

Committee Members

Dave Sadoff, **Chairperson**
Castro Valley Sanitary District
Shelia Young, **Vice Chairperson**
Oro Loma Sanitary District
Keith Carson, County of Alameda
Jesse Arreguin, City of Berkeley
Don Biddle, City of Dublin
Vinnie Bacon, City of Fremont
Sara Lamnin, City of Hayward
Bob Carling, City of Livermore
Mike Hannon, City of Newark
Dan Kalb, City of Oakland
Deborah Cox, City of San Leandro
Lorrin Ellis, City of Union City
Wendy Sommer, Executive Director

AGENDA

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

Thursday, October 12, 2017

9:00 A.M.

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

1. Convene Meeting

2. Public Comments

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Programs & Administration Committee, but not listed on the agenda. Each speaker is limited to three minutes.

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| 1 | 3. Approval of the Draft Minutes of July 13, 2017 meeting (Pat Cabrera) |
| 5 | 4. Rules of Procedure Committee Review (Pat Cabrera)
No staff recommendation. Should the Committee recommend any revisions to the document, staff will forward those changes to the WMA Board for approval. |
| 15 | 5. 2017 Legislative Update (Eric Engelbart)
This item is for information only. |
| 21 | 6. Mattress Product Stewardship Update (Tom Padia)
This item is for information only. |
| | 7. Member Comments |
| | 8. Adjournment |

The Programs & Administration Committee is a Committee that contains more than a quorum of the Board. However, all items considered by the Committee requiring approval of the Board will be forwarded to the Board for consideration at a regularly noticed board meeting.

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

Thursday, July 13, 2017

9:00 A.M.

**NOTE MEETING LOCATION
Oro Loma Sanitary District
2655 Grant Avenue
San Lorenzo, CA 94580
510-276-4700**

Members Present:

Castro Valley Sanitary District
City of Dublin
City of Hayward
City of Livermore
City of Oakland
City of Newark
Oro Loma Sanitary District
City of San Leandro
City of Union City

Dave Sadoff
Don Biddle
Sara Lamnin
Bob Carling
Dan Kalb
Mike Hannon
Shelia Young
Deborah Cox
Lorrin Ellis

Absent:

County of Alameda
City of Berkeley
City of Fremont

Keith Carson
Jesse Arreguin
Vinnie Bacon

Staff Present:

Wendy Sommer, Executive Director
Pat Cabrera, Administrative Services Director
Tom Padia, Deputy Executive Director
Arliss Dunn, Clerk of the Board

Others Present:

Jason Warner, Oro Loma Sanitary District

1. Convene Meeting

Chair Dave Sadoff called the meeting to order at 9:02 a.m.

2. Public Comments

There were none.

3. Approval of the Draft Minutes of June 8, 2017 (Pat Cabrera)

Action

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Board member Carling made the motion to approve the draft minutes of June 8, 2017. Board member Biddle seconded and the motion carried 8-0 (Ayes: Biddle, Carling, Cox, Ellis, Hannon, Lamnin, Sadoff, Young. Nays: None. Abstain: None. Absent: Bacon, Arreguin, Carson, Kalb).

- | | |
|---|---------------|
| 4. Changes to the Agency's Human Resources Manual (Pat Cabrera) | Action |
| That the P&A Committee recommend that the Waste Management Authority Board approve the changes to the Agency's HR manual, specifically the elimination of Attachment A and changes to pages 2-4, 2-5. | |

Pat Cabrera provided an overview of the staff report. The report is available here:

[Changes-HR-Manual-07-13-17.pdf](#)

Ms. Cabrera distributed an additional attachment to the human resources manual. The attachment is section 1.7. - New Employees. The attachment is included in the minutes as a matter of record.

Chair Sadoff inquired if the requirement for an employee to maintain satisfactory performance was included in the previous performance evaluation plan. Ms. Cabrera stated yes, but it will now be tied to a metric that states the employee must not be in a performance improvement plan in order to receive any wage adjustment including cost of living. Chair Sadoff inquired if any employee had ever not received a raise under the previous plan. Ms. Cabrera stated no. Board member Carling inquired about how the raise package is determined. Ms. Cabrera stated that the COLA (cost of living adjustment) and the 5% step increase determine the raise package until the employee reaches the top of the salary range. Mr. Padia added if an employee is already at the top of the range they are only allowed the COLA increase. Board member Hannon stated that it is important to reward excellent performance and inquired if there is a mechanism to award a merit increase. Ms. Cabrera stated yes, Ms. Sommer as Executive Director can award an additional merit increase if it does not exceed the top of the salary range. Ms. Sommer stated that many employees felt that the pay for performance plan was not motivating and most placed a higher value on the mission of the organization as opposed to receiving a minimal increase in pay. Board member Hannon stated the importance in providing written feedback to employees.

Board member Carling inquired about the process for setting priorities for employees. Ms. Cabrera stated that some employees may have duties across several projects depending on the deliverables and the difficulty was providing weight to the particular assignment, i.e. the project was necessary but maybe not as complex as another project. Board member Ellis referenced the Priority Setting Process that staff presented to the Board in 2016 and inquired if staff priorities will be aligned with the established agency priorities. Ms. Sommer stated yes, the programs and deliverables identified in the recently adopted budget was a culmination of the priority setting process and staff was assigned clear roles and responsibilities and will be evaluated under these guidelines. Board member Carling stressed the importance of holding the project lead accountable for providing written feedback both affirmative and negative. Ms. Sommer stated that this has not been a practice but we are now becoming more proactive with respect to progressive discipline when needed.

Board member Lamnin stated that she is concerned about automatic step increases increasing costs for public agencies and recommended a regional effort in looking at how to address this issue. Ms. Sommer stated that this pay structure aligns with most public agency pay structures and in her opinion is the most equitable for employees. Board member Young concurred with Board member Lamnin's comments and added most public agencies conduct a compensation study when employees reach the top of the range which results in an increase in the top of the range. Board member Lamnin inquired if staff can receive a

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COLA and step increase in the same year and if so as a smaller agency maybe we can look at creative ideas that could be piloted for other agencies such as not simultaneously awarding a step increase and a COLA. Ms. Cabrera reminded that this issue can be discussed during the compensation study scheduled for the spring of 2018. Board member Young commended Ms. Sommer for working on creating a smaller agency and reducing the financial obligation.

Board member Hannon stated that the 5% increase is technically not a raise but is a step increase dependent upon satisfactory performance. Most often employees start at the bottom of the range with the expectation that the employee will progress in skill and experience to an expected level and reach the top of the range. Board member Cox inquired if there will be flexibility to award less than the 5% step increase. Ms. Cabrera stated that the wording states "up to 5%" however the expectation is to award the 5% step increase. Ms. Cabrera reiterated that any employee in a PIP (performance improvement plan) is ineligible for any increase.

Board member Ellis made the motion to approve the staff recommendation. Board member Biddle seconded and the motion carried 9-0:

(Ayes: Biddle, Carling, Cox, Ellis, Hannon, Kalb, Lamnin, Sadoff, Young. Abstain: None. Absent: Arreguin, Bacon, Carson).

5. Oro Loma and Castro Valley Sanitary Districts Horizontal Levee Project (Tom Padia)

Information/ Tour

This item is for information only.

Jason Warner, General Manager of the Oro Loma Sanitary District provided an overview of the horizontal levee demonstration project and provided a video presentation. A link to the video is available here:
<https://www.youtube.com/watch?v=o2Hh3jWufA>

Board member Lamnin inquired if the water is being used by the waste water treatment facility and are there discussions about recycled water dispersal for use in other areas. Mr. Warner stated that although the water is clean it still needs to be retreated and for the foreseeable future will be used to treat the habitat and used to treat urban drool. Ms. Sommer inquired about the joint financial investment for the project and what are the ongoing costs that the community could help support. Mr. Warner stated that Oro Loma contributed two-thirds to the project and Castro Valley contributed one-third of the cost and ongoing expenses include the monthly cost of \$600 for offering tours of the project but first year maintenance cost have been very minimal.

Chair Sadoff thanked Mr. Warner for the presentation and for hosting the Committee meeting.

6. Member Comments

There were none.

7. Adjournment

The meeting adjourned at 10:00 a.m. and the tour immediately followed.

1.7.1 New Employees

The first 12 months of continuous employment at the Authority is considered a probation period. During this time it is hoped that each new employee will learn his/her responsibilities and demonstrate satisfactory competence in the new position. It is also an opportunity for the employee to get acquainted with coworkers and determine whether or not the position meets his/her needs and expectations. Probationary program staff will receive a review at approximately six months from a selected team of staff, in order to provide on-going feedback and maximize the success of the probationary period. ~~Depending on when the six month juncture occurs, this review can be conducted in conjunction with the mid-year review outlined in Attachment A.~~ This team, under oversight from the ASD, will provide written feedback to the appropriate program group leads who will meet with the new employee and deliver this feedback including advising the employee of any problem areas with proposed corrective measures. Just prior to the probationary employee reaching the end of the probation period, the team will again provide feedback to the program group leads regarding the employee's progress which will take into consideration any comments and/or corrective action resulting from the first evaluation. Based on this feedback the program group lead will make a recommendation to the ED as to whether or not the probationary employee should be granted regular employee status or released from service.

The ED has the authority to end probationary periods prior to the completion of one year, as allowed by law.

Upon completion of the probation period, if the employee's performance is satisfactory and a recommendation is made to end probationary status, he/she will be granted regular employee status and subject to the normal evaluation ~~process outlined in the Salary Adjustment Plan (Attachment A).~~

DATE: October 12, 2017
TO: Programs & Administration Committee
FROM: Pat Cabrera, Administrative Services Director
SUBJECT: Rules of Procedure Committee Review

SUMMARY

At the October 12, 2017 Programs and Administration (P&A) Committee meeting, committee members will review and make recommendations to revise the WMA Board Rules of Procedure if necessary.

DISCUSSION

On September 27, 2017, by a vote of 14-0 (Bacon, Carson, Ellis, Rood, Worthington absent) the WMA Board approved changes to its Rules of Procedure. The staff report outlining these changes can be found at [Rules-of-Procedure-Changes-09-27-17.pdf](#). At that time, Board member Young requested that this document be reviewed by the P&A Committee to determine if other revisions are needed. The newly amended Rules of Procedure are attached.

RECOMMENDATION

No staff recommendation. Should the Committee recommend any revisions to the document, staff will forward those changes to the WMA Board for approval.

Attachment: Authority Board Rules of Procedure

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

WASTE MANAGEMENT BOARD

RULES OF PROCEDURE

REVISED SEPTEMBER 27, 2017

Article 1

General Provisions

- Section 1-1 Name of Board The name of the Board is the Alameda County Waste Management Board.
- Section 1-2 Authority for Rules The rules apply to the Alameda County Waste Management Board (including Committees of the Board) and are adopted pursuant to the Joint Exercise of Powers Agreement for Waste Management dated February 13, 1990, as it may be amended from time to time. The provisions of said agreement are herein incorporated by reference.
- Section 1-3 Purpose of Rules The purpose of these rules is to provide for the orderly and fair conduct of the meetings of the Board.

Article 2

Organization of Board

- Section 2-1 Composition of Board The Board is composed of seventeen (17) members and seventeen (17) alternates appointed pursuant to the agreement creating the Authority.
- Section 2-2 Officers The Officers of the Board shall be a President, First Vice-President and Second Vice-President, who shall serve until the elections of their successors. No member may serve more than one full consecutive term of office as an Officer in the same office.
- Section 2-3 Election of Officers The Officers shall be elected at the regular meeting of the Authority in the month of June of each year. They shall be elected by a majority of the total authorized vote of the Board, and shall serve from July 1 through June 30 of the following year.

- Section 2-4 Executive Director The Board shall appoint an Executive Director of the Waste Management Authority who shall be responsible for, among other duties, administration of Authority programs.
- Section 2-5 Duties of President The President shall preside at all meetings of the Board and shall conduct the business of the Board in the manner prescribed by these Rules. The President shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the Board.
- Section 2-6 Duties of the First and Second Vice-President In the absence or inability of the President to act, the Vice Presidents shall perform the duties of the President in the order of the succession.
- Section 2-7 Duties of Executive Director In addition to the duties set forth in the Joint Exercise of Powers Agreement, the Executive Director shall perform the following duties:

- (a) Prepare an agenda for each meeting of the Board;
- (b) Attend each meeting of the Board;
- (c) Appoint a Clerk of the Board to:
 - (i) Notify all Board members of the time and place of each meeting;
 - (ii) Maintain a record of all proceedings of the Board;
 - (iii) Maintain all records of the Authority and Board;
 - (iv) Maintain records of the proceedings of Board committees ; and
 - (v) Attest to the Board's approval of ordinances, resolutions, and other expressions of Board policy.
- (d) Perform other duties directed by law, the Officers, or the Board. These duties may be delegated as determined necessary by the Executive Director.

Article 3

Meetings of Board

- Section 3-1 Regular Meetings Regular monthly meetings will be held at 3:00 p.m. on the fourth Wednesday of the month, except for the months of November

and December when the meetings will be held at 3:00 p.m. on the third Wednesday of the month

- Section 3-1.1 Cancellation and/or Reschedule of Regular Meetings Any regular meeting of the Board may be canceled or rescheduled by the President, or the Executive Director on the direction of the President, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the Board.
- Section 3-2 Special Meetings Special meetings of the Board may be called by order of the President or by a majority of the members. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 3-3 Adjourned Meetings Any regular meeting of the Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.
- Section 3-4 Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Board shall be specially scheduled by the Board.
- Section 3-5 Quorum A majority of the members of the Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.
- Section 3-6 Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 3-7 Notice of Meetings All meetings of the Board shall be held subject to the provisions of the Ralph M. Brown Act, being Sections 54950 et. seq. of the California Government Code, and other applicable laws of the State of California requiring notice of meetings of the Board.

Section 3-8

Teleconferencing No more than four Board members may utilize teleconferencing per Board meeting at no more than four teleconferencing locations. A Board member wishing to utilize teleconferencing should notify the Clerk of the Board prior to the release of the agenda for the affected Committee/Board meeting of the teleconference location that is accessible to the public. (Agendas are typically released five (5) days in advance of the meeting.) The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/Board meeting where teleconferencing is utilized will be taken by roll call. If more than four members request teleconferencing, the four selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

Article 4

Conduct of Meetings

Section 4-1

Order of Business The business of each meeting of the Board shall be transacted as far as is practicable in the following order:

- (a) Call to order;
- (b) Roll call of attendance;
- (c) Announcements by President;
- (d) Open public discussion from the floor;
- (e) Approval of minutes of prior meetings (may be included in the consent calendar);
- (f) Consent calendar;
- (g) Regular calendar
- (h) Member Comments and Communications from the Executive Director;
and
- (i) Adjournment.

The above order of business may be suspended or changed at any time upon order of the President. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine and items that have been recommended by a Committee for Board approval, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. Board members who were not in attendance at a meeting but have read the minutes of the

meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Authority, but not listed on the agenda. Each speaker is limited to three minutes.

Section 4-2 Parliamentary Rules The rules and procedures set forth in Robert's Rules of Order are hereby adopted for the government of this Board in all cases not otherwise provided for in these rules.

Section 4-3 Vote Required A two-thirds majority of the total authorized vote shall be required for expenditures of \$500,000 or more. Except as provided by the Joint Powers Agreement (specifically amendments to the JPA and approval of a new member to the JPA which also require a two-thirds majority of the authorized vote) a majority of the authorized vote shall be required for all other actions.

An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-3.1 Alternate's Vote An agency alternate may vote on any matter under consideration only in the absence of the agency member from the meeting or as provided under Section 4-6 of these rules.

Section 4-4 Roll Call Votes Roll call votes shall proceed in the following manner:

(i) The presiding officer will direct the Clerk of the Board to report on the Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;

(ii) The presiding officer will ask for a voice vote on the matter;

(iii) If there are no "nay" votes or abstentions the presiding officer will direct that the matter be reported as passed unanimously with the names of all Board members in attendance reported as voting in favor;

(iv) If there are any "nay" votes or abstentions the presiding officer will direct the Clerk of the Board to call the name of each agency and record the vote of the representative of the agency and then report the total number of "aye", "nay" and "abstain" votes.

(v) The roll call shall be in alphabetical order of the name of the agency, except that the President shall be called last.

Section 4-5 Roll Call Not Required The roll need not be called in voting upon a motion except when requested by a member or otherwise required by law. If the

roll is not called, in the absence of objection, the President may order the motion unanimously approved.

Section 4-6

Voting Ineligibility Any Board member ineligible to vote on any matter under consideration by the Board shall leave the Board table before the matter is considered and refrain from participation in any action concerning the matter.

Article 5

Committees

Section 5-1

Committees: Specific Committees, Notice of Meetings and General Rules

The Authority Board has two Committees: The Programs and Administration Committee (P&A) and the Alameda County Recycling Board serving as a committee of the Authority (Planning Committee). (See Sections 5.3– 5.6)

Any committee that constitutes a quorum of the Board shall be noticed as both a meeting of the committee and a meeting of the Authority Board. Meetings of the Planning Committee shall be noticed as both a meeting of the committee and a meeting of the Recycling Board (RB). General rules pertaining to Authority Board committees are as follows:

- Only Committee members are permitted to vote on matters before the Committee.
- WMA alternates are members of the P&A Committee if the WMA member from their agency is not present.
- Because WMA alternates may not serve on the RB per the County Charter, WMA alternates are not members of the Planning Committee under any circumstances .
- No Committee may take final agency action on behalf of the Board.
- Only Committee members (including WMA alternates attending the P&A Committee if the WMA member from their agency is not present) will receive compensation for attending the meeting.
- A majority of the Committee members present and voting is required for adoption of recommendations/actions.
- Board members who are not Committee members may attend a Committee meeting, but will not count towards formation of the quorum necessary to conduct the meeting nor will they receive compensation.

- Section 5-2 Planning Committee Vacancy When a vacancy occurs on the Planning Committee, the Executive Director shall request the Board to appoint a replacement.
- Section 5-3 P&A Committee This committee consists of the twelve Authority board members who are not members of the Recycling Board (RB)/Planning Committee.
- The P&A Committee primarily provides oversight for administration and communications projects and other projects that are not assigned to the Planning Committee.
- Section 5-4 The P&A Committee Administration. The P&A Committee meets on the 2nd Thursday of each month at 9:00 a.m. at the Authority office. Six P&A Committee members constitute a quorum. The officers of the P&A Committee shall be a Chair and Vice Chair who shall serve until the elections of their successors. Beginning in June, 2018 the Chair and Vice Chair shall be elected at the regular meeting of the Committee in the month of June of each year. They shall be elected by a majority of the total authorized vote of the Committee, and shall serve from July 1 through June 30 of the following year. Beginning July 1, 2018 no P&A Committee member may serve more than one full consecutive term of office as a P&A Committee officer in the same office.
- Section 5-5 Planning Committee. This committee consists of the eleven Recycling Board (RB) members. The Planning Committee will primarily provide oversight for projects assigned to it in the areas of source reduction, market development, recycled content purchasing, grants to non-profits, and planning projects.
- Section 5-6 Planning Committee Administration The RB typically meets on the second Thursday of each month at 4 or 7 p.m. at locations determined by the RB. Meetings of the Planning Committee will be at the times and locations of RB meetings. Six RB members constitute a quorum. In accordance with Measure D the RB formulates rules for its own procedures and other rules as necessary to facilitate the implementation of Measure D.
- Section 5-7 Other Committees The President or the Board may appoint such other committees from time to time as may be appropriate to administer the powers and programs of the Authority.

- Section 5-8 Cancellation and/or Reschedule of Regular Committee Meetings Any regular Committee meeting of the Authority may be canceled or rescheduled by the Chair, or the Executive Director with the consent of the Chair, no less than seven (7) calendar days prior to the scheduled date of such meeting. Notification of cancellation or reschedule shall be mailed to all parties who are notified of regular meetings of the Committee.
- Section 5-9 Special Meetings Special Committee meetings may be called by order of the applicable Committee Chair or the Executive Director with the consent of the Chair or by a majority of the members of the Committee acting at a properly noticed public meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.
- Section 5-10 Adjourned Meetings Any regular meeting of the Committee may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may be adjourned, and any adjourned special meeting is part of the special meeting.
- Section 5-11 Effect of Holiday If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Committee shall be specially scheduled by a majority vote of the Committee.
- Section 5-12 Absence of Quorum In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules
- Section 5-13 Teleconferencing No more than two Committee members may utilize teleconferencing per Committee meeting at no more than two teleconferencing locations. A Committee member wishing to utilize teleconferencing should notify the Clerk of the Board prior to the release of the agenda for the affected Committee meeting of the teleconference location that is accessible to the public. (Agendas are typically released five (5) days in advance of the meeting.) The Clerk of the Board will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee meeting where teleconferencing is utilized will be taken by roll call in accordance with the procedures for meetings of the Board. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.

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DATE: October 12, 2017

TO: Programs and Administration Committee

FROM: Wendy Sommer, Executive Director

BY: Eric Engelbart, Legislative and Regulatory Affairs Manager

SUBJECT: 2017 Legislative Update

SUMMARY

The first year of the 2017/18 legislative session has now adjourned and the state legislature is on recess. The Governor has until October 15 to sign or veto bills that were passed prior to the September 15 deadline.

In advance of the current session, the Waste Management Authority Board approved the following two legislative priorities at its December 21, 2016 meeting:

- Organics legislation and regulations
- Extended Producer Responsibility

This memo provides an update on the various bills and other legislative efforts for which the Agency took a position or played an active role. Staff will return to the Board in December 2017 to obtain input on priorities for the 2018 legislative year.

DISCUSSION

Organics:

In September 2016, Governor Brown signed SB 1383 into law, which established targets to achieve a 50% statewide reduction in disposed organic waste by 2020, and a 75% reduction by 2025. In order to achieve those targets, CalRecycle is now conducting informal workshops in advance of the formal rulemaking process that is expected to begin next year. Although the regulations will not take effect until 2022, adopting rules in 2019 is intended to allow regulated entities approximately three years to plan and implement necessary budgetary, contractual, and other programmatic changes. StopWaste staff have been actively participating and submitting comments as part of these workshops while looking out for the interests of member agencies, and expect to continue such efforts as the formal rulemaking process commences next year.

This past year, the legislature also considered three key bills related to food waste reduction, all of which passed through both houses of the legislature. As of the date of this staff report, one of those bills (SB 557) was signed into law and the other two are awaiting the Governor's consideration. An overview of each of those bills is provided below. Links to the full text of the legislation have been embedded in the respective bill numbers.

[AB 954 \(Chiu\)](#) - Food Labeling

This legislation would require the California Department of Public Health and California Department of Food and Agriculture to publish guidelines that encourage industry adoption of uniform date label standards, in an effort to reduce food waste. This past February, the Grocery Manufacturing Association and Food Marketing Institute launched a voluntary labelling program to limit food labels to two: "BEST IF USED BY" for quality/freshness, and "USE BY" for safety/perishability. This legislation was sponsored by Californians Against Waste and StopWaste was an active supporter.

[AB 1219 \(Eggman\)](#) - Food Donations – Expansion of Good Samaritan Law

Current law specifies that a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or food bank is not liable for damage or injury resulting from the consumption of the donated food, unless the injury resulted from negligence or a willful act in its preparation or handling. This bill would expand these provisions to persons and gleaners who donate food, as defined. The bill would also narrow the exception to protection from liability to injury resulting from gross negligence or intentional misconduct. This legislation was sponsored by Californians Against Waste and StopWaste was an active supporter.

[SB 557 \(Hernandez\)](#) - School Food Donations

Current law generally prohibits food that is unused or returned by the consumer, after being served or sold and in the possession of a consumer, from being offered as food for human consumption. This bill would exempt from this prohibition specified food that food service staff, students, and faculty return to a sharing table at a local educational agency, and that is made available to students during the course of a regular school meal time or then donated to a food bank or any other nonprofit charitable organization. This legislation was sponsored by the Los Angeles Unified School District and StopWaste was an active supporter. Governor Brown signed this legislation into law on September 25, 2017.

Extended Producer Responsibility:

One extended producer responsibility bill that the agency actively supported passed through both houses of the legislature and is awaiting review by the Governor:

[AB 1158 \(Chiu\)](#) - Carpet Recycling

Current law requires a manufacturer of carpets sold in California to submit, either individually or through a carpet stewardship organization, a carpet stewardship plan that meets specified requirements to the Department of Resources Recycling and Recovery. This bill would provide that it is the goal of the state to reach a 24% recycling rate for postconsumer carpet by January 1, 2020, and to meet or exceed

that rate continually thereafter. The bill also would require a carpet stewardship plan to achieve a 24% recycling rate for postconsumer carpet by January 1, 2020, and to include quantifiable 5-year goals and annual goals. This legislation was sponsored by the California Product Stewardship Council (CPSC) and is considered a Green California Priority Bill.

Miscellaneous/ Other:

Cap & Trade Extension and AB 109 (Ting) – Budget Act of 2017

This past July, state lawmakers approved a 10-year extension for California's landmark cap-and-trade program, which requires companies throughout the state to buy permits to release greenhouse gas emissions. The necessary two-thirds vote came with bipartisan support, representing a significant shift from prior years.

The Budget Act of 2017 made appropriations for the support of state government for the 2017–18 fiscal year, and was further amended by AB 109, which was signed into law by the Governor on September 16, 2017. This particular bill authorized an additional \$40 million appropriation from the Greenhouse Gas Reduction Fund for the California Department of Resources Recycling and Recovery (CalRecycle). This funding will enable CalRecycle to expand their Greenhouse Gas Reduction Fund programs, which are designed to reduce greenhouse gas emissions through waste reduction, recycled content manufacturing, composting, and edible food recovery.

Bottle Bill Reform

As discussed in detail at the July 26 WMA Board meeting, outdated regulations and falling commodity prices have led to the closure of more than 560 recycling centers across the state in the last two years, representing approximately 25% of California's redemption infrastructure. Recycling rates once at a high of 85% have dropped below 80% for the first time since 2008, with the latest rates at approximately 77%. Following Senator Wieckowski's unsuccessful effort earlier this year to achieve comprehensive bottle bill program reform via [SB 168](#), the WMA Board voted on July 26 to support [SB 102](#). This more modest reform effort would have returned recycler reimbursement levels to 2015 levels, provided added incentives and flexibility in siting recycling centers in underserved areas, and potentially increased the size of convenience zones.

However, like SB 168, this legislation failed to advance to the Governor's desk. As a result, it is anticipated that bottle bill reform will continue to be a legislative priority for the Agency next year. Staff will include policy language supporting such efforts in the 2018 legislative priorities memo that will be brought forward to the WMA Board at the December 2017 Board meeting.

[SB 564](#) (McGuire) - Water Bill Savings Act

This legislation would authorize joint powers authorities in certain specified counties (including Alameda County) to provide funding for a customer of a local agency to issue bonds to fund the purchase, installation or repair of water efficiency improvements on customers' properties. Such improvements could include drought tolerant landscapes, upgrades to hot water systems, gray water systems, high-

efficiency toilets, or high-efficiency showerheads. The costs for such improvements could then be reimbursed via customers' monthly water bills.

Status: Enrolled and presented to the Governor's desk for consideration

[AB 262 \(Bonta\)](#) - GHG Disclosure for State Contracts

This legislation would require a bidder for certain State contracts to complete a standard form that explicitly states the cumulative amount of specified greenhouse gas (GHG) emissions that were produced in the material extraction and processing, transport to the manufacturing site, and the manufacturing of eligible materials. The bill was sponsored by the Sierra Club.

Status: Enrolled and presented to the Governor's desk for consideration

Final Status of Various Other Bills for which the Agency took a position in 2017 (categorized by topic area):

Extended Producer Responsibility

- | | |
|---|--|
| 1. <u>SB 212</u> (Jackson) Medical Waste
Position: Support
Status: Has become a two-year bill | Inclusion for Incineration of Garbage.
Position: Oppose
Status: Has become a two-year bill |
|---|--|

Organics/Composting/Food Recovery/Compost Market Development

2. [AB 1036](#) (McCarty) Organic Infrastructure Development
Position: Support
Status: Has become a two-year bill
3. [SB 780](#) (Wiener) Water Conservation in Landscaping Act
Position: Support
Status: Has become a two-year bill
4. [AB 920](#): (Curry) California Renewables Portfolio Standard Inclusion for Biomass
Position: Support
Status: Has become a two-year bill
5. [AB 655](#) (O'Donnell) California Renewables Portfolio Standard

Packaging

6. [AB 319](#) (Stone) Single Use Plastic Beverage Container Lids
Position: Support
Status: Has become a two-year bill
7. [AB 567](#) (Quirk-Silva) Water Bottle Refilling Stations at Schools.
Position: Support
Status: Has become a two-year bill
8. [AB 958](#) (Ting) Hazardous Materials: Perfluoroalkyl and Polyfluoroalkyl Substances.
Position: Support
Status: Has become a two-year bill
9. [AB 1287](#) (Acosta) Plastic Product Marketing Claims
Position: Watch
Status: Has become a two-year bill

10. AB 1294 (Berman) Plastic Product Marketing Claims
Support
Status: Enrolled and presented to the Governor's desk for consideration

11. AB 1594 (Bloom) Ocean Plastic Pollution Data
Position: Watch
Status: Has become a two-year bill

12. AB 1659 (Low) Food Service Plastic Packaging Recovery and Recycling
Position: Oppose
Status: Has become a two-year bill

13. SB 705 (Allen) Disposable Food Service Containers – Phase out of Polystyrene Containers
Position: Support
Status: Has become a two-year bill

Materials Flow/Franchise/ Enforcement/Fees

14. AB 1147 (Salas) Solid Waste Management Enforcement – increased penalties for recyclables theft.
Position: Watch
Status: Has become a two-year bill

15. AB 1288 (Eggman) Solid Waste Disposal Fees
Position: Support
Status: Has become a two-year bill

16. AB 1572 (Aguiar-Curry) Integrated Waste Management Plans
Position: Watch
Status: Signed into Law by Governor

Miscellaneous

17. AB 509 (Frazier) Tire Recycling Incentive Payment Program.
Position: Support
Status: Held in Committee, now a two-year bill

18. AB 444 (Ting) Home-Generated Medical Waste
Position: Support
Status: Has become a two-year bill

19. SB 258 (Lara) Cleaning Product Right to Know Act of 2017
Position: Support
Status: Enrolled and Presented to Governor for consideration

RECOMMENDATION

None. This item is for information only.

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DATE: October 12, 2017

TO: Programs & Administration Committee

FROM: Tom Padia, Deputy Director

SUBJECT: Mattress Product Stewardship Update

SUMMARY

In 2013, State Senator Loni Hancock authored SB 254, establishing an industry-run, statewide program to increase the recovery and recycling of used mattresses, and to reduce public agency costs for the end-of-life management of used mattresses. At the October 12 Planning Committee/Recycling Board meeting, staff will present a status update on this relatively new statewide product stewardship program.

DISCUSSION

In 2013, the mattress industry formed the Mattress Recycling Council (MRC) to design, implement and administer recycling programs in states that have enacted mattress recycling laws (Rhode Island, Connecticut and California). MRC launched the California program on December 30, 2015 and set a per unit recycling charge of \$11 for each mattress sold in California (includes box springs and foundations). The funds collected by MRC (a 501(c)(3) non-profit corporation) are used to fund the recovery efforts laid out in their plan and budget submitted each year to CalRecycle.

The MRC program aims to collect discarded mattresses and foundations through six different channels (as noted in the Annual Report dated June 30, 2017– links to Annual Report, Comments, and CalRecycle Response at <http://www.calrecycle.ca.gov/Mattresses/MROReports/default.htm>):

- Consumer drop off at no-cost collection sites (primarily transfer stations and landfills) – 122 sites established in 43 counties – 442,842 units collected. Includes one location in Alameda County: the Hayward Transfer Station, a small C&D debris facility.
- Retailer used mattress take-back – the law requires retailers delivering new mattresses to consumers to offer to haul away old units at no additional charge.
- Consumer drop off at MRC-contracted recyclers (six companies with 11 locations) with an “incentive payment” of \$3 per unit for up to five units per day per vehicle – 124,925 units collected. Includes two locations in Alameda County: DR3 in East Oakland and Blue Marble in San Leandro.
- Illegally dumped mattress collection initiative – 40 participating entities (including City of Oakland) in 29 counties paid (at the end of the year) \$10 per documented abandoned unit collected for 23,794 units statewide. Funds paid from a \$750,000 MRC budgeted line item for this purpose.

- Consumer drop off at collection events (50 events held in 49 counties) – 6,282 units. StopWaste continues to work with Alameda County Environmental Health and MRC to include mattress collection in the one-day HHW events held around the county, as space allows.
- Large quantity institutional collectors (e.g. dormitories, hotels, prisons).

City of Oakland Recycling Program staff recently conducted an informal “secret shopper” phone survey of local mattress retailers and found that few accurately represented the state requirement that they provide free pickup and recycling of old mattresses to consumers purchasing new units and opting for delivery (retailers are allowed to charge for delivery, and usually do). Subsequent discussions with MRC and CalRecycle staff revealed that this requirement is weak and largely unenforced.

The mattress program submitted its first annual report to CalRecycle on June 30, 2017. CalRecycle serves in an oversight role, monitoring the industry run program for compliance with the broad mandates of the law but is unable to prescribe specific actions or activities. StopWaste submitted comments to CalRecycle on the MRC Annual Report (Attachment A) noting the areas needing improvement if any significant dent is to be made in the illegal dumping problem of old mattresses.

Staff will discuss with the Committee the areas of concern with the MRC program. Given that this is the first annual report from the MRC and the program is still adjusting and ramping up, legislative “fixes” are premature at this time, but if after submittal of the second annual report by July 1, 2018, the same deficiencies are still evident, it may be appropriate to consider statutory changes.

RECOMMENDATION

None. This item is for information only.

Attachment A: StopWaste Comment letter dated July 12, 2017

Link to CalRecycle Mattress Recycling page: <http://www.calrecycle.ca.gov/mattresses/>



July 12, 2017

StopWaste is the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council operating as one public agency.

Member Agencies:

Alameda County
Alameda
Albany
Berkeley
Dublin
Emeryville
Fremont
Hayward
Livermore
Newark
Oakland
Piedmont
Pleasanton
San Leandro
Union City
Castro Valley
Sanitary District
Oro Loma
Sanitary District

CalRecycle

Delivered via email – mattresses@calrecycle.ca.gov

Subj.: Comments of the Mattress Recycling Council draft 2016 California Annual Report and proposed 2018 Program Budget

Dear CalRecycle:

Thank you for the opportunity to offer comments on the draft first annual report by the MRC on the California mattress stewardship program.

As an overall comment, I note that currently there are three participating mattress collection sites in Alameda County (pop. 1,645,359), all clustered near each other in the west-central area of the county. Two of the three are recyclers (DR3 and Blue Marble) and one, a small C&D transfer station, is a collection site only. There are no collection sites in the east, south or north areas of our county, and many heavily populated areas are 10+ miles from any of the current sites. None of the major MSW transfer stations or landfills are participating, regardless of whether they are privately owned and operated (Davis Street Transfer Station (WM), Fremont Transfer Station (BLT), Pleasanton Transfer Station (PGS), Vasco Road Landfill (Republic)) or publicly owned and operated (Berkeley Transfer Station), even though most of the transfer stations have been separating mattresses for recycling for many years. Gate charges for mattresses and box springs at these transfer stations range from \$14/unit (Berkeley, and \$14.62 ea. @Fremont Transfer Station) to \$21.70/each at WM's Davis Street Transfer Station. This lack of "free" collection sites in large urban areas combined with the relatively paltry bounty of \$3 per unit paid to consumers delivering up to five units per day per vehicle means that the program, at the end of the first year, has had virtually no perceptible impact on illegal dumping of mattresses in our area. Contra Costa County, to our north, currently has no collection locations.

Page by page comments:

p. 17, Section B.1. "MRC also pays some sites a reasonable amount for accepting, collecting, storing and handling the mattresses." I would argue that the amount offered has not been "reasonable" from the perspective that it has not persuaded any of the major solid waste facilities in our region to participate. These are the locations that people frequent to dispose of unwanted materials.

p. 28, Plan Objectives: "Establish a collection site or event in each county" and p. 29, "For these reasons, MRC proposes no changes to this goal." One site or event in each county is woefully inadequate. One collection site per 250,000 population, or one within a radius of 10 miles in

urban areas, or something similar (along with some standard for hours per week that a site is open) would be a goal far more likely to have a meaningful impact.

p. 29, Plan Objectives: “Establish a consumer incentive to bring discarded mattresses to recyclers.” “MRC considers this (\$3 per unit drop-off incentive) to be successful and proposes no changes to this goal.” As stated previously, the amount this incentive payment and locations where it is offered has had little visible impact on illegal dumping of mattresses. In a pilot project grant that StopWaste awarded to DR3 in 2015, over six months one thousand illegally dumped mattresses around Alameda County were “tagged” with distinctive tamper proof sequentially numbered vinyl tags affixed with a metal “hog ring” and accompanied by a flyer offering a bounty ranging from \$6 (twin) to \$12 (king) for units returned to DR3. 727 of the 929 tagged units (78%) that were within 13 miles of DR3 were returned for the incentive payment, while only 20 of the 71 units (28%) that were 16-27 miles away were turned in. The clear conclusion was that “scavenging” behavior of illegally dumped units is quite sensitive to the amount of the bounty and the distance to the facility. The \$3 amount may be a “reward” to those planning to haul their own units to a recycling facility anyway, but it does not appear to be an “incentive” to third parties to clean up any abandoned mattresses they come across (and one sees them daily).

p. 32, Table of Materials Recycled: I believe the second line is supposed to be “Foam” not “Retail.” A very picayune point: The term “cardboard” is an imprecise label that is often used synonymously with “corrugated,” but not always. If the material referenced is non-corrugated, perhaps “paperboard” might be a better descriptor.

The Proposed 2018 Budget: If payments to collection sites were to increase to a level adequate to enlist the participation of most transfer stations in our area (or to entice other recycling businesses similarly situated to participate in lieu of the transfer stations), and if the incentive payment were to increase to a level adequate to actually incentivize collection of illegally dumped units by someone other than haulers or public works crews (who are out cleaning them up anyway), then the level of program expenditures necessary to produce an acceptable result may increase. It seems premature to propose lowering the fee when the current budget is not yet producing acceptable levels of convenience and incentive.

StopWaste continues to work to incorporate mattress collections into the one day HHW collection events held around Alameda County, wherever space and logistics permit. We look forward to working with the MRC, its partners, local jurisdictions and CalRecycle to develop an effective model mattress stewardship program in California.

Respectfully,



Tom Padia

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