

APPROVED

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

Thursday, October 13, 2016

9:00 A.M.

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

Members Present:

County of Alameda	Keith Carson
City of Berkeley	Kriss Worthington
Castro Valley Sanitary District	Dave Sadoff
City of Dublin	Don Biddle
City of Fremont	Suzanne Lee Chan
City of Hayward	Al Mendall
City of Newark	Mike Hannon
City of Oakland	Dan Kalb
Oro Loma Sanitary District	Shelia Young
City of San Leandro	Deborah Cox

Absent:

City of Livermore	Laureen Turner
City of Union City	Lorrin Ellis

Staff Present:

Wendy Sommer, Executive Director
Tom Padia, Deputy Executive Director
Debra Kaufman, Senior Program Manager
Rachel Balsley, Senior Program Manager
Brian Mathews, Senior Program Manager
Arless Dunn, Clerk of the Board

1. Convene Meeting

Vice Chair Shelia Young called the meeting to order at 9:03 a.m. Chair Dave Sadoff assumed chairmanship upon his arrival.

2. Public Comments

There were none.

3. Approval of the Draft Minutes of September 8, 2016 (Wendy Sommer)

Action

Board member Mendall made the motion to approve the draft minutes of September 8, 2016. Board member Cox seconded and the motion was carried 7-0 (Absent: Ellis, Hannon, Kalb, Sadoff, and Turner).

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4. **Final Legislative Status for 2016 (Debra Kaufman)** **Action**

Staff recommends that the P&A Committee receive this 2016 legislative status update and recommend to the full WMA Board to adopt a “no” position on Proposition 65.

Debra Kaufman provided a summary of the staff report. The report is available here:

[Final-Legislative-Update-2016-10-13-16.pdf](#)

Board member Worthington stated that there is wording contained in Proposition 65 designed to overrule Proposition 67 however he was advised that the courts may not agree with the intent but he strongly supports that the Board adopts a “no” position on Proposition 65.

Board Member Worthington made the motion to approve the staff recommendation. Board member Carson seconded and the motion was carried 9-0 (Absent: Ellis, Sadoff, and Turner).

5. **Business Assistance Program – Fiscal Year 2015-16 Highlights** **Information** **(Rachel Balsley & Michelle Fay)**

This item is for information only.

Wendy Sommer shared a video about Hong Kong’s efforts to combat litter. The link is available here:

[Hong-Kong-DNA-Litter-video.mp3](#)

Rachel Balsley provided an overview of the staff report and presented a PowerPoint presentation. The report and presentation is available here: [Technical-Assistance-Update-10-13-16.pdf](#)

Board member Carson asked for a breakdown in how assistance is provided to businesses, i.e. over the phone, the internet, etc. Ms. Balsley stated that staff is refining the way we capture data, however, field reps log in information on how the assistance was conducted, whether it was over the phone or personal interaction. The average time allocated to businesses is 2-5 hours per site and it varies depending on size and complexity of issues. Board member Cox inquired about the bin program. Ms. Balsley stated that the food scraps program funds up to \$500 per site towards the purchase of indoor bins for organics collection. The hauler provides collection service and outdoor bins for organics collection.

Board member Cox inquired about the low numbers for unincorporated Alameda County. Mr. Mathews stated that there are only 148 commercial covered accounts in unincorporated Alameda County outside of the two sanitary districts that meet the threshold for inspection based enforcement. There are only 14 accounts that are currently out of compliance. Board member Kalb inquired if there is outreach to the rental housing association. Ms. Balsley stated yes there is significant effort to provide assistance to the rental housing associations especially around the launch of new services for the City of Oakland. Staff will reach out to properties that request assistance. There are plans to do a mailing to the East Bay Rental Housing Association properties that have 5 units or more. We will be promoting our free bin program for use in common areas, chute rooms, lobby areas, etc. Board member Chan inquired if there has been outreach in southern Alameda County. Ms. Balsley stated yes there has been outreach to the Chambers of Commerce especially when there is a change in franchise agreements. Staff has offered to speak at their standing meetings as well. Board member Chan recommended illustrating the number of businesses receiving assistance in comparison to the number of businesses in the jurisdiction.

Chair Sadoff thanked Ms. Balsley for an informative presentation.

6. **Enforcement Update (Brian Mathews)** **Information**

This item is for information only.

Brian Mathews provided an overview of the staff report and a PowerPoint presentation. The report and presentation is available here: [Enforcement-Update-10-13-16.pdf](#)

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Board member Young inquired about how the businesses in unincorporated Alameda County are quantified. Mr. Mathews stated the Authority obtains the account information from each hauler, Waste Management and ACI. The hauler account information is then assigned to either L1, L2 or L3 based on their location in each of the jurisdictions, City of San Leandro, Unincorporated County or City of Hayward. All are identified as Oro Loma Sanitary District service area. Board member Young inquired if the retired Deputy Sheriff annuitants carry weapons. Mr. Mathews stated no.

Board member Mendall inquired if it would be beneficial to do outreach to a subset of the retailers (Home Depot type stores) that will be covered under Phase II of the bag expansion ordinance. Mr. Mathews stated we will do proactive outreach such as fliers and other efforts to inform them of the pending ordinance but enforcement will be done fairly and equitably. We will not do routine bag inspections as we need probable cause or reasonable suspicion to inspect a regulated establishment.

Board member Biddle inquired about ongoing efforts to collect the facility fee. Ms. Sommer stated we are doing all we can in this effort. She added we are currently facing litigation from a landfill operator. Mr. Mathews added that some of the amounts owed are small and not cost effective to collect. We have established a threshold of \$100 being owed to initiate enforcement. For the under \$100 threshold, we allow the fees to accumulate until the threshold is exceeded before initiating enforcement.

Board member Hannon inquired about the 294 mandatory ordinance citations issued, and asked if the fines are waived if they request assistance. Mr. Mathews stated no, we do not dismiss the fine as they have had three opportunities to come into compliance prior to the issuance of the citation. Board member Hannon stated that the enforcement report is extremely informative and recommended receiving the update twice a year. Ms. Sommer stated that staff could comply with this request. Chair Sadoff inquired about how the complaint based enforcement will be implemented. Mr. Mathews stated that there will be multiple ways to lodge a complaint such as via telephone, the website, etc. Chair Sadoff stated that he would like to see a copy of the enforcement letters sent out. Ms. Balsley stated that samples of all enforcement letters are available on the haulers page of the Mandatory Recycling Ordinance website at www.recyclingrulesac.org/haulers-support-materials/.

6. Member Comments

Board member Kalb asked for a reminder about the dates that jurisdictions must opt-out of the bag expansion ordinance. Ms. Sommer stated that each city will have an opportunity (by December 9, 2016) to opt out of the expanded requirements. Board member Cox stated that it would be helpful to have copies of the presentations prior to the meetings and would recommend posting them on legistar for public access.

7. Adjournment

The meeting adjourned at 10:18 a.m.