

APPROVED

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

Thursday, November 14, 2019

9:00 A.M.

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

**Tim Rood
San Jose City Hall
3rd Floor Tower
200 East Santa Clara St.
San Jose, CA 95113
408-535-8122**

Members Present:

County of Alameda	Keith Carson
City of Albany	Rochelle Nason
City of Berkeley	Susan Wengraf
City of Dublin	Melissa Hernandez
City of Emeryville	Dianne Martinez
City of Newark	Mike Hannon
City of Oakland	Dan Kalb
Oro Loma Sanitary District	Shelia Young
City of Piedmont	Tim Rood (teleconference)
City of Pleasanton	Jerry Pentin
City of Union City	Emily Duncan

Absent:

City of Fremont	Jenny Kassin
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Staff Present:

Wendy Sommer, Executive Director
Pat Cabrera, Administrative Services Director
Justin Lehrer, Senior Management Analyst
Arliss Dunn, Clerk of the Board

Others Participating:

Kerry Parker, City of Alameda
Kathy Cote, City of Fremont

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1. Convene Meeting

Chair Jerry Pentin called the meeting to order at 9:01 a.m.

2. Public Comments

There were none.

3. Approval of the Draft Minutes of October 10, 2019 (Pat Cabrera)

There were no public comments on this item. Board member Young made the motion to approve the draft minutes of October 10, 2019. Board member Hannon seconded and the motion carried 9-0. (Ayes: Carson, Duncan, Hannon, Hernandez, Martinez, Pentin, Rood, Wengraf, Young. Nays: None. Abstain: None. Absent: Kalb, Kassan, Nason).

4. Lighting Contractor Authorization (Pat Cabrera)

That the P&A Committee recommend that the WMA authorize the Executive Director to contract with Layman Electric for the office lighting replacement project.

Pat Cabrera provided an overview of the staff report. A link to the report is available here:

[Lighting-Authorization-11-14-19.pdf](#)

Board member Hannon inquired about the balance of funds in the building reserve and if there are other large building projects on the horizon. Ms. Cabrera stated that the building reserve fund is at \$100,000, but we will be utilizing encumbered funds to complete the project. Ms. Cabrera added there are currently no other large building projects on the horizon. Board member Young inquired if we are considering updating the lighting in the board room. Ms. Cabrera answered no, not at this time.

There were no public comments on this item. Board member Hannon made the motion to approve the staff recommendation. Board member Hernandez seconded and the motion carried 9-0: (Ayes: Carson, Duncan, Hannon, Hernandez, Martinez, Pentin, Rood, Wengraf, Young. Nays: None. Abstain: None. Absent: Kalb, Kassan, Nason).

5. Food Service Ware Ordinance: Options and Impacts (Justin Lehrer)

This item is for discussion and information only.

Justin Lehrer and Meri Soll provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here:

[Food-Serviceware-Ordinance-Memo-11-14-19.pdf](#). Board members Kalb and Nason arrived during the presentation.

Board member Wengraf stated that the City of Berkeley adopted an ordinance that has been implemented and stated that it would be useful to Board members to provide information on the costs to cities to implement the ordinance. Mr. Lehrer stated that staff has been in touch with Berkeley staff and agreed that it would be useful to have the information. Board member Duncan asked for clarification on how the use of reusables would be implemented. Mr. Lehrer stated that we are looking at infrastructure and there are nascent services that will provide reusables to the food vendor and the public can access the reusables via an app or at kiosks. The City of Berkeley is piloting a program with reusable cups at kiosks where the public can get a reusable cup from the food vendor and return it to the kiosk and not be charged a fee for the cup. Ms. Sommer added the kiosk would be useful when dining at take out establishments, however, we are requesting that when customers dine in that the

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establishment uses reusables. Ms. Sommer added, the obstacle is with having to have a dishwasher, but we know that there are now companies that are offering subscription services for reusables. Ms. Soll added she will be visiting a company in San Carlos called Dishcraft and they provide robotic dishwashing, pickup, and delivery services of reusable service ware. Ms. Soll added, this is an indication that industry is listening and responding to the need. Board member Hannon inquired if we should wait and see what the state is going to do. Mr. Lehrer stated that although the state initiatives include goals for the amount of compostable and recyclable packaging in food service ware, it is not as comprehensive as what we are proposing to do with respect to a reuse component. In addition, neither enforcement nor technical assistance would be handled by the state. Mr. Lehrer added, in SB54 and AB1080, the state is planning to address the issue early in the legislative session. Board member Hannon inquired if McDonald's is considered to be a dine-in establishment and if so is the McDonald's in Berkeley using reusable service ware. Board member Wengraf stated yes they are considered a dine-in establishment and the owner of the Berkeley McDonald's has been very cooperative. Board member Martinez inquired about the contents of the proposed ballot initiative from Recology and inquired if it will be statewide. Mr. Lehrer stated yes it will be statewide, and the contents will be similar to the proposed state legislation in that it would focus on setting goals on compostable and reusable plastics. Mr. Lehrer added the ballot also includes a component that would assess a \$0.01 per item fee on manufacturers for every plastic item produced. Ms. Sommer added it also puts the burden on CalRecycle to come up with regulations. Chair Pentin inquired if BPI-certification relates to the issue of compostability. Mr. Lehrer stated yes. BPI (Biodegradable Products Institute) certifies products for compostability in industrial facilities. Not all products labeled compostable adhere to the BPI standard. Chair Pentin stated that if Board members are being asked to submit this information to their councils will staff appear and provide the presentation? Ms. Sommer stated that the issue before the Board is whether we are going to pursue a model or countywide ordinance. When the Board decides which direction we are going we will then be available to present to the varying councils. Chair Pentin inquired with respect to the proposed fees for disposable food ware, who would collect the fees and how would the fees be collected? Ms. Soll stated similar to the reusable bag ordinance, the fees would appear as an itemized charge on the receipt and the establishment would retain the fee to help implement the ordinance. Chair Pentin inquired with respect to funding the ordinance if it is a countywide ordinance are we proposing to share the Measure D funding across jurisdictions, and if a model ordinance will StopWaste incur all costs? Ms. Sommer stated that if we decide to do a countywide ordinance we would need to look at other programs that we currently doing. Ms. Sommer added there is also interest from member agencies in sharing Measure D funds. Ms. Sommer added, we must also consider the increase in technical assistance resulting from the pending SB1383 legislation. Chair Pentin requested that in January staff provide an analysis of the proposed costs and possible restructuring of programs as a result of the proposed ordinances. Board member Kalb stated his support for doing a countywide ordinance as it will help us reach our goals and could push the state as well. Board member Kalb added the ordinance could also include an opt-in or opt-out provision or phase-in with encouragement that would allow jurisdictions to maintain some authority. Ms. Sommer stated that she has serious concerns with an opt-out provision as it will create confusion from city to city when conducting outreach and providing public information. Chair Pentin questioned if doing an ordinance covering these particular materials would impact the restaurants or the manufacturers of these materials? Mr. Lehrer stated it would not have the greatest impact when measuring the change in weight (tons) of discarded materials but it would have a significant impact on litter, marine debris, public sentiment, and would reduce contamination in the recycling and compost streams. Board member Hannon concurred with Chair Pentin with regard to what impacts pursuing the particular ordinance would have on existing programs. Board member Hannon added a significant number of customers that visit fast food establishments are drive-thru customers and a number of them are lower income and he is concerned about the fiscal

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impacts to them. Mr. Lehrer stated that staff is still working through the details for addressing fast food and third-party delivery services. Board member Nason commented that she is interested in knowing about the calculation of costs to cities and the risks of coming up with varying ordinances. She also expressed concern regarding inherent regulatory issues and advised that we look at other ordinances and legislation to craft an ordinance that is as simple as possible including being mindful to not discourage micro and smaller businesses.

Chair Pentin opened the floor for public comments:

Kerry Parker, City of Alameda, stated that in January 2018, the City of Alameda implemented their own single use disposables ordinance and they are not interested in a countywide ordinance. Alameda's ordinance requires that straws only be provided on request, and all carry out food ware must be fiber based compostables-no bio plastics allowed. Ordinance costs are relatively low and implementation has been slow and spotty due to a lack of resources, and they are just now sending out their first administrative violation to establishments that are still offering plastic take-take out containers. StopWaste could be very useful in coordinating messaging across the county.

Kathy Cote, City of Fremont, stated that the City of Fremont is interested in a single use ordinance but limited resources to do outreach and enforcement make it difficult to effectively implement the ordinance. Fremont staff is recommending support for a countywide ordinance and is waiting to see what the WMA Board decides to do. Ms. Cote added the jurisdictions will need to provide some financial support and there are considerations for utilizing Measure D funds.

6. Member Comments

There were none.

7. Adjournment

The meeting adjourned at 9:53 a.m.