance.

(b) No later than December 31 of 2015 and each year thereafter the Executive Director shall prepare a report identifying the amount of Other Revenue received by the Household Hazardous Waste Collection and Disposal Program in the prior fiscal year. If the report of Other Revenue exceeds the projected amount specified in subsection (c), the fee shall be reduced for the following fiscal year by an amount equal to the excess revenue divided by the number of Households subject to the fee in the prior fiscal year. If revenues equal or fall below that specified in subsection (c) there shall be no increase in the fee. The Fee per Household shall never be greater than \$9.55 per year.

(c) The fee is based on the following projected Other Revenue:

| Fiscal Year | Projected Product Stewardship Offset | Projected Tip Fee | Total |
|--------------------|---|--------------------------|--------------|
| 2014-2015 | \$263,225 | \$1,849,000 | \$2,112,225 |
| 2015-2016 | \$263,225 | \$1,713,550 | \$1,976,775 |
| 2016-2017 | \$263,225 | \$1,578,100 | \$1,841,325 |

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|-----------|-----------|-------------|-------------|
| 2017-2018 | \$263,225 | \$1,442,650 | \$1,705,875 |
| 2018-2019 | \$263,225 | \$1,307,200 | \$1,570,425 |
| 2019-2020 | \$263,225 | \$1,171,750 | \$1,434,975 |
| 2020-2021 | \$263,225 | \$1,171,750 | \$1,434,975 |
| 2021-2022 | \$263,225 | \$1,171,750 | \$1,434,975 |
| 2022-2023 | \$263,225 | \$1,171,750 | \$1,434,975 |
| 2023-2024 | \$263,225 | \$1,171,750 | \$1,434,975 |

(d) The fee shall be used exclusively for the Household Hazardous Waste Collection and Disposal Program.

(e) As a condition of receiving payments funded by the Fee, a collection and disposal service provider (e.g., at present, the County of Alameda and the City of Fremont) must agree that no charge will be imposed on (1) residents of Alameda County Households for services included in the Household Hazardous Waste Collection and Disposal Program or (2) Small Quantity Generators who are owners of residential rental property in Alameda County for disposal of household hazardous wastes from Households in Alameda County. Any such agreement shall be in the form of a contract or memorandum of understanding (MOU) approved by the Board. The Executive Director shall not cause the fee to be collected as described in Section 4 of this ordinance until revised MOUs with the County of Alameda and the City of Fremont have taken effect.

Section 4. Administration

(a) Each year the Executive Director shall cause a Fee Collection Report to be prepared in accordance with this Ordinance and applicable law.

(b) The Fee Collection Report shall be reviewed by the Board to ascertain the accuracy of the information contained therein. A notice of the report's availability and a time and place of a public hearing on the report and the collection of such charges on the tax roll shall be published as set out in Government Code Section 6066 in a newspaper of general circulation printed and published within the County. At the conclusion of the hearing, the Board shall make its determination upon each charge and its collection on the tax roll or by other means. The determination of the Board shall be final. Upon such final determination, on or before August 10 of each year, the Executive Director shall endorse the final report with a statement that it has been finally adopted by the Board, and shall file the signed report with the County Auditor. Authority staff is hereby authorized to undertake all administrative tasks to implement collection

of the Fee, including, but not limited to an agreement with Alameda County for collection, which may provide payment to Alameda County of its reasonable costs of collection.

(c) The Fee for the period of July 1st, to and including June 30th of each fiscal year shall be entered as a charge on the tax roll against the parcels identified in the Fee Collection Report as paying through the tax roll. The Fee shall be collected at the same time and in the same manner as ad valorem taxes and other charges as are otherwise collectible by the county. All laws applicable to the levying, collection and enforcement of ad valorem taxes shall be applicable to such charges as provided herein except as otherwise provided by law. Fees paid with the tax bill shall be deemed to have been paid by those Households located on that property/parcel.

(d) The annual Fee for any Household located on property which is not designated for collection on the tax roll in the Fee Collection Report shall be collected by the Executive Director and shall be due and payable at least once per year on a schedule to be determined by the Executive Director.

Section 5. Enforcement. The Executive Director and the County of Alameda are authorized to undertake all appropriate actions necessary to collect the Fee in the manners authorized by law.. The Executive Director may direct collection and disposal service providers to deny access to services included in the Household Hazardous Waste Collection and Disposal Program for Households with unpaid charges.

Section 6. Severability. If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Notice. This Ordinance shall be posted at the Authority Office after its second reading by the Board for at least thirty (30) days and shall become effective thirty (30) days after the second reading.

Passed and adopted this ___ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of the ORDINANCE NO. 2014-__.

GARY WOLFF

EXECUTIVE DIRECTOR

April 17, 2014

TO: Alameda County Waste Management Authority
Alameda County Source Reduction and Recycling Board

FROM: Gary Wolff, Executive Director

BY: Jeff Becerra, Communications Manager

SUBJECT: Preliminary Legislative Positions for 2014

BACKGROUND:

2014 is the second year of the 2013/2014 legislative session and through our contract lobbyist we are tracking several “two-year” bills that are in different stages of the legislative process. To date we have identified 31 bills of possible interest to StopWaste that will be tracked. The report below highlights the most relevant bills for the Agency and offers recommended positions on them. Several bills are still in “spot” language form and will only be able to be analyzed once operative language is inserted. First House (House of Origin) policy committees only started up in earnest in late March so many bills do not have committee analyses yet.

DISCUSSION:

In November, 2013, the Waste Management Authority Board approved three legislative priorities for 2013/2014: extended producer responsibility, organics processing, and other areas of concern such as strengthening green building codes. Below is a status of bills that the Board may wish to take positions on, recommended positions for those bills, and links to bill language with additional information where available (as previously requested by the Boards to be included in these reports).

Extended Producer Responsibility

- **AB 1893 (Stone-Eggman) Home-generated Sharps:** Requires sharps providers to inform the public of take-back options; calls on Division of Workers’ Compensation to track needle stick incidents.

Sponsor/Support: CA Product Stewardship Council

Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1851-1900/ab_1893_bill_20140219_introduced.htm

Position: Support

Status: To be heard in Assembly Health Committee on April 29.

- **AB 2284 (Williams) Single-use household batteries:** Will establish a statewide EPR program for single-use household batteries

Sponsor/Support: CA Product Stewardship Council

Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_2251-2300/ab_2284_bill_20140327_amended_asm_v98.htm

Proposed Agency Position: Support

Status: Passed Assembly Natural Resources Committee; to Appropriations next.

- **AB 2748 (ESTM Committee) Used Paint Recovery: Business Plans:** Encourages the take-back of used paint by eliminating duplicative reporting requirements on businesses that are part of CalRecycle's approved paint stewardship program.
Sponsor/Support: PaintCare
Bill Link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_2701-2750/ab_2748_bill_20140306_introduced.htm
Proposed Agency Position: Support
Status: To be heard at Assembly Environmental Safety and Toxic Materials Committee on April 29.
- **SB 1014 (Jackson) – Home-generated Pharmaceutical Waste:** A revised re-introduction of SB 727 from 2013, this bill will enact the Home-Generated Pharmaceutical Waste Collection Disposal Act – essentially a shared EPR program.
Sponsor/Support: Alameda County; CPSC; Clean Water Action and others
Bill Link: http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_1001-1050/sb_1014_bill_20140401_amended_sen_v98.htm
Proposed Agency Position: Support
Status: Passed out of Senate Environmental Quality Committee; will now go to Business and Professions Committee.
Senate Environmental Quality Analysis on 3/24/14:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1014&search_keywords=
- **SB 1274 (Hancock) Mattress Recovery and Recycling:** Follow-up legislation to fix elements of last year's mattress legislation (SB 254- Hancock) to ensure that urban and rural local governments and participating solid waste facilities that accept mattresses may do so at no cost.
Bill link: http://leginfo.ca.gov/pub/13-14/bill/sen/sb_1251-1300/sb_1274_bill_20140324_amended_sen_v98.htm
Proposed Agency Position: Support
Status: Passed out of Senate Environmental Quality Committee; to Appropriations next.

Plastic Bags/Single use take-out containers

- **SB 1194 (Hueso) Plastic pollution:** Requires manufacturers to report use and recycling of plastic products.
Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_1151-1200/sb_1194_bill_20140402_amended_sen_v98.htm
Proposed Agency Position: Support but ensure the bill is not used to undermine bag ordinance.
Status: To be heard in the Senate Environmental Quality Committee on April 30.
- **SB 270 (Padilla) Single-use Carryout Bags:** Would prohibit certain stores from providing a single-use carryout bag to customers. This is the successor of SB 405 (2013), which was held in Appropriations for lack of two votes.
Sponsor/supporters: Californians Against Waste; Environment California; Heal The Bay
Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0251-0300/sb_270_bill_20140327_amended_asm_v97.htm

Proposed Agency Position: Support if no harmful retroactive preemption of local ordinances, if sufficient reusable bag standards are included, and equitable distribution of RMDZ funds to more than four parties.

Status: Assembly Labor and Employment; date TBD.

Senate Floor Analysis on 4/23/13:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB270&search_keywords=

Medical Waste

- **AB 333 (Wieckowski) Medical Waste Management Act Reform:** Would provide for technical amendments to the Medical Waste Management Act. 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.

Sponsor: Stericycle

Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0301-0350/ab_333_bill_20130711_amended_sen_v96.htm

Proposed Agency position: Watch until more complete analysis of possible new amendments

Status: 2-Year Bill in Senate

Assembly Floor Analysis on 5/24/13:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB333&search_keywords=

Green Buildings and Construction

- **AB 1918 (Williams) Title 24 and HVAC Compliance:** Calls for the establishment of an incentive program for local building agencies and operators through the CPUC to promote verification of compliance and benchmarking of HVAC and other Title 24 energy efficiency standards.
Sponsor/Support: US Green Building Council and NRDC.
Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1901-1950/ab_1918_bill_20140326_amended_asm_v98.htm
Proposed Agency Position: Support
Status: To be heard at Assembly Business and Professions Committee on April 21.
- **AB 2282 (Gatto) Recycled Water Infrastructure:** Directs the Building Standards Commission to establish mandatory dual plumbing for new buildings in certain areas and dwellings in the state, based on local need and capacity determination.
Sponsor/support: US Green Building Council and Pipefitters Union
Bill link: http://leginfo.ca.gov/pub/13-14/bill/asm/ab_2251-2300/ab_2282_bill_20140324_amended_asm_v98.htm
Proposed Agency Position: Support
Status: Passed Assembly Housing and Community Development; to Business and Professions Committee 4/29
- **AB 2355 (Levine) Local Use of Recycled Material:** Requires local governments to either adopt the standards developed by the Department of Transportation for recycled paving materials or discuss why it is not adopting those standards at a public hearing.
Sponsor/Support: CA Construction and Industrial Materials Association; Marin Builders Association

Bill Link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_2351-2400/ab_2355_bill_20140401_amended_asm_v98.htm

Proposed Agency Position: Support

Status: Passed out of Assembly Local Government Committee; to Assembly Transportation Committee next.

Cap and Trade Revenues

- **AB 1970 (Gordon) Community Investment and Innovation program:** Would award Cap and Trade funds to local agencies that submit plans to develop and implement integrated community-level greenhouse gas emissions reduction projects in their region.

Sponsor: Author

Bill Link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1951-2000/ab_1970_bill_20140410_amended_asm_v98.htm

Proposed Agency Position: Support

Status: Passed out of Assembly Natural Resources Committee; to Assembly Local Government Committee next, date TBD.

Recycling: Market Development

- **AB 1021 (Eggman) Alternative Energy: Recycled Feedstock:** This bill expands sales and use tax credits to manufacturers using recycling feedstock, as defined, that is intended for the production of another product or soil amendment.

Sponsor/Support: Californians Against Waste

Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1001-1050/ab_1021_bill_20130812_amended_sen_v95.htm

Recommended Agency Position: Support

Status: Held in Senate Appropriations Committee in 2013, may be released in 2014.

Senate Appropriations Analysis on 8/30/13:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1021&search_keywords=

- **AB 1022 (Eggman) Electronic Waste: CRT Glass Market Development Payments:** This bill directs 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.

Sponsor: Californians Against Waste

Bill link: http://leginfo.ca.gov/pub/13-14/bill/asm/ab_1001-1050/ab_1022_bill_20130812_amended_sen_v96.htm

Recommended Agency Position: Support

Status: Held in Senate Appropriations Committee in 2013, may be released in 2014.

Senate Appropriations Analysis on 8/30/13:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1022&search_keywords=

Organics Processing

- **AB 1594 (Williams) Alternative Daily Cover.** Will eliminate a loophole in state law that allows some yard trimmings and prunings that are used as landfill cover to count as being “diverted” from landfills.

Sponsor: Californians Against Waste and the California Compost Coalition.

Bill Link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1551-1600/ab_1594_bill_20140203_introduced.htm

Recommended Agency Position: Support

Status: To be heard at Assembly Natural Resources on April 28.

- **AB 1826 (Chesbro) Commercial Organic Waste Recycling:** Would drive the recycling of yard trimming and food scraps by requiring commercial generators to subscribe to composting or anaerobic digestion service for their organic waste.

Sponsor: Californians Against Waste

Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1801-1850/ab_1826_bill_20140324_amended_asm_v98.htm

Recommended Agency Position: Support

Status: To be heard at Assembly Natural Resources on April 28.

Governance

- **AB 2170 (Mullin) Joint Powers Authorities:** Would clarify that joint powers authorities may exercise any power common to the contracting parties, including levying fees and taxes.

Sponsor/Support: Author

Bill link: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_2151-2200/ab_2170_bill_20140220_introduced.htm

Position: Support

Status: Passed the Local Government Committee, next to Assembly floor.

As we did last year, we anticipate bringing an update on legislative activity and recommended agency positions to the Boards in June.

RECOMMENDATION:

Staff recommends that the Boards confirm the above preliminary legislative positions for the 2014 session of the California legislature.

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May 2014
Meetings Schedule

**Alameda County Waste Management Authority, The Energy Council, & Source Reduction
and Recycling Board**

(Meetings are held at StopWaste unless otherwise noted)

| SUN | MON | TUES | WED | THURS | FRI | SAT |
|-----|--|------|--|--|-----|-----|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | <p style="text-align: center;"> 9:00 AM Programs & Administration Committee Key Item: FY 14/15 Budget </p> <hr/> <p style="text-align: center;"> 7:00 PM Planning & Organization Committee /Recycling Board (Hayward City Hall) Key Item: FY 14/15 Budget </p> | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | <p style="text-align: center;"> Agency Holiday </p> | 27 | <p style="text-align: center;"> 3:00 PM WMA Board Key Item: FY 14/15 Budget </p> | 29 | 30 | 31 |

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BY ANNE BEDARF



INFORMED

RECYCLING

The How2Recycle labeling program uses clear, consistent design to give consumers a better understanding of whether packaging can actually be recycled. Thanks to a growing number of brand and association partnerships, the education approach to closing the loop may be ready to significantly extend its North American reach.

If we want consumers to recycle correctly, let's give them simple instructions right on the packaging itself. That's the idea behind the How2Recycle labeling program, which has begun showing up on North American product packaging over the last two years and is primed to continue to grow through company and government collaborations.

With more than 20 participating partner companies, the program is celebrating some early success, but more importantly, it's preparing for the future and looking to further develop a recycling communication system that affects consumers, producers and all the players in the recycling chain.

What's on the label?

Variation in recycling programs, unclear labeling, and inaccurate recyclability claims make proper recycling a challenge. The How2Recycle label meets these challenges through a standardized labeling system that provides consistent and transparent on-package recycling information. At its core, How2Recycle provides companies with a way to understand and accurately communicate the recyclability of their packaging, and the label's companion website – how2recycle.info – provides additional information, setting it apart from other recycling messaging.

The goal of the label is to show clearly and succinctly whether

different packaging components are recyclable. This is accomplished by assigning each element of the packaging a recyclability icon: An image containing the chasing arrows graphic indicates that, yes, this particular part of the packaging is recyclable in most areas. That same graphic with a slash through it means it generally cannot be recycled. A third image, which features arrows with the phrase "Check locally" inside, means the material is not collected in most communities so consumers should investigate further.

The label also points consumers to how2recycle.info, which operates as a resource to tell users more about the recyclability of specific packaging. Finally, the label may include special instructions, such as "Rinse before recycling," that ensure successful recycling.

This may sound like a lot of information to expect a consumer to digest, but the design strives to accomplish the goal of informing quickly and intuitively. How2Recycle, it's important to note, is not a replacement for resin identification codes (RICs) – it instead acts as an additional layer of information.

How we got here

In 2008, a group of Sustainable Packaging Coalition (SPC) members expressed the need for a clear on-package recycling label. These key members included the companies Target, REI, ConAgra Foods and Estée Lauder Companies as well as government stakeholders, notably

the U.S. Environmental Protection Agency and StopWaste (Alameda County, California). Together with SPC staff, these members set out to counter both consumer confusion and greenwashing by industry.

After several years of stakeholder engagement, consumer testing and design, How2Recycle labeling was launched on packaging in 2012. During this "soft launch" year, the SPC refined How2Recycle into the program that it is today. Consumer response and industry feedback has been overwhelmingly positive: Consumers like How2Recycle because it provides them with a way to understand what and how to re-

cycle and because it gives them a way to ask additional questions. Many consumers also report they think positively of companies using the label. A survey on the program website has proven to be an invaluable tool to collect feedback and confirm consumer understanding and behavior.

The soft launch also taught us the importance of updating or eliminating previous on-package recycling information to prevent conflicting and confusing messages. Examples include verbiage such as "disposal instructions," "recycle where facilities exist," and "100% recyclable." Consumer feedback has confirmed the general public often misunder-

stands RICs even while some avid recyclers are trained to look for RICs.

The packaging industry is well aware of Federal Trade Commission (FTC) Green Guides, and SPC staff worked extensively with the FTC to ensure concerns were addressed. During the soft launch phase, staff developed additional FTC-compliant labels for types of specialty packaging (such as full-body shrink sleeve labeling on plastic bottles) that is known to cause technical challenges in the recycling process.

Collaborating for collection

Partnerships and collaboration are a key part of How2Recycle's approach. For example, the Association of Postconsumer Plastic Recyclers (APR) is a valuable technical resource providing insight into recycling issues. APR developed the "Caps On" initiative to recycle more plastic material and reduce plastic litter by encouraging caps to be placed back onto empty bottles. How2Recycle, in turn, supports this initiative by including an "Empty and Replace Cap" message on plastic bottles.

A partnership, with the American Chemistry Council's Flexible Film Recycling Group, supports widespread adoption of the "Store Drop-off" version of the How2Recycle label. This label directs consumers to recycle polyethylene bags, wraps and films at retail drop-off locations. Through FFRG, How2Recycle has recruited new participants and partnered with the Wisconsin Department of Natural Resources for the Wrap Recycling Action Project, also known as WRAP. Consumer feedback indicates that plastic film recycling is an area of interest — as well as confusion — and holds room for growth.

Finally, state and local governments provide valuable insight into specific recycling and related communications challenges, and these entities will continue to be at the front line of public awareness around recycling. New York City's Department of Sanitation and Alameda County's StopWaste have endorsed How2Recycle and include program information on their websites. Government stakeholders at all levels are critically important to the success of How2Recycle, and as such, SPC staff is always working to expand our collaborations with local and state recyclers.



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Reader service #134

Pushing for more partners, deeper data

Participants join How2Recycle to demonstrate leadership, comply with the FTC Green Guides and promote recycling through consistent and transparent language. The program surpassed its 2013 goal of having 20 participants on board, and several significant partner companies are in the pending process. Also exciting is the fact there's significant interest in expanding the label to Canada, and discussions are underway.

Finally, like most everyone else in the recycling field, our organization is promoting advances in recycling measurement wherever possible. Understanding recyclability and proper labeling requires good data, but substantial gaps remain in determining the true access consumers have to recycling. Clarissa Morawski's companion piece on page 18, "All About Access," details our collaborative project to align access to recycling data collection.

Until these gaps are filled, How2Recycle will continue to work with the available data and consult our partners and participating companies to determine proper recyclability messaging. It is this type of collaboration that has pushed How2Recycle forward thus far. As more partners come on board and the messaging becomes more commonplace for consumers, we're confident better recycling habits and greater volumes of collected material will surely result. **RR**

Anne Bedarf is senior manager of GreenBlue's Sustainable Packaging Coalition. She can be reached at anne.bedarf@greenblue.org.

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Is Your City Council Stifling Innovation? Tips to Promote Smart Risk-Taking

BY FRANK BENEST



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This article is a service of the nonprofit Institute for Local Government (ILG), whose mission is to promote good government at the local level with practical, impartial and easy-to-use resources for California communities. Frank Benest is a former city manager of Palo Alto and currently serves as a senior advisor to the International City/County Management Association. For more information about ILG, visit www.ca-ilg.org.

Today, innovation is imperative for effective city governance. Cities are confronting economic stress, demographic and social shifts and facing opportunities posed by new technologies. Council members often encourage staff to innovate for a variety of reasons:

- Constituents want better, cheaper, faster approaches;
- The big challenges — traffic congestion, affordable housing, gangs, economic vitality and environmental sustainability — all require shared service approaches, cross-sector partnerships, public engagement, new technologies and other creative solutions;
- Council members want to make a positive difference in their communities and leave a legacy; and
- Innovation creates an attractive record for re-election.

However, some council members may often discourage — if not crush — innovation because they do not like risk and failure. They tolerate and sometimes even promote a zero-risk environment, which is antithetical to creative approaches. Yet there can be no innovation without risk and failure.

Picture this example. As a council member, you attend a regular council meeting where one of your residents gets up to criticize a traffic-calming program that staff is proposing along a particular corridor. In response to a council priority to improve bike and pedestrian safety, the plan calls for eliminating a car lane and installing a bike lane and roundabout. The resident calls the plan a stupid idea, claiming that it will cause cut-through traffic on his street and says that the chief transportation official is an idiot. One of the other council members also joins in criticizing the proposal and the staff.

The implicit message in this situation is that staff will be criticized for recommending any creative approach that may result in a mistake, failure or opposition, so it is better to play it safe.

Innovation Requires Risk

Innovation requires risk-taking — not wild gambles, but calculated risks. For innovation to occur, staff must risk money and other resources, such as time and their reputations. Most importantly, they must risk mistakes and likely criticism. Staff will not innovate when top management or elected officials criticize every misstep or mistake. Instead, staff will try to make any recommendation or proposal perfect and safe with no chance of failure before putting it forward.



That's not how innovation occurs. Innovation involves taking a challenge (for example, traffic congestion) without a proven solution — or a problem for which every stakeholder group has a different preferred solution — and experimenting with various approaches, making mistakes and fixing things as the process unfolds.

Unless council members and top management create an environment that encourages “smart” risks, there will be little if any innovation regardless of how much the council desires it.

Strategies for Council Members

Council members must go beyond exhorting staff to innovate. My experience as a long-time city manager in several communities and as a consultant promoting innovation suggests that the council must help create a safe environment for responsible risk-taking. While there is no perfect way to do this, these tips offer some helpful strategies.

Don't allow people to personally criticize staff for well-intentioned efforts. This is critical if your council is serious about promoting innovation. Set this ground rule: It's OK to criticize ideas or policies but not the people involved. As council members, you must model this behavior and observe rules of decorum that inhibit staff-bashing.

Call everything a “pilot” project, even if it is not technically a pilot. Why? Residents will more likely expect some mistakes or failures if it is a trial from which the city will learn what works and what does not.

Conduct a risk assessment in public. Discuss publicly the concept that innovation does not occur without some risks and inevitable errors. Require staff to conduct a risk assessment as part of an innovative proposal. Then at a public meeting council members can discuss what is a responsible risk versus what may be a gamble or reckless risk and thoughtfully balance potential downsides and upsides.

Tie the innovative proposal to the larger agenda. It is easier to promote a risk if it can be linked to priorities or a strategic plan already approved by the council or if it can be discussed as an extension of another public or private investment currently under way.

Create a small innovation or risk fund. Ask the city manager to budget a small pool of money to be spent on creative ideas, for which groups of employees and perhaps community partners can compete. Make sure to report back to the council and community on the lessons learned for future innovation. Identify wherever possible the return on investment over time. The net “gain” — for example, cost savings, productivity improvements and reductions in crime or traffic — will offset the losses from other projects that do not pan out.

Engage in proactive media communications. While there is never any guarantee of positive coverage, it’s always a good idea to meet proactively with media representatives so they understand the rationale for the innovative approach, what is and is not being proposed as well as the risk assessment that is being conducted.

Take action before every question or concern has been addressed. The great organizations in the private and public sectors use a “ready, fire, aim” approach. They try to get things “roughly right,” knowing that any creative approach will need adjustments as efforts unfold. Often, in the face of controversy a council decides to send an innovative proposal back for more staff work countless times until the idea dies or staff just gives up.

Partner with a nongovernmental group and spread the risk. Collaborating with a nongovernmental partner can generate more and better ideas on how to address the challenge. Given the trust deficit experienced by many city governments, the partner can also take the lead in presenting a particular innovation. This approach also spreads the risk and some of the costs.

Take an incremental approach to risk and innovation. If the city takes a few incremental steps in starting a project, it is easier to back off from a risky project if things go terribly wrong or significant opposition arises. Typically, such initial steps do not require a large financial investment at the outset. In other words, it is reversible. Conversely, if the initial efforts create positive results, the city can slowly build momentum and public support for the endeavor.

Be transparent about any results, especially mistakes, yet demonstrate reasonable restraint in your criticism. Ensure that staff discloses any failures and what is being done to correct the situation. Express any concern about the lack of progress or any failure to achieve what was intended, and make any helpful suggestions.

Debrief with staff and the community. At key points along the way as well as at the end of an experimental effort, ask:

- Given our goals, what has gone well?
- What has not gone so well?



- How did we respond to inevitable problems?
- What did we learn for the future?

Celebrate “fabulous flops.” Certainly a few moments should be taken at a council meeting to recognize a successful project and the staff and community partners involved. However, it can also be powerful to celebrate audacious efforts that fall flat. Recognizing such “fabulous flops” with humorous awards can encourage staff and partners to experiment even if the idea ultimately fails.

Provide a Professional Safety Net

The council helps set the tone for the organization. Staff will not take risks to innovate in a culture of fear. Elected officials must provide a professional safety net to encourage responsible risk-taking and ensure that innovation is not just talk from the council dais.

Additional Resources

Other *Western City* articles on related topics:

- Pondering Innovation at the Local Level
- Get Your Public Meetings Back on Track
- The “Front Page” Test: An Easy Ethics Standard
- Meeting Great Expectations: Dealing With Emotional Audiences
- The Ethics of Speaking One’s Mind
- When an Elected Official Feels Passionately About an Issue: Fair Process Requirements in Adjudicative Decision-Making

Institute for Local Government Publication:

- *Deeply Held Concerns and Other Challenges to Public Engagement Processes*
-

« A Guide to Eating Alone Crop of Dreams »

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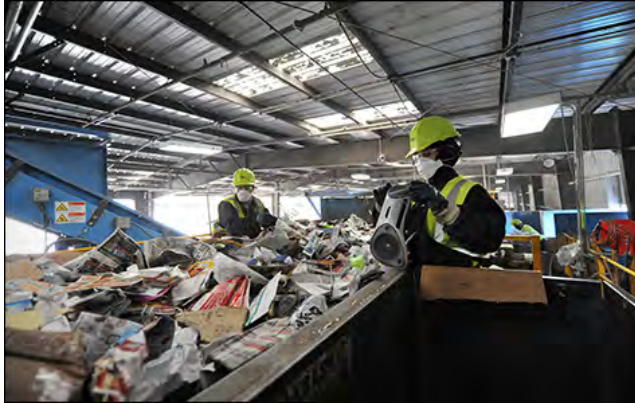
SPECIAL SECTIONS ~ SUSTAINABLE LIVING

April 15, 2014

Can I Recycle That?

A guide to properly sorting your waste and avoiding the most frequent — and environmentally harmful — mistakes.

By Sam Levin [@SamTLevin](#)



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In 2013, residents and businesses in Alameda County dumped as much as \$70 million worth of recyclable and compostable items into the garbage. That's according to StopWaste, the county agency charged with promoting recycling and waste reduction. On average, based on the agency's countywide trash audits last year, 32 percent of the material in residential garbage cans could have been recycled or composted; that was an improvement from 60 percent in 2008, but still far from StopWaste's target of 10 percent by 2020.

"Being conscious about how you sort your waste makes it so that products end up in the right place," said Rebecca Parnes, recycling program coordinator at Waste Management, the private company that handles trash pickup for Oakland, Hayward, Emeryville, and other local cities. "It isn't an extreme lifestyle choice and it's an easy way to engage in environmentally appropriate behavior."

We asked local waste experts about the most frequent mistakes residents make when trying to get rid of stuff — and which materials you may be surprised to know can have a second life.

Food-Soiled Paper

The greatest potential for waste reduction may lie in food products, and not just spoiled leftovers or scraps from cooking. Different cities have their own residential food-scrap recycling programs that keep food products — produce, bread, dairy, meat, fish, coffee grounds, tea bags, and more — out of the landfill, typically through weekly pickups. But people often don't realize that they should also compost food-soiled paper, meaning paper towels, plates, and napkins; according to a recent StopWaste survey of a few hundred Alameda County residents, nearly 60 percent didn't know this. Parnes recommends that residents line their kitchen compost pails with recycled newspapers so that the whole thing can be dumped into the compost bin, which, in many East Bay cities, is typically the green yard-trimmings container.

Pizza Boxes

In the recent StopWaste survey of Alameda County residents, even more people were confused about pizza boxes — around 73 percent of respondents were unable to identify the proper way to dispose of them. The correct answer, it turns out, is the compost bin. Contrary to popular belief, greasy pizza boxes do not belong in the recycling.

Cooking Oil

Cooking oil is one of the most common sources of confusion for residents, according to Parnes. Most people know that cooking oil should not go down the drain — but they don't know where it *should* go. For small amounts, Parnes recommends that people put the oil into an empty egg carton, which can then go into the compost; alternatively, low quantities can also be drizzled directly into the bin. Large amounts — from deep-frying, for example — should not go into the compost and instead should be disposed of at one of six East Bay Municipal Utility District drop-off sites (bit.ly/CookingOilEBMUD). (Oil from commercial kitchens is not allowed.) One especially sustainable option is the biodiesel station BioFuel Oasis (1441 Ashby Avenue, Berkeley, BioFuelOasis.com). Residents can also take their cooking oil to one of four county Household Hazardous Waste facilities (800-606-6606), including one in Oakland (2100 East 7th Street).

Batteries

Dumping batteries into the recycling or trash bin is not the answer, but the solution is almost as simple. In many cities in Alameda County, residents can actually put their batteries in sealed clear plastic bags and set them on top of their garbage cans for weekly pickup. Berkeley, however, does not offer this curbside option. Instead, residents can drop off their batteries at the local Household Hazardous Waste facilities. A number of hardware stores — including Berkeley Ace Hardware (2145 University Avenue) — will also accept batteries.

Plastic Shopping Bags

To get rid of plastic bags and avoid polluting the waste stream, the best option is to return them (as long as they are clean and dry) to the grocery store. You don't have to return them to the store where they originated.

Wire Hangers

Waste Management officials don't often get questions about wire hangers, but they can cause the company a lot of problems, Parnes said. If residents place them in the recycling bins, they can easily wrap around Waste Management machinery and cause damage. Instead, she recommends that residents donate wire hangers to dry-cleaning businesses, which typically accept them for reuse.

Shredded Paper

Correctly disposing of shredded paper is a win-win for you and the environment. Rebecca Jewell, Waste Management recycling program manager, said that shredded paper should be disposed of in the green compost bin. This can help reduce flies and odors in the bin in addition to providing an extra layer of security for sensitive documents, as scavengers generally do not go through compost bins. And because shredding results in the splitting of fibers, the paper can no longer be recycled, anyway. If residents are concerned about putting non-shredded documents that contain private information into the recycling, Jewell said they should instead use them to wrap their compost and dump them into the green bin.

Prescription Drugs

Instead of polluting waterways by flushing prescription drugs down the toilet, residents should place unwanted or expired pills in Ziploc bags and drop them off at one of roughly thirty sites in the East Bay that accept them (bit.ly/DrugDropOffs). Prescription controlled substances — meaning drugs that have a high potential for being abused, including codeine, narcotic pain medications, sleeping pills, antidepressants, and behavioral drugs — must go to the Alameda County Sheriff's Eden Township Substation (15001 Foothill Boulevard, San Leandro), which has a self-service drop box in the lobby.

Foam Peanuts

Polystyrene has to be densified in order for long-distance transportation to be cost-effective, according to Jewell. So if you're trying to get rid of foam peanuts, the best option is to take them to a packaging store for reuse. If they can't be reused, they should go in the garbage.

Fluorescent Tubes and Bulbs

Broken fluorescent lights can release mercury vapor into the environment and contaminate the air and waterways. Don't throw them in the trash. Instead, bring them to the Household Hazardous Waste facilities in Alameda County.

Pet Waste and Diapers

People regularly assume that animal and human feces belong in the compost bin, according to StopWaste and Waste Management. They do not. Throw kitty litter, dog waste, and diapers into the trash.

Hardcover Books

If you're getting rid of old books, it's best to donate them. But if for some reason you can't find a new home for your hardcover books, do not put them in the recycling, because the glue used in book binding lowers the quality of the recycled paper fiber. Unfortunately, they must go in the trash.

Laboratory Chemicals

It is not unusual for officials with the Household Hazardous Waste facilities to get calls about mysterious chemicals, said program manager Bill Pollock. These inquiries often come from residents who discover an old chemical, for example, their grandfather, left behind, he said. In these instances, the materials may not even be safe for the hazardous waste facilities, and in the worst-case scenarios can require the county to call in the "bomb squad," he said. If there is any doubt, residents should call the hazardous waste hotline (800-606-6606). Pollock noted that technology is making chemical identification easier, as residents can now snap photos of the materials in question with their cellphones and email or text them to Household Hazardous Waste staff.

Contact the author of this piece, [send a letter to the editor](#), [like us on Facebook](#), or [follow us on Twitter](#).

« A Guide to Eating Alone

Crop of Dreams »

a spotlight on sustainability

how we're working
toward **zero** waste

When our associate, Suzanne Lindsay, director of sustainability for The Kroger Co. Family of Stores, talks about the bottom line, she's actually referring to what she calls the triple bottom line: helping the environment, serving the community and running the company efficiently.



♻️
"Achieving zero waste is so important to us. We're continually working to find new sustainable solutions that we can implement companywide."

—Suzanne Lindsay



21 out of our 35 manufacturing facilities don't send any waste to the landfill.

Our goal is to donate, convert to fuel or compost 70% of surplus food by 2015.



One of our California facilities uses food waste to make 20% of the power needed for daily operations!



For Suzanne Lindsay, the most important initiative for reaching that triple bottom line is moving all facilities toward zero waste. "Any and all waste translates to dollars, and our number-one priority in terms of sustainability is eliminating food waste. It's our biggest opportunity for impact as a grocery chain," she explains.

To achieve this, efforts are organized using the Environmental Protection Agency's Food Waste Hierarchy. First, retail stores are making changes to keep food spoilage down. Next, surplus food is donated to feed hungry people. (In 2012, the equivalent of 200 million meals

was donated to food banks in the Feeding America network.) Any remaining food is given to farmers for animal feed, converted to fuel through anaerobic digestion or composted. Companywide, the goal is 70% diverted waste by 2015; today our retail stores are at 55%.

On the manufacturing side, Suzanne says the goal is finding an outlet for wastes like plastic, cardboard and inedible food — other than a landfill. To date, 21 of the 35 facilities are sending nothing to the landfill. A particularly exciting example is one of the manufacturing plants and distribution centers in Compton, California, which is home to the

Kroger Recovery System — a facility that uses anaerobic digestion to transform food waste into renewable biogas. The system currently provides 20% of the power needed to operate the facility and reduces area truck trips by more than 500,000 miles a year.

"The Kroger Recovery System is a true sustainable business solution; it reduces our costs and impact on the environment, and it allows us to be good stewards in this community," says Suzanne.

Large-scale facilities like the one in Compton are currently being evaluated, and Suzanne

says the company is also working to partner with local dairy farmers to create a similar impact on a smaller scale.

For these programs and others, The Kroger Co. Family of Stores was awarded a spot on the prestigious Dow Jones Sustainability Index in 2013. "Achieving zero waste is an ambitious and achievable goal for us," Suzanne says. "We're continually working to find new sustainable solutions that we can implement companywide."

