

**Planning & Organization Committee and
Recycling Board Members**

Daniel O'Donnell, **President**
Environmental Organization

Tim Rood, **1st Vice President**
City of Piedmont

Toni Stein, **2nd Vice President**
Environmental Educator

Adan Alonzo, Recycling Programs

Greg Jones, City of Hayward

Peter Maass, City of Albany

Dianne Martinez, City of Emeryville

Michael Peltz, Solid Waste Industry Representative

Jerry Pentin, City of Pleasanton

Steve Sherman, Source Reduction Specialist

Bernie Larrabe, Recycling Materials Processing Industry

**AGENDA
MEETING OF
PLANNING AND ORGANIZATION COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

Thursday, October 8, 2015

4:00 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 to 510-891-6500.

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. ANNOUNCEMENTS BY THE PRESIDENT**
 - ♦ Video: Capitol Lawn Conversion
- Page **IV. CONSENT CALENDAR (P&O & RB)**
 - 1 **1. Approval of the Draft Joint Minutes of September 23, 2015 (Wendy Sommer)** Action
 - 7 **2. Board Attendance Record (Wendy Sommer)** Information
 - 9 **3. Written Report of Ex Parte Communications** Information
 - 11 **4. Grants Under \$50,000 (RB only) (Gary Wolff & Wendy Sommer)** Information
- V. OPEN PUBLIC DISCUSSION**

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.
- 13 **VI. REGULAR CALENDAR (P&O & RB)**
 - 1 **1. Recycled Product Procurement Programs Update (Wendy Sommer, Rachel Balsley & Debra Kaufman)** Information

It is recommended that the Board receive this update and hear the report from staff on Agency activities in this area and from the County GSA on ways in which they incorporate recycled content into their purchasing, as well as ways in which they are providing technical assistance to the member agencies, and their methods of tracking success.
 - 23 **2. Municipal Panel Presentation: Franchise Contract Management (Wendy Sommer & Meghan Starkey)** Information

This item is for information only.
- VII. OTHER PUBLIC INPUT**
- VIII. COMMUNICATIONS/MEMBER COMMENTS** Information
- IX. ADJOURNMENT**

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

Wednesday, September 16, 2015

3:00 P.M.

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

I. CALL TO ORDER

President Jerry Pentin, WMA, called the meeting to order at 3:02 p.m.

II. ROLL CALL

WMA or EC or RB, as noted

County of Alameda	Keith Carson, WMA, EC (left 4:00 p.m.)
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC, RB
City of Fremont	Suzanne Lee Chan, WMA, EC
City of Hayward	Greg Jones, WMA, EC, RB
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Rebecca Kaplan, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC, RB
City of Pleasanton	Jerry Pentin, WMA, RB
City of San Leandro	Pauline Cutter, WMA, EC

Absent:

City of Livermore	Laureen Turner, WMA
City of Union City	Lorrin Ellis, WMA, EC, RB

Recycling Board only:

Environmental Educator	Toni Stein (arrived 3:40 p.m.)
Environmental Organization	Daniel O'Donnell
Recycling Programs	Adan Alonzo
Solid Waste Industry Representative	Michael Peltz
Source Reduction Specialist	Steve Sherman
Recycling Materials Processing Industry	Vacant

Staff Participating:

Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director
Brian Mathews, Senior Program Manager
Heather Larson, Program Manager
Richard Taylor, Counsel, Authority Board

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Arliss Dunn, Clerk of the Board

III. ANNOUNCEMENTS BY THE PRESIDENTS

There were none.

IV. CONSENT CALENDAR (WMA, EC & RB)

- | | |
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| 1. Approval of the Draft Minutes of July 22, 2015 (WMA & EC-Separate Votes) (Gary Wolff) | Action |
| 2. Approval of the Draft Minutes of August 13, 2015 (RB only) (Wendy Sommer) | Action |
| 3. Recycling Board Attendance Record (RB only) (Wendy Sommer)
This item is for information only. | Information |
| 4. Written Report of Ex Parte Communications (RB only) (Wendy Sommer)
This item is for information only. | Information |
| 5. Minutes of the July 21, 2015 Technical Advisory Group (TAG) (EC only) (Gary Wolff, Wendy Sommer & Karen Kho)
This item is for information only. | Information |
| 6. Minutes of the August 18, 2015 Technical Advisory Group (TAG) (EC only) (Gary Wolff, Wendy Sommer & Karen Kho)
This item is for information only. | Information |
| 7. Grants Under \$50,000 (WMA only) (Gary Wolff) | Information |

Board member Biddle made the motion to approve the Consent Calendar for the WMA Board with the following correction. Board member Jones seconded and the motion carried 18-0 (Ellis and Turner absent).

(Correction: Board member Martinez indicated that on page 3, paragraph 2, the last sentence should state .1 FTE, and the sentence should conclude with a period.)

Board member Cutter made the motion to approve the Consent Calendar for the Energy Council. Board member Biddle seconded and the motion carried 17-0 (Ellis, absent).

Board member Rood made the motion to approve the Consent Calendar for the Recycling Board. Board member Maass seconded and the motion carried 9-0 (Stein absent).

V. OPEN PUBLIC DISCUSSION (WMA, EC & RB)

There was none.

VI. REGULAR CALENDAR (WMA, EC & RB)

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| 1. Sale of a Conservation Easement to Golden Hills LLC (Wind Farm Developer) (WMA only) (Gary Wolff & Brian Mathews) | Action |
|---|---------------|

Gary Wolff provided an overview of the staff report. The staff report is available here: <http://stopwaste.org/Conservation/Easement.pdf>

Board member Cutter made the motion to approve the staff recommendation. Board member Chan seconded and the motion carried 18-0 (Ellis and Turner absent).

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|--|---------------|
| 2. 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, October 8 th at 4:00 pm – StopWaste Offices, 1537 Webster Street, Oakland, CA) | Action |
|--|---------------|

President Pentin and Board member Jones requested an interim appointment for the October 8th meeting. Board member Biddle stated that he would attend as the interim appointment for President Pentin. Board member Young stated that she would attend as the interim appointment for Board member Jones. Board

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member Martinez made the motion to approve the interim appointments. Board member Wengraf seconded and the motion carried 18-0 (Ellis and Turner absent).

3. Enforcement Update (WMA & RB only) (Gary Wolff & Brian Mathews) Information
This item is for information only.

Brian Mathews provided a summary of the staff report and presented a PowerPoint presentation. The combined staff report and presentation is available here:

<http://stopwaste.org/Enforcement/Presentation.pdf>

Mr. Wolff publicly commended staff members of the enforcement team for their efforts on the enforcement project. Staff members recognized include Brian Mathews, Adrienne Ramirez, Elese Lebsack, Dean Stavert, Greg Morgado, and the inspectors that work for Stealth. Mr. Wolff added the team has created an enforcement capacity that did not exist five years ago and is doing a tremendous job.

President Pentin inquired how the out-of-county haulers are identified absent AB901. Mr. Mathews replied that for the most part landfills have been very cooperative in providing information. The largest numbers of active landfills in the near Bay Area are owned by Republic and they are covered by our cooperative agreement which requires them to provide us with the names of the haulers. In the case of Waste Management landfills (primarily Redwood, Kirby Canyon, and Guadalupe), they don't need to provide hauler information to us because Waste Management collects the fee for us. We have experienced difficulty in getting information from landfills in Solano County. The company most resistant to AB901 has been Waste Connections, the owner of the Protrero Hills landfill.

Board member Maass inquired if there have been issues with landfills out of State. Mr. Wolff stated that the ordinance exempts waste going out of State from fees to avoid any possible legal challenge involving interstate commerce clause. However, no waste from our County goes out of state.

Board member Kaplan inquired about the earliest start date for mandatory collection of organics. Mr. Mathews stated that the cities of Livermore, Albany, Berkeley, Emeryville, Alameda, and unincorporated Alameda County started July 1, 2014, and enforcement began January 1, 2015. Board member Kaplan inquired if small businesses have been phased in. Mr. Mathews stated that the small businesses are phased in according to the schedule indicated in the presentation. Board member Kaplan added the restaurants in Oakland are having difficulty with the new composting rates and staff is working hard to address the challenges. She also inquired about education and outreach for recycling and the balance between enforcement and education. Mr. Mathews replied the Mandatory Ordinance only covers the covered materials listed in the ordinance such as newspaper, white paper, cardboard, HDPE, PET, food and beverage containers, glass and metal food containers. A Styrofoam container with a metal top is not covered under the ordinance and therefore enforcement action would not occur in this instance. Each jurisdiction has their own list of accepted materials in their recycling program and those lists are on our website with links to each City as well as our hotline for the public to call in for assistance and information. Mr. Wolff added the website address is RecycleRulesAC.org. Board member Kaplan added that she would like to see illegal dumping included in agency enforcement efforts.

Board member Alonzo inquired if enforcement efforts target the illegal haulers that are stealing tons from residents and therefore away from Republic as they are the processing facility for residents in the Tri Cities area (Fremont, Newark, and Union City). Board member Alonzo stated that there is a facility in Fremont operating illegally that was shut down by the LEA over a year ago and inquired if enforcement action is viable in this instance. Mr. Mathews replied that the facility would need to be identified in the siting element of the COIWMP which we would then review. The agency has no jurisdiction with respect to scavenging. However there has been State legislation to discourage the scavenging by limiting the number of pounds (50) an individual can redeem in a day. Board member Biddle stated that revenue loss from the export of waste out of county to avoid fees is significant, and asked Mr. Wolff to share again with the Board estimates he had provided previously. Mr. Wolff stated that based on the 2013 and 2014 calendar year

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data from the State Disposal Reporting System, missed revenue attributable to tons leaving the County and which avoided the \$4.34 facility fee which they are subject to is \$300,000 to \$600,000 per year.

Board member Sherman stated many of the jurisdictions or cities that have franchised commercial recycling or franchised commercial organics prior to mandatory had an incentivized rate structure that kept recycling rates lower than garbage rates. Most of the cities have kept this structure and for those that have not is the agency considering putting additional resources in communities that have a perverse or disincentive rate structure or would the agency be adverse to putting in financial incentives as a fourth leg in the three legged enforcement chair (described in the presentation). Mr. Mathews stated for our enforcement program to be legitimate we must have a fair and equitable distribution of our resources and won't target a particular community one over the other based upon an unrelated decision that was made by that jurisdiction (e.g., the rate structure). This is evident in how we distribute our inspections in East, North and South counties. Additionally, the need for financial incentives is less where mandatory recycling is the law.

Board member Chan inquired about the timeframe for the three step process. Mr. Mathews replied that the inspection process began two and a half years ago and the initial inspection objective was two times per year. If a business was in compliance during both inspections they would shift to a once a year inspection cycle. If they were out of compliance we would inspect the business more frequently, every 4 months instead of every 6 months. If there was a second violation it would increase to every ninety days. After receiving a citation it could be as early as 30 days but due to the 30 day appeal period it could be within 60 days. The goal is to work with them to bring them into compliance. Board Chan inquired if there have been any citations issued of the 63 pending citations. Mr. Mathews stated no, but we have just received 2 citations that were approved by a Primary Enforcement Representative and Mr. Mathews concurred with the findings and will be issuing the citation. Mr. Mathews confirmed that the Primary Enforcement Representative from the City of Fremont is currently reviewing 33 citations for approval or disapproval and they will then be submitted to Mr. Mathews who will issue them.

Board member Rood inquired as to who is typically acting as the Primary Enforcement Representative. Mr. Mathews stated that the ordinance has a set of criteria that must be met and the jurisdiction's Chief Executive typically designates someone within their organization who has the specific training around code enforcement or law enforcement.

Board member Hannon inquired if the information provided to multi-family property managers designated for tenants is available in multiple languages. Rachel Balsley stated that the mandatory recycling rules are available in both Spanish and Chinese and a lot of signage is picture based which transcends language. Board member Hannon inquired if those property managers that have the opportunity to opt out and have the processor evaluate their materials are required to pay a fee for this service. Mr. Mathews stated no, not necessarily. Mr. Wolff added it depends on the rate structure which the agency does not set. Mr. Mathews clarified that Waste Management has not been certified as a High Diversion Mixed Waste Processing Facility for multi-family waste, only for commercial waste. Board member Hannon inquired if the agency charges the property a fee if a second inspection is required. Mr. Mathews stated no. Board member Hannon encouraged the agency to impose a fee if a second inspection is required as it requires additional resources to do that. Mr. Mathews replied that the ordinance as currently written does not allow us to do that. It would need to be amended. Board member Hannon inquired if the Board has the authority to amend the ordinance. Mr. Mathews stated yes, and added the fine from the violation could be used to cover inspection costs. We have not collected fines yet, but could use future revenue in that way. The fines vary according to the violation. There is a \$100 fine if it's a transient violation, non-transient violations are \$5 per day and we assume a 30 day violation period. Board member Hannon encouraged staff to consider a re-inspection fee in addition to the fine. Board member Hannon inquired about the amount of the fine for haulers transporting waste out-of-county. Mr. Mathews stated that we charge the \$4.34 per ton fee as well as \$100 per day violation.

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Board member Stein expressed her apologies for arriving late as she had a physical therapy appointment. She asked to be counted as present and expressed her vote for approval of the Recycling Board minutes. President Pentin thanked Mr. Mathews for the presentation.

VII. COMMUNICATION/MEMBER COMMENTS (WMA, EC & RB) Information
Board member Alonzo announced that Fremont Recycling is not being sold to Republic Services.

VIII. ADJOURNMENT (RB only)
The Recycling Board portion of the meeting adjourned at 4:00 p.m.

IX. REGULAR CALENDAR
The Board adjourned to Closed Session at 4:00 p.m. and returned to Open Session at 4:35 p.m.

1. CLOSED SESSION (WMA only)
PUBLIC EMPLOYMENT
Pursuant to Government Code Section 54957(B)
PUBLIC EMPLOYEE APPOINTMENT
Executive Director

There was nothing to report from the closed session.

2. CLOSED SESSION: (WMA only)
(Pursuant to Government Code Section 54957.6)
CONFERENCE WITH LABOR NEGOTIATOR
Agency Designated Representative: Board Member Jerry Pentin
Unrepresented Employee: Executive Director
(confidential materials mailed separately)

There was nothing to report from the closed session.

3. OPEN SESSION: (WMA only)
A draft contract with Wendy Sommer was distributed. There were no public comments. Board member Cutter made the motion to approve the contract with Wendy Sommer to become Executive Director beginning January 1, 2016 after Gary Wolff retires at the end of December, 2015. Board member Jones seconded and the motion carried 16-0 (Carson, Ellis, and Turner absent).

4. PG&E Local Government Partnership: Contract Amendment (EC only) Action
(Wendy Sommer & Heather Larson)
Adopt the Resolution attached.

Heather Larson provided an overview of the staff report. The report is available here:
<http://stopwaste.org/PGE/Contract/Amendment.pdf>

Board member Rood indicated that it is unclear if the \$202,000 is new cost to the agency or pass-through from PG&E or a combination of both. Ms. Larson replied that it is all funding coming through PG&E. There is \$24,000 for agency staff for coordination, 10% admin overhead, and the remainder is pass-through for the East Bay Energy Watch (EBEW) Independent Partnership Manager position, benefits and expenses. Board member Rood made the motion to approve the staff recommendation. Board member Cutter seconded and the motion carried 15-0 (Carson and Ellis absent).

VIII. ADJOURNMENT (WMA & EC)
The WMA & EC portion of the meeting adjourned at 4:40 p.m.

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2015 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
A. Alonzo	X	X	X	X	X	X	X	X	X			
L. Ellis	X	X	A	X	X	A	A					
G. Jones	X	X	X	X	X	X	X	X	X			
P. Maass	X	X	X	X	X	X	A	X	X			
D. Martinez								X	X			
D. O'Donnell	X	X	X	X	X	X	X	X	X			
M. Peltz	X	X	X	A	X	X	X	X	X			
J. Pentin	X	X	I	X	X	X	X	I	X			
T. Rood	X	X	X	X	X	X	X	X	X			
S. Sherman	X	X	X	X	A	X	X	X	X			
T. Stein	X	A	X	X	X	X	X	X	X			
M. Tao	X	A	X	X	X	A	X					
INTERIM APPOINTEES												
D. Biddle			X					X				

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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DATE: October 2, 2015
TO: Recycling Board
FROM: Wendy Sommer, Deputy 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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Date: October 1, 2015

TO: Authority & Recycling Boards

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director

SUBJECT: Informational Report on Grants Issued Under ED Signature Authority

The purchasing and grant policies were amended to simplify paperwork 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 informs Board members of the small grants issued at the next regularly scheduled Board meeting.

Grants – September - October 2015

Project Name	Grant Recipient	Project Type/Description	Location	Verification	Grant Amount	Board
Local Recycled Compost/Mulch	First Baptist Church	This grant supports the sheet mulch conversion of 4,368 sf of lawn to a drought-tolerant garden. StopWaste staff will give talk on sheet mulching to church members. On 10/24/15, church will hold a lawn-to-garden party for church members and community, including local Boy Scout troop. BFQP's provide design and technical assistance.	Alameda	In progress	\$5,000	RB
Local Recycled Compost/Mulch	Mission Hills Christian Fellowship	This grant supports the sheet mulch conversion of 4,028 sf of lawn to a drought-tolerant garden. StopWaste staff gave talk on sheet mulching to church members. On 9/26/15, church held a lawn-to-garden party for church members and	Hayward	Complete	\$5,000	RB

		community. BFQP's provide design and technical assistance.				
Local Recycled Compost/Mulch	Community of Harbor Bay Isle Owners' Association (CHBIOA)	This grant supports the sheet mulch conversion of 3,100 sf of lawn to a drought-tolerant garden at an HOA with 4,900 homes. StopWaste staff will give talk on sheet mulching to HOA members. On 11/7/15, HOA will hold a lawn-to-garden party for community.	Alameda	In progress	\$5,000	RB



DATE: October 1, 2015

TO: Planning & Organization Committee/Recycling Board

FROM: Wendy Sommer, Deputy Executive Director

BY: Rachel Balsley, Senior Program Manager
Debra Kaufman, Senior Program Manager

SUBJECT: Recycled Product Procurement Programs Update

BACKGROUND

This report lays out the history and provides an update of our work in the area of recycled content and environmentally preferable purchasing, in partnership with the County GSA’s office (responsible for County purchasing) and our member agencies, as well as a discussion of tracking recycled content purchasing. At the October 8th, Recycling Board meeting, StopWaste and County staff will provide a presentation on the implementation of recycled content and environmentally preferable purchasing (EPP) programs. Three cities who will be present for a municipal panel presentation will also provide brief remarks on their respective experience in implementing EPP programs.

Measure D Requirements

The Alameda County Charter specifies that 5% of Measure D revenues be made available to the County of Alameda for implementation of a delineated Recycled Product Purchase Preference Program (RPPP program). Of this 5%, County GSA receives 85% for programmatic expenses to implement their EPP program and StopWaste receives 15% of these funds for programmatic administration costs and for consulting services to support jurisdictions in the implementation of their EPP programs.

An MOU signed by the Recycling Board and the County’s GSA in 1994 and updated in 2012 set up the responsibilities of the GSA and our Agency with respect to implementing this part of Measure D. Since recycled content products are frequently priced competitively with non-recycled products, the need for funds to purchase recycled content products has declined considerably since the passage of Measure D. The staff time to implement environmentally preferred purchasing, however, has grown given the increasing complexities of considering multiple environmental criteria. To reflect changing conditions related to buying recycled content and environmentally preferable purchasing, and to take advantage of the expertise

that County GSA has developed in this area, the revised 2012 MOU requires the County to dedicate 10% of the total Measure D RPPP funding received toward helping the member agencies implement EPP efforts. These efforts will be described in more detail in the County Programmatic Approach section of this memo.

HISTORY

The remainder of this memo provides an update on efforts in the area of environmentally preferable purchasing by StopWaste, the member agencies, the County and the state.

StopWaste EPP Programmatic Approach, Member Agency Support, Tracking

Over the years, the Agency has developed a variety of resources for our member agencies including several EPP fact sheets, a model EPP policy and implementation guidelines, a green maintenance guide and extensive EPP resources. These are all available on our website at www.StopWaste.org/EPP. Over time, the Agency's approach to this issue shifted from a focus on recycled content products to a focus on products with multiple environmental benefits, including recycled content. This "multiple benefits" approach is used in many Agency projects and helps our member agencies to address their multiple environmental goals. Additionally, the Agency has provided consulting assistance for the last 15 years to the member agencies on adopting and implementing an EPP policy and with developing technical specifications for buying recycled content or environmentally preferable products.

Our Agency does not purchase many of the product categories being tracked through the State Agency Buy Recycled Campaign (SABRC), but follows the adopted EPP policy and buys recycled content products whenever possible including paper, janitorial paper, office supplies, trash and recycling bins, compost and mulch for our small garden, and furniture and building maintenance supplies, such as carpet tiles. Our Agency received a U.S. Green Building Council LEED for Existing Buildings Platinum designation (version 4), the first in the world, which requires a commitment to environmentally preferable purchasing, including buying recycled content products whenever possible. For LEED EB certification, we tracked our purchases for 4 months to ensure we were buying recycled content products consistently.

Our Agency specifies recycled content where available, but does not regularly track the amount of purchases or dollars spent on recycled content purchases. In many cases this is not necessary, since, for example, all of our copy paper contains 100% post consumer recycled content. Despite the fact that the Agency uses recycled paper for its print jobs, stating that on our materials has become inconsistent. To address this, the Agency has adopted a policy to require that the statement "Printed on a Minimum of 30% Post-Consumer Recycled Content Paper" be used on all printed materials.

Additionally, Agency staff work on prominent green purchasing standards (namely state and national building construction codes and green building rating systems) in order to promote recycled content as a preferable material choice for buildings. Many of these rating systems and codes are moving towards "multi-attribute" criteria within which recycled content is getting buried or even avoided. Staff is working in these arenas to ensure that recycled content

is maintained as an important criterion within these systems.

County GSA Programmatic Approach, Member Agency Support, Tracking

The County has over 10 years of dedicated staff experience in implementing EPP programs. This work has evolved from promoting recycled content, to adopting EPP requirements in specific contracts, supporting GSA and agency staff in making operational transitions, working to institutionalize green practices by imbedding environmental criteria into design standards, and developing a comprehensive EPP Policy which was adopted unanimously by the Board of Supervisors. Incorporating a strategic leadership role, the County has taken part in national standards setting and worked to build a strong connection of recycled content products to current pressing environmental issues such as climate change. The County will share key accomplishments and challenges on this front at the October 8th meeting.

Alameda County GSA staff is also working to support the cities in their EPP efforts by sharing on-the-ground learnings that have been gained by developing and implementing programs across County agencies and within GSA operations. This support takes the form of providing technical bid specifications and resources, creating opportunities for piggybacking on County contracts, hosting the green purchasing roundtables on topics of interest, providing one-on-one support to interested cities, and leading efforts to establish industry standards for green products to make buying green easier for everyone.

Performing the in-depth research to create a technical specification for products that both perform and is cost effective takes a significant effort. The County makes available all of the green technical specifications that it develops. The value of this support is that when other jurisdictions have the need to conduct a procurement, they can access this resource and insert the technical specifications directly into their bid documents. The County has created and made available specifications for: office supplies, office paper, janitorial papers, janitorial chemicals, print services, jail food services, leases of multi-function devices, vehicles, and fuel (renewable diesel, recycled motor oil) to name a few. Those resources are publically available at: www.acgov.org/sustain/what/purchasing.

Additionally, the County has provided the legal structure such that jurisdictions can piggyback off of County contracts thereby leveraging the County's competitive procurement process to avoid conducting their own bid process. This allows the jurisdictions to move directly into negotiation with County vendors to establish their own contracts using the County's high-volume competitive pricing.

The County has also hosted a series of green purchasing roundtable events. These roundtables focus on product areas of interest to the jurisdictions and often include a panel of technical experts to present the latest product information. Ten workshops have been held to date including topics such as: piggybacking opportunities, office supplies, computers and multi-function devices, green cleaning (chemicals and janitorial paper products), tire derived products such as rubberized asphalt, playground surfaces, maintenance products, and carpet. These workshops provide an interactive learning environment where jurisdictions can ask questions and receive valuable information.

The County also offers one-on-one technical assistance to cities in order to share some of the key learnings on implementing EPP products. Facilitating the operational transition to green products within an organization can be a significant challenge. The County is able to share its experience with the jurisdictions as they travel the same road.

Robust third party standards for green products are one of the most effective mechanisms for environmental purchasing. This is why a focus on providing regional leadership in multi-stakeholders efforts has been a priority. Most jurisdictions do not have the time or resources to perform the technical research or to verify claims of product manufacturers. Third party certified products can offer an easy pathway to implementing EPP, which is why the County is playing a leadership role in these forums. Efforts the County has participated in include: EPEAT (or the Electronic Product Environmental Assessment Tool) and carpet standards, and the EPA-convened West Coast Climate and Materials Management Forum, and the Sustainable Purchasing Leadership Council.

The county uses a variety of strategies for measuring and tracking results, with varying success. For many contracts, the County simply establishes the product minimum standards to include a specific threshold of recycled content, such as for office paper and janitorial papers. For other contracts, they rely on vendor tracking reports to help establish success and identify opportunities. Vendor reporting, however, has a set of challenges including lack of standardization of data, inconsistent field codes and lack of vendor responsiveness. Additionally, there are many product categories where they do not have contracts in place, so data is not readily available. The existing accounting systems do not provide the detail needed to extract the relevant information on recycled content purchasing, so that is not an option.

Jurisdictional efforts on Recycled Content Purchasing and Tracking

Thirteen of our 17 member agencies have adopted environmentally preferable purchasing policies or guidelines which prioritize purchasing recycled content products where available. Attachment 1 shows which jurisdictions have an adopted EPP policy. Our member agencies have made considerable progress in the area of recycled content purchasing since adopting their policies and many buy recycled paper, recycled janitorial paper, recycled content lubricating oils, compost and mulch, and recycled content plastic products. Those cities without policies also buy a range of products with recycled content. Although many of our agencies buy recycled content products and can identify which product categories have recycled content, decentralized purchasing has made it difficult to track the specific amount purchased and dollars spent on these products or any products. Attachment 2 provides a list showing which products, commonly available with recycled content, our member agencies are purchasing. It is also the same list of products that state agencies are required to purchase and report on through the State Agency Buy Recycled Campaign (SABRC) requirements.

State efforts on Recycled Content Purchasing and Tracking

State law, via the State Agency Buy Recycled Campaign (SABRC) requires state agencies to buy specified product categories (11) with recycled content and to report annually on the amount

they purchased with and without recycled content and dollars spent. The last available report appears to be from 2013-14.

Promoting state procurement of post consumer recycled content products is one of the state's 5 priority strategies included in CalRecycle's recently released plan to achieve a 75% statewide diversion goal. The new report recognizes the importance of increasing recycled content purchasing to help improve markets for recyclables collected and also to contribute to the state's greenhouse gas reduction goals.

Despite years of effort on tracking recycled content purchases, the state is still unsure how much is purchased, by whom, and in what volumes. They stated that the challenges to optimizing recycled content purchases and tracking success in this area are not insurmountable, but they are real and numerous. Many of the same challenges experienced at the state level, also exist at the local level including a majority of cities with decentralized purchasing. Various departments have budgets for purchasing items, but many cities have no central system that tracks quantities purchased for specific types of products.

Improving Recycled Content Purchasing and Addressing Tracking

Despite the challenges associated with tracking recycled content purchasing, it is critical to continue to make substantive progress in the area of recycled content purchasing. This will allow us to take advantage of the multiple environmental benefits associated with buying recycled, including supporting markets for materials collected, green jobs, and reduced greenhouse gases. Increasing the purchase of several recycled content material types countywide, including sustainable building materials and compost, are key parts of the Agency's strategic plan, as part of our Product Decisions "targets" work. Other related work that the Agency has engaged in this year, includes a contract with the Healthy Buildings Network to conduct research on the benefits and potential health concerns related to specific recycled content building materials. The soon to be published report includes ways to increase recycled content purchasing while also considering standards, processes and criteria to help ensure that those products are healthy for those handling, living or working with them.

Due to the many challenges of tracking the purchase of recycled content products, the County and the cities have taken a more qualitative approach by looking for opportunities to green contracts as they come up for renewal and adding environmental criteria at that time. The state has systematically been updating their contracts in the same way. Board member Stein requested that information on green products currently available through state and County contracts, be made more readily available to our member agencies. To do this, StopWaste staff will provide links to these contracts available at a future member agency TAC meeting. These resources will also be provided to public agency staff at future green purchasing roundtable events, and links provided on our website. GSA staff will continue to provide technical assistance and periodic roundtables to the member agencies on environmentally preferable purchasing including ideas for contract language as needed, and as developed. GSA will continue to update and share the new greened bids and contracts that they develop with the member agencies.

RECOMMENDATION

It is recommended that the Board receive this update and hear the report from staff on Agency activities in this area and from the County GSA on ways in which they incorporate recycled content into their purchasing, as well as ways in which they are providing technical assistance to the member agencies, and their methods of tracking success.

Attachment 1

EPP Policy Adoptions Status - As of July 2015

Adopting Jurisdictions and Agencies:

All jurisdictions and agencies' policies are based in whole, or in part, on StopWaste's Model EPP Policy and Implementation Guidance.

Jurisdiction/Institution	Policy Adopted	Date Adopted	Date Effective
San Leandro	EPP Policy	October 4, 2004	October 4, 2004
Berkeley	EPP Policy	October 19, 2004	October 19, 2004
Castro Valley Sanitary District	EPP Policy	November 1, 2004	November 1, 2004
Dublin	Operational Guidelines for Green Practices (<i>based on Model EPP Policy</i>)	June 21, 2005	July 19, 2005
Fremont	Administrative Regulation (<i>waste reduction, recycled content, toxics and pollution reduction</i>)	2006	2006
Oakland	EPP Policy	July 17, 2007	July 17, 2007
Albany	EPP Policy	July 2, 2007	August 1, 2007
Union City	EPP Policy	July 8, 2008	July 8, 2008
Hayward	Administrative Rule (<i>Environmentally Preferred Purchasing Policy</i>)	March 18, 2010	March 18, 2010
Newark	EPP Chapter, Finance Operating Manual (<i>Environmentally Preferable Purchasing Policy Handbook</i>)	July 1, 2010	July 1, 2010
Alameda County	EPP Policy	April 12, 2011	April 12, 2011
Pleasanton	EPP Policy (<i>Green Purchasing Policy</i>)	September 26, 2011	September 19, 2011
Piedmont	EPP Policy	November 7, 2011	November 7, 2011
East Bay Regional Park District	EPP Policy	March 4, 2008	April 1, 2008
StopWaste	EPP Policy	July 23, 2003	Sept 1, 2003

Status of Jurisdictions and Agencies without Adopted Policy:

Jurisdiction/Institution	Policy Consideration Status	Next Steps
Alameda	City of Alameda staff has requested assistance updating their existing Administrative Instruction.	Submitted customized draft EPP Policy. Develop work plan/schedule for Policy consideration and adoption.
Emeryville	Draft EPP Policy prepared and submitted in July 2012, but not adopted formally.	Continue to keep in contact with City of Emeryville staff to check in on status and next steps.
Livermore	Draft EPP Policy prepared; adoption assistance provided. No interest expressed as of FY11-12 RPPP Report (last report submitted).	No further action unless requested.
Oro Loma Sanitary District	No interest expressed as of FY14-15 RPPP Report (last report submitted).	No further action unless requested.

Attachment 2

Post-Consumer Recycled Content Products Purchased By Member Agencies as Reported in Most Recently Submitted Recycled Product Purchase Preference (RPPP) Report

Compiled 7-24-15

<i>Jurisdiction</i>	<i>Copy Paper</i>	<i>Paper Office Products</i>	<i>Janitorial Paper</i>	<i>Lubricating Oils</i>	<i>Antifreeze</i>	<i>Compost/ Mulch</i>	<i>Paint</i>	<i>Tire-Derived Products</i>	<i>Glass Products</i>	<i>Plastic Products</i>	<i>Date of Referenced RPPP Report</i>	<i>Adopted EPP Policy</i>
<i>Alameda</i>	Yes		No	Yes	Yes	Yes	No	Yes	No	Yes	FY 11-12	No
<i>Albany</i>	Yes	No	Yes	Yes	No	No	No	No	No	No	FY 13-14	Yes
<i>Berkeley</i>	Yes		Yes	No	No	Yes	No		No	Yes	FY 13-14	Yes
<i>Castro Valley SD</i>	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	FY 14-15	Yes
<i>Dublin</i>	Yes		Yes	No	No	Yes	No	Yes	No	Yes	FY 11-12	Yes
<i>Emeryville</i>	Yes		Yes	No	No	Yes	No	No	No	No	FY 10-11	No
<i>Fremont</i>	Yes	Yes	Yes							Yes	FY 13-14	Yes
<i>Hayward</i>	Yes		No	Yes	No	Yes	No	No	No	Yes	FY 14-15	Yes
<i>Livermore</i>	Yes		Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	FY 11-12	No
<i>Newark</i>												Yes
<i>Oakland</i>	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	FY 14-15	Yes
<i>Oro Loma SD</i>	Yes		Yes	No	No	No	No	Yes	No	Yes	FY 14-15	No
<i>Piedmont</i>	Yes	Yes	Yes	No	No	Yes	No	No	No	Yes	FY 11-12	Yes
<i>Pleasanton</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	FY 12-13	Yes
<i>San Leandro</i>	Yes		Yes	Yes	No	Yes	Yes	No	Yes	Yes	FY 10-11	Yes
<i>Union City</i>												Yes
<i>Alameda County</i>	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	n/a	Yes
<i>StopWaste</i>	Yes	Yes	Yes	n/a	n/a	Yes	Yes	n/a	Yes	Yes	n/a	Yes

Notes:

- Blanks mean there was no answer.
- RPPP Reports ask for current purchases made since the previous FY. For example, the FY 14-15 Report asks for purchases made since July 2013.
- Product Categories track with State Agency Buy Recycled Campaign (SABRC) categories with the exception of Metal Products. StopWaste does not allow RPPP funds to be used for purchasing metal products because they are historically produced with recycled content.
- Limited RPPP funds were given to Fremont, Newark or Union City so data is limited.

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DATE: October 1, 2015
TO: Alameda County Source Reduction and Recycling Board
FROM: Wendy Sommer, Deputy Executive Director
BY: Meghan Starkey, Senior Program Manager
SUBJECT: Municipal Panel Presentation: Franchise Contract Management

BACKGROUND

Measure D mandates that 50% of all Recycling Fund revenues be apportioned to eligible municipalities on a population basis. In 1996, the Board began requesting that representatives from each Measure D-funded jurisdiction update the Board annually on their recycling and waste diversion programs.

Every quarter, StopWaste staff assembles a panel of representatives from the member agencies to speak on a topic previously selected by the Recycling Board. The topic for the October Municipal Panel is “Franchise Contract Management.” Representatives from the cities of Fremont and Livermore, and from the Castro Valley Sanitary District, will participate in this panel.

DISCUSSION

Given that the topic of franchise contract management spans a large number of diverse and complex issues, we have decided to focus this municipal panel narrowly on the related topics of rate structures and revenue (both to the hauler/service provider and to the Member Agency issuing the franchise). The speakers from the member agencies will respond to two questions as part of the panel:

1. Rates Structures. What are the embedded incentives and/or disincentives to recycling and organics in your rates? What are the guiding principles or policies that shape your rates? How have you managed rate changes over time?
2. Franchise Fees and Revenue. What are the franchise fees and how are they used? How does the contract stipulate provider compensation? What have been the revenue trends that affect your agency and your service provider?

By way of background, Appendix A lists the services providers by member agency, with contract expiration dates.

Rate Structures

An important policy consideration in setting rates is the extent to which an economic incentive exists for the customer. These incentives appear in three main ways. One way is that the relative cost per volume of service is higher (or constant) for those customers with a larger volume of trash. For example, the City of Berkeley offers the strongest incentive countywide for generating less waste in the single family residential sector. The City charges \$15/month for a 13 gallon container and \$114/month for a 96 gallon container. Therefore, if a household generates a very small amount of garbage each week, they can save nearly \$100/month. This type of incentive is most common in single family residential. The second way a Member Agency can create an economic incentive is to include recycling and organics service at no additional (or nominal) charge. This second incentive is universal in the residential sector among Member Agencies for at least base-level services, and it also appears in some commercial rates. The third way that an economic incentive operates is that the equivalent cost of services for recycling and/or organics service is discounted relative to the garbage service. This is common in the commercial sector. Therefore, if a business decreases their garbage waste and transfers that same volume of material into recycling and/or organics, they will see a net decrease in their bill for all three services. (It is important to note that volume of service for all three streams is likely to be higher than service for just garbage, in order to provide enough ongoing service when amounts of garbage, recycling and organics vary week to week.) Commercial rates also have some volume incentives similar to residential, but these are generally less steep compared to similar residential incentives.

Countervailing policy considerations in setting rates involve cost of service and cost recovery. The cost of collecting a 20 gallon “mini-can” of garbage may be nearly as much as the cost of collecting a 32 or even 64 gallon garbage cart. Much of the cost involves driving the truck to the home and tipping the cart; less of the total cost involves the disposal of the larger increment of trash and the incremental cost of supplying a larger cart. Similarly, collecting and processing recycling and organics are not “free.” Costs for these services may range from somewhat cheaper to more expensive than the cost of collecting and disposing of garbage. For bundled residential services, where all costs are recovered through rates on the garbage can and recycling and organics collections appear to be “free” to the resident, some may subscribe to the smallest possible mini-can for garbage and simply toss their overflow refuse into one or another of the larger, “free” recycling or organics carts. Contamination in the recycling and organics streams is a result, as is a deficit in revenues, necessitating another round of rate increases. There is a direct cost of providing three carts to each home and sending a truck around to service each one every week, regardless of the size of the respective bins. Developing rate structures that account for these baseline “core” costs and still encourage resource conservation is one of the primary challenges facing local governments today.

Table 1 shows the rates and incentives in the single family residential sector. The highest rate difference between the largest and smallest level of service reflects the strength of the incentive within this member agency, irrespective of the comparative costs by city for each service level. One twist on this incentive is the size of the smallest container available—not all member agencies offer “mini-cans” of 20 gallons, and only three offer weekly service less than 20 gallons.

Table 1: Residential Incentives

Member Agency	10-13 Gallon	20 Gallon	32-25 Gallon	60-64 Gallon	90-96 Gallon	Cost Difference (Highest-Lowest)
Alameda		\$ 30.65	\$ 38.65	\$ 63.56	\$ 88.77	\$ 58.12
Albany	\$ 18.37	\$ 36.72	\$ 41.13	\$ 71.08	\$ 101.02	\$ 82.65
Berkeley	\$ 15.49	\$ 23.79	\$ 38.05	\$ 76.05	\$ 114.03	\$ 98.54
Dublin			\$ 21.10	\$ 38.75	\$ 56.40	\$ 56.40
Emeryville	\$ 7.21	\$ 10.93	\$ 18.10	\$ 36.19	\$ 54.29	\$ 47.08
Fremont		\$ 29.89	\$ 30.51	\$ 33.39	\$ 48.93	\$ 19.04
Hayward		\$ 20.40	\$ 29.81	\$ 53.16	\$ 76.48	\$ 56.08
Livermore		\$ 23.61	\$ 32.96	\$ 57.54	\$ 90.41	\$ 66.80
Newark		\$ 26.01	\$ 28.91	\$ 51.20	\$ 73.47	\$ 47.46
Oakland	\$ 32.10	\$ 32.10	\$ 36.82	\$ 67.19	\$ 102.43	\$ 70.33
Piedmont		\$ 51.39	\$ 53.99	\$ 63.42	\$ 74.71	\$ 23.32
Pleasanton			\$ 33.80		\$ 41.43	\$ 7.63
San Leandro		\$ 22.84	\$ 28.46	\$ 46.37	\$ 66.26	\$ 43.42
Union City		\$ 26.08	\$ 32.60	\$ 65.25	\$ 97.85	\$ 71.77
Castro Valley SD		\$ 24.54	\$ 38.07	\$ 66.10	\$ 94.17	\$ 69.63
Oro Loma SD (L1 & L2)		\$ 8.32	\$ 16.60	\$ 33.24	\$ 49.83	\$ 41.51
Oro Loma SD (L3)		\$ 9.60	\$ 19.25	\$ 38.45	\$ 57.70	\$ 48.10
Average Rate	\$ 18.29	\$ 22.29	\$ 27.35	\$ 45.20	\$ 63.91	\$ 44.04

Table 2 illustrates economic incentives in the commercial sector. For the sake of simplicity, this table contains prices at only two service levels (one cubic yard service/one time per week and three cubic yards of service/one time per week) although there are numerous rate categories. Most often, rates are linear, meaning that three yards of services costs three times one yard. The fifth column demonstrates the cost *per cubic yard* of garbage service when comparing one and three yards of garbage with one weekly pickup, the first incentive noted above. Almost half the member agencies have the same cost/yard regardless of volume, and nine offer a slight discount on price/yard for higher volumes. Perhaps more importantly than this incentive, however, almost every member agency offers some type of discount or incentive for recycling and organics service, as shown in columns six and seven.

Table 2: Commercial Incentives

Jurisdiction	1CY/ 1xweek	3CY/ 1xweek	Price/Yard 3CY/Week	Price/yard 3CY v 1CY	Organics Discount	Recycling Discount
Alameda	\$147.36	\$442.08	\$147.36	\$0.00	20% 1-96 gallon no charge	20% 1-96 gallon no charge
Albany	\$163.87	\$491.61	\$163.87	\$0.00	50%	100%
Berkeley	\$128.00	\$384.01	\$128.00	\$0.00	20%	100% (Berkeley Customers)
Dublin	\$102.35	\$307.05	\$102.35	\$0.00	50%	100%
Emeryville	\$107.78	\$323.34	\$107.78	\$0.00	50%	50% 2-64 gallon no charge
Fremont	\$86.95	\$195.45	\$65.15	(\$21.80)	50%	25%
Hayward	\$126.75	\$326.58	\$108.86	(\$17.89)	50%	80%
Livermore	\$116.72	\$350.16	\$116.72	\$0.00	50% 1-96 gallon no charge	50% 1-96 gallon no charge
Newark	\$117.14	\$309.91	\$103.30	(\$13.84)	25% (yard debris only)	50%
Oakland	\$194.10	\$462.27	\$154.09	(\$40.01)	(14-40% Higher**)	Open Market
Piedmont	\$169.43				100%	100%
Pleasanton	\$161.96	\$462.52	\$154.17	(\$7.79)	N/A	1-96 gallon no charge
San Leandro	\$124.78	\$377.23	\$125.74	\$0.96	20% 1-96 gallon no charge	1-96g no charge 20% mixed recycling 40% source separated
Union City	\$135.44	\$354.94	\$118.31	(\$17.13)	40%	50%
Castro Valley SD	\$270.29	\$719.20	\$239.73	(\$30.56)	25%	100% up to 3 yds
Oro Loma SD (L1 & L2)	\$150.41	\$324.04	\$108.01	(\$42.40)	1-96 gallon no charge	60%
Oro Loma SD (L3)	\$174.00	\$374.91	\$124.97	(\$49.03)	1-96 gallon no charge	1-96 gallon no charge
Average:	\$ 145.73	\$387.83	\$129.28	(\$14.97)		

Franchise Fee and Revenue

Since rates are the basis for determining revenue to both the service provider and the member agency, customer incentives directly impact the amount and type of revenue available. Additionally, revenue available from the sale of commodities and tipping fees may also be variable and impact the stability of revenue. Member agencies have taken different approaches to stipulating provider compensation, including such variable approaches as:

- Annual rate changes tied to established indexes, such as the cost of labor, fuel and commodities.
- Periodic cost reviews, with rates adjusted to cover actual costs incurred by the provider and/or compensation for “pass through costs.”
- Set compensation for providers (cost plus profit).

Rates also provide the basis for revenue for member agencies. Approaches for determining revenue to the member agency include:

- Flat percentage of gross rate revenue.
- Additional, dedicated fees for items such as street sweeping, litter abatement, contract administration and vehicle impact fees.
- Fixed amount of compensation due to the member agency.
- Dedicated flat fees per ton.

Combining economic incentives for customers with adequate revenue for service providers and member agencies, within a stable rate adjustment process, can be a difficult and delicate balancing act. This balancing act tends to be thrust into the spotlight when executing a new contract for services or when implementing a new rate structure.

Franchise Task Force

As part of the 2010 Strategic Plan, the Agency convened a Franchise Task Force to explore ways in which local franchises could support the established Agency goal of “Less than 10% of good stuff in the garbage.” Participants from several member agencies met with Agency staff for eighteen months to hash out recommendations that would address the identified issues of sustainable business models; investment in new or expanded facilities; varying services across the county; enforcement of franchises, contracts, codes and ordinances; and reporting standards. The most relevant section of the report is a table listing “Goals of an Ideal Franchise System,” attached as Appendix B to this memo. This table reflects many of the policy nuances embedded within a franchise contract.

RECOMMENDATION

This item is for information only.

Appendix A

Agency	Provider	Expiration Date
Alameda	Alameda County Industries (ACI)	10/1/2022
Albany	Waste Management	10/31/2021
Dublin	Amador Valley Industries (AVI)	6/30/2020
Emeryville	Waste Management	12/31/2020
Fremont	Allied Waste dba Republic Services	6/30/2018
Livermore	Livermore Sanitation Industries	6/30/2020
Newark	Allied Waste dba Republic Services	5/31/2023
Piedmont	Allied Waste dba Richmond Sanitary Service	6/30/2018
Pleasanton	Pleasanton Garbage Service (PGS)	6/30/2019
San Leandro	Alameda County Industries (ACI)	1/31/2025
Castro Valley SD	Waste Management	4/30/2019
Oro Loma SD	Waste Management	8/31/2024

Agency	Garbage Provider(s)	Expiration Date	Recycling Provider(s)	Organics Provider(s)
Berkeley	City of Berkeley: Putrescible Waste	n/a	City of Berkeley	City of Berkeley
	WM, RSS, Biagini: Dry Rubbish Only	8/31/2015	Ecology Center Waste Management & TriCED	City of Berkeley
Hayward	Waste Management	2/28/2022	Republic & TriCED	Waste Management
Union City	Republic Services	6/30/2016	California Waste Solutions	Republic
Oakland	Waste Management	6/30/2025		Waste Management

Appendix B: Goals of an Ideal Franchise System

Goal	Characteristics
Achieves High Diversion with Minimal Contamination and Maximum Quality of Recovered Commodities	<ul style="list-style-type: none"> • Service delivery structure appropriate to maximize capture rates of specific materials (e.g., availability, frequency, and size and type of containers of service) • Clear, measureable performance standards • Effective incentives for generator, customer, provider, public agencies • Effective disincentives for disposing of readily recyclable material and contamination of recycling • Feedback loop to increase capture rates and minimize contamination (e.g., “love notes,” processor feedback, capture rates compared to contamination rates) • Ability to market material reliably under adverse market conditions • Appropriate standards, technology and efficiency in processing and pre-processing
Cost Efficient Services with Stable Rates for Customers	<ul style="list-style-type: none"> • Performance standards in place and enforced • Cost controls in place and adhered to • Competitive rates • Rates and services comparable between jurisdictions • Clearly understood basis for rates and rate changes • Ability to minimize or manage major rate adjustments • Ability to manage annual rate adjustments administratively
Minimizes Risk	<ul style="list-style-type: none"> • Standards, verification, remedies, and defined costs for contracts, including changes or improvements • Minimal litigation risks • Mechanisms for balancing cost/liability • Clear set of rules in place for service changes and extraordinary cost changes • Ability to avoid big and/or sudden revenue shortfalls that would compromise service • Predictability in rate planning and setting • Ability to avoid unanticipated contractor compensation liability • Flexibility to adapt to changing market conditions • Limited liability for materials after disposal or processing • Minimal future/long term environmental risk
Includes Provisions for Ease of Contract Administration and Transparency	<ul style="list-style-type: none"> • Operational performance standards clear and enforceable <ul style="list-style-type: none"> ○ Liquidated damages provisions clear and enforceable ○ Performance standards have other mechanisms for enforcement besides liquidated damages (e.g., provisions for breach of contract, eligibility for extensions)

	<ul style="list-style-type: none"> ○ Effective enforcement mechanisms for routine items as well as large. ● Clear division of responsibilities between contractor, city and regional programs ● Rate review process that does not require complex or difficult to acquire information ● Clearly understood and reported cost, profit and compensation components ● No “leakage” or illegal hauling or dumping ● Defined standards of reporting <ul style="list-style-type: none"> ○ Includes information on services, sectors, frequency, subscription levels, routes, tonnages, customers, processing and costs ○ Comparable to reports from other providers and agencies ○ No discrepancies between reports ○ Ability to provide generator specific information through audits or verification process ○ Ability to provide jurisdiction specific data ○ Ability to link materials through collection, processing, and disposal
Provides Adequate & Stable Financial Resources for Government and Service Providers	<ul style="list-style-type: none"> ● Adequate cost coverage of public services required for contract (e.g., staffing) ● Adequate cost coverage of public services related to contract (e.g., litter abatement, street sweeping, etc.) ● Adequate support for recycling program staff ● Stable revenue stream ● Resources for both long term and short term planning and implementation ● System cost coverage even in zero waste framework ● Resources for long term and short term facility and infrastructure development
Provides Flexibility and Discretion	<ul style="list-style-type: none"> ● Scope of services customizable through a defined process ● Mechanisms to determine cost when exercising flexibility ● Transparency in costs ● Right to direct material through a defined process ● Ability to adjust flow to infrastructure changes and/or operational issues (e.g., quarantines, facility performance)
Promotes Multiple Benefits	<ul style="list-style-type: none"> ● Supportive of the 3E’s: Environment, Equity, Economy ● Minimal related environmental impacts (traffic, air quality, etc.) ● Provisions for highest and best use of materials ● Provisions to support development of green jobs ● Provisions to maximize benefit on climate change related items
Enjoys Public & Customer Support	<ul style="list-style-type: none"> ● Customers know what, when, where and how to place

materials

- User friendly system with clear public education support
- Defined public education strategy, funding, roles and responsibilities.
- City-wide public education efforts coordinated with regional efforts
- High quality customer services (e.g., no missed pick-ups, readily available staff via phone)
- Rates and services comparable to other jurisdictions
- Customers, citizens and rate payers have broad understanding of the integrated waste management system, including relationships between collection, processing, and disposal of different streams (recyclables, refuse and organics)

Baseline Goal

**Protects Public and Meets
Regulatory Requirements**

Effective mechanisms to address:

- Compliance with legal requirements for public health
 - Minimization and mitigation of litter, overflows, storm water discharges, illegal dumping and spillage
 - Code enforcement
 - Proper hazardous materials management
-