

**Authority Board (WMA) & Energy Council (EC)**

Dan Kalb, **WMA, President**  
City of Oakland, WMA, EC  
Michael Hannon, **WMA 1st Vice President**  
City of Newark, WMA, EC  
Dave Sadoff, **WMA 2nd Vice President**  
Castro Valley Sanitary District, WMA  
Lorin Ellis, **EC, President**  
City of Union City, WMA, EC  
Dianne Martinez, **EC 1<sup>st</sup> Vice President**  
City of Emeryville, WMA, EC  
Jim Oddie, **EC 2<sup>nd</sup> Vice President**  
City of Alameda, WMA, EC  
Keith Carson, County of Alameda, WMA, EC  
Peter Maass, City of Albany, WMA, EC  
Susan Wengraf, City of Berkeley, WMA, EC  
Don Biddle, City of Dublin, WMA, EC  
Suzanne Lee Chan, City of Fremont, WMA, EC  
Al Mendall, City of Hayward, WMA, EC  
Laureen Turner, City of Livermore, WMA, EC  
Shelia Young, Oro Loma Sanitary District, WMA  
Tim Rood, City of Piedmont, WMA, EC  
Jerry Pentin, City of Pleasanton, WMA, EC  
Deborah Cox, City of San Leandro, WMA, EC  
  
Wendy Sommer, Executive Director

**AGENDA**

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

**Wednesday, November 16, 2016**

**3:00 P.M.**

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

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

**I. CALL TO ORDER**

**II. ROLL CALL**

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

Page **IV. CONSENT CALENDAR**

- |    |  |                    |
|----|--|--------------------|
| 1  | <b>1. Approval of the Draft Minutes of October 26, 2016 (Wendy Sommer)</b>   | <b>Action</b>      |
| 9  | <b>2. Executive Director Contract Amendment (Dan Kalb, WMA President)</b><br>The Board's negotiating team recommends that the Board approve an amendment to the Executive Director's contract approving a salary increase. | <b>Action</b>      |
| 13 | <b>3. Grants Under \$50,000 (Wendy Sommer)</b>   | <b>Information</b> |

**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 boards or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes.

**VI. REGULAR CALENDAR**

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|----|--|---------------|
| 15 | <b>1. Contract/Vendor Authorization (Pat Cabrera)</b><br>Staff recommends that the Authority Board approve the contracts, vendors and/or spending authority as listed in the staff report. | <b>Action</b> |
|----|--|---------------|

- |    |  |               |
|----|--|---------------|
| 17 | <b>2. Priority Setting: Guiding Principles (Wendy Sommer)</b><br>Adopt the Guiding Principles outlined in the staff report to be used for programmatic strategy and budgetary planning through 2018.   | <b>Action</b> |
| 19 | <b>3. Decline DROPS Funding and Amend FY16/17 Budget (Cassie Bartholomew &amp; Kelly Schoonmaker)</b><br>Amend the FY16/17 budget by \$1.5 million (pass through funds) to reflect the removal of the State Water Resources Control Board DROPS grant and adjust labor hours as appropriate. | <b>Action</b> |
| 21 | <b>4. Reappointments to the Recycling Board-Board members Peter Maass and Tim Rood (Wendy Sommer)</b><br>That the Waste Management Authority Board reappoint Board members Maass and Rood to two-year terms on the Recycling Board ending November 18, 2018.                                 | <b>Action</b> |
|    | <b>5. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)</b><br>(P&O and Recycling Board meeting, December 8, 2016 at 4:00 pm – StopWaste, 1537 Webster St, Oakland, CA)  | <b>Action</b> |

**VII. COMMUNICATIONS/MEMBER COMMENTS**

**VIII. ADJOURNMENT**

**DRAFT**  
**MINUTES OF THE MEETING**  
**OF THE**  
**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA)**  
**And**  
**THE ENERGY COUNCIL (EC)**

**Wednesday, October 26, 2016**

**2:30 P.M.**

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

**I. CALL TO ORDER**

Dan Kalb, President, WMA, called the meeting to order at 2:35 p.m.

**II. ROLL CALL**

**WMA & EC:**

County of Alameda	Scott Haggerty, WMA, EC
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
City of Fremont	Suzanne Lee Chan, WMA, EC
City of Hayward	Al Mendall, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Pauline Cutter, WMA, EC

**Absent:**

City of Livermore	Laureen Turner, WMA, EC
City of Union City	Lorin Ellis, WMA, EC

**Staff Participating:**

Wendy Sommer, Executive Director  
Tom Padia, Deputy Executive Director  
Meri Soll, Senior Program Manager  
Jeff Becerra, Communications Manager  
Richard Taylor, Legal Counsel, Authority Board  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Paul Ledesma, Save the Bay  
Jessica Lynam, CA Restaurant Association  
Kirsten MacDonald, Berkeley Chamber of Commerce  
Mindy Craig, BluePoint Planning

### III. ANNOUNCEMENTS BY THE PRESIDENTS

There were none.

♦ Presentation by Heidi Sanborn:

California Product Stewardship Council award to Board member Keith Carson for authoring the first sharps producer responsibility law in the United States.

Ms. Sommer informed the Board that we were notified by Board member Carson's office that he would be unable to attend the meeting today. The presentation will be postponed to the December meeting.

### IV. CONSENT CALENDAR

- |   |                    |
|---|--------------------|
| <b>1. Approval of the Draft Joint Minutes of September 28, 2016 (Wendy Sommer)</b>                        | <b>Action</b>      |
| <b>2. Final Legislative Update and Recommendation to Adopt a "No" Position on Prop 65 (Debra Kaufman)</b> | <b>Action</b>      |
| Receive the 2016 legislative status update and adopt a "no" position on Proposition 65.                   |                    |
| <b>3. Minutes of the October 18, 2016 Technical Advisory Group (Karen Kho)</b>                            | <b>Information</b> |
| <b>4. Grants Under \$50,000 (Wendy Sommer)</b>  | <b>Information</b> |

Board member Biddle made the motion to approve the Consent calendar. Board member Pentin seconded and the motion carried 16-0 (Absent: Ellis, Haggerty and Turner).

### V. OPEN PUBLIC DISCUSSION

There was none.

### VI. REGULAR CALENDAR

- |  |               |
|--|---------------|
| <b>1. Expanded Single Use Bag Reduction Ordinance Adoption (Meri Soll)</b> | <b>Action</b> |
|--|---------------|

It is recommended that the Authority Board adopt the ordinance set forth in Attachment A at its October 26, 2016 meeting.

Meri Soll provided a summary of the staff report. The report is available here:

[Expanded Bag Ordinance Adoption-10-26-16.pdf](#)

Meri Soll distributed a letter received via email from the CA Restaurant Association asking the Board to fully exempt restaurants/food service establishments from the ordinance. The letter is attached to the minutes as a matter of record. The Board reviewed the letter and Ms. Soll provided a product demonstration on compliant reusable bags. Board member Sadoff inquired about the City of San Francisco reusable bag ordinance. Ms. Soll stated the ordinance in San Francisco covers all retail and restaurants and requires that restaurants charge for both paper and plastic bags. Other cities in the Bay Area, e.g. Palo Alto and Walnut Creek have ordinances that are similar to ours that requires restaurants to charge for reusable bags but not paper bags. Board member Sadoff inquired if staff is aware of any health issues related to the ordinance. Ms. Soll stated that staff is unaware of any health related issues to the ordinance and added there is information available on our website on cleaning reusable bags. Board member Young inquired if the passage of Prop 67 would affect our ordinance and if the State legislation includes restaurants. Ms. Soll stated no the passage of Prop 67 & 65 would not affect our ordinance, and the State legislation does not include restaurants.

Paul Ledesma, Save the Bay, thanked the Board for its support of this litter reduction measure. Mr. Ledesma added once the ordinance is implemented it will be one of the strongest in the region. Mr. Ledesma thanked the Board for its support of Prop 67 and its opposition to Prop 65.

## DRAFT

Jessica Lynam, CA Restaurant Association, provided a summary of the email from the CA Restaurant Association that was distributed to the Board.

Kirsten MacDonald, Berkeley Chamber of Commerce, stated that she just learned of the ordinance and feels that staff has not performed due diligence in reaching out to city councils, chambers and the restaurants to inform them of this pending legislation. Ms. MacDonald added passing this legislation could cause additional hardship to the restaurants especially in light of possible minimum wage and sick leave requirements. She also expressed concerns that restaurants will not be able to use up their single use plastic bags by November. Ms. Sommer stated that since the process began over two years ago, staff has performed significant due diligence including making presentations to City Councils, various Chambers of Commerce and other interested stakeholders. Ms. Sommer added the City of Dublin included the legislation in their recent newsletter. Ms. Sommer stated the restaurants will have a full year to use up their existing inventory. Ms. Soll reminded the Board that jurisdictions will have until December 9, 2016 to opt out of the ordinance by resolution and if they choose to opt out they would need to opt out of both retail and restaurants.

Board member Pentin made the motion to adopt the ordinance set forth in Attachment A. Board member Sadoff seconded and the motion carried 16-0 (Absent: Ellis, Haggerty, and Turner).

### 2. Priority Setting Exercise (Wendy Sommer)

### Information

This item is for information only.

Executive Director Wendy Sommer and Mindy Craig from BluePoint Planning led a discussion of draft guiding principles that will be finalized by the Board at the November meeting. Ms. Sommer began by providing a summary of how various stakeholder groups responded to the seven topic area “polarities” from the priority setting survey. The results were divided into two groups: those with an identifiable trend among the different stakeholder groups, and those with results that were mixed among these groups. Each of the topic areas had a proposed guiding principle:

Topic Area/Polarity	Guiding Principle
Upstream/Downstream	StopWaste’s non-mandatory projects will emphasize waste prevention over management of discards.
Experiment & Innovate/Tried & True	Explore innovative and experimental approaches that may be leveraged by member agencies.
Doing/Studying	Emphasize project implementation and collect data only as needed to make informed decisions.
Broader Sustainability/Focus on Waste	Pursue projects with multiple sustainability benefits (greenhouse gas reduction, water conservation), only when linked with materials and waste management.
Organics/Non-Organic Waste	Organics, as the largest remaining portion of the waste stream to landfill, will continue to be an emphasis for the next two years.
Outreach: Target Audiences/Member Agencies	Develop programs that directly reach out to target audiences and communities; coordinate with Member Agencies.
Voluntary/Mandatory	Only implement ordinances that are currently in place (bags and mandatory recycling, plant debris), without introducing new mandatory programs in the coming two-year period.

## **DRAFT**

Board discussion followed with an overall endorsement of the above principles, with two additions. One is to create a separate principle related to coordination and collaboration with other public agencies to avoid duplication of effort, and the second was to ensure that the Agency had the flexibility to add a new project when it made sense, with the understanding that other project work would need to be eliminated to make room for the new work.

### **3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer) Action**

(P&O and Recycling Board meeting, November 10, 2016 at 7:00pm – Castro Valley Library, 3600 Norbridge Ave, Castro Valley, CA)

There were no requests for an interim appointment.

### **VII. COMMUNICATION/MEMBER COMMENTS**

**Information**

- ♦ Board member Acknowledgement – Board member Suzanne Lee Chan

Board member Chan attended her final meeting as a member of the WMA Board and the Energy Council. Wendy Sommer presented Board member Chan with a recycled content glass tray in acknowledgement of her service to the Board and the Council.

Ms. Sommer conducted a straw poll of the Board to see if there would be a quorum for the Dec 21 meeting. There was an affirmative consensus among the members present.

### **VIII. CLOSED SESSION (WMA only)**

Pursuant to Government Code Section 54957  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Executive Director  
(confidential materials mailed separately)

#### **CLOSED SESSION (WMA only)**

Pursuant to Government Code Section 54957.6  
CONFERENCE WITH LABOR NEGOTIATOR  
Agency Designated Representatives: Board Members Kalb, Hannon, Sadoff, Pentin  
Unrepresented Employee: Executive Director  
(confidential materials mailed separately)

There was nothing to report from the closed session.

### **VIII. ADJOURNMENT**

The meeting adjourned at 4:48 p.m.



October 26, 2016

Waste Management Authority/Energy Council  
County of Alameda  
1537 Webster Street  
Oakland, CA 94612

**DELIVERED VIA EMAIL**

**Re: Single-use carryout bags: request to continue to exempt restaurants**

Dear President Kalb and Members of the Authority and Council:

The California Restaurant Association is the definitive voice of the food service industry in California and is the oldest restaurant trade association in the nation. On behalf of our restaurant members within the County of Alameda, we submit this letter regarding a proposed ordinance to ban the use of plastic bags within food eating establishments. As providers of prepared food, restaurants take their responsibility to provide food in a safe and unadulterated manner seriously and devote a tremendous amount of effort to ensure food safety. If plastic bags are banned the only bag options left for restaurants are reusable bags or paper bags. These options pose serious public health and safety risks as well as operational challenges for restaurants. **For these reasons, as well as the reasons explained below, we ask the County of Alameda to continue to fully exempt restaurants/food service establishments.**

Restaurants are currently exempted from all bag ordinances throughout the County due to food safety concerns with using reusable bags for prepared food to-go. Several other Bay Area Counties and Cities have also exempted restaurants from their bag ordinance such as, San Mateo County, Santa Clara County, Monterey County as well as, San Jose, Half Moon Bay, and Richmond to name a few.

Other California jurisdictions outside of the Bay Area that have passed bag ordinances with an exemption for restaurants include Calabasas, Long Beach, Los Angeles County, City of Los Angeles and Santa Monica. For example:

- Santa Monica's ordinance provides: "5.45.040 Exemptions (a)(1): Single-use plastic carry out bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the transportation of prepared take-out foods and liquids intended for consumption away from the food provider's premises."<sup>1</sup>

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<sup>1</sup> City of Santa Monica Bag Ordinance at [http://qcode.us/codes/santamonica/view.php?topic=5-5\\_44-5\\_45-5\\_45\\_040&frames=on](http://qcode.us/codes/santamonica/view.php?topic=5-5_44-5_45-5_45_040&frames=on)

- San Jose provided that “Restaurants and food establishments would not be subject to the ban for public health reasons. Reusable bags are considered impractical for these purposes.”<sup>2</sup>
- According to the US Department of Health and Human Services, “Harmful bacteria are the most common cause for food poisoning” or foodborne illness.<sup>3</sup> To safeguard against foodborne illness, restaurants must follow strict food safety standards in food handling under Cal Code, the California retail food code. Restaurants are regularly inspected by their county environmental health department under these guidelines.
- Food safety and food borne illness prevention is a top priority for restaurants, but no matter what precautions are taken by the restaurant to prevent cross contamination, it can all be in vain if people use contaminated reusable bags to transport restaurant food.
- People use reusable bags for various purposes, not just to transport food. They use reusable bags to carry dirty clothes, shoes, pet items and any number of personal items. The co-mingling of non-food items with perishable, food items can expose food to germs and bacteria. Additionally, many people do not wash their reusable bags. Bags are often kept in car trunks for convenience; an environment that can be a breeding ground for bacteria.
- Any potential risk of cross contamination is taken very seriously and cause for concern. This risk exists with reusable bags. (See research by University of Arizona and Loma Linda University, Center for Food Industry Excellence at Texas Tech University, and Health Canada).
- Health Canada warns: “When you are using reusable bags and bins, the biggest food safety concern is cross-contamination. Because these kinds of grocery bags and bins are used frequently, they can pick up bacteria from foods they carry.”<sup>4</sup>

In a study by University of Arizona and Loma Linda University, a total of 84 reusable bags were collected from consumers (25 Los Angeles, 25 San Francisco, and 34 from Tucson). Ninety-seven percent of persons interviewed did not clean their reusable bags.

- International Center for Food Industry Excellence at Texas Tech University tested 11 reusable bags – 8 used and 3 new. Half of the used bags indicated coliform contamination, while a quarter of the used bags tested positive for generic E. coli contamination.<sup>5</sup>

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<sup>2</sup> City of San Jose Bag Ordinance Development, February 2010.

<sup>3</sup> US Department of Health and Human Services at [www.FoodSafety.org](http://www.FoodSafety.org)

<sup>4</sup> Health Canada at <http://www.hc-sc.gc.ca/fn-an/securit/kitchen-cuisine/reusable-bags-sacs-reutilisable-eng.php> and <http://www.halifax.ca/districts/dist08/documents/BeaconSept09.pdf>.

<sup>5</sup> Research by the International Center for Food Industry Excellence at Texas University at [http://www.wpri.com/dpp/news/12\\_for\\_action/reusable-bags-may-carry-contamination](http://www.wpri.com/dpp/news/12_for_action/reusable-bags-may-carry-contamination)



- The use of reusable bags by restaurant patrons increases the owner's/operator's liability because there is a potential for cross-contamination.
- Unlike food purchased at the grocery store, restaurant food is typically not prepackaged or sealed. There can be spills and not all food is completely wrapped up or enclosed in a container (e.g. fries at quick service restaurants).
- Using a new, clean bag is the best way to ensure food is safely transported from the restaurant. Restaurants should have the freedom of choice to determine what type of bag works best to maintain the integrity of their product. Paper bags are not always the most practical choice for restaurants.
- Plastic bags are superior to paper bags in protecting against accidental spills and leaks during transport, whereas the content would just seep through a paper bag. Customers become disgruntled when food from the bag leaks onto their car, carpet, clothes, etc.
- In addition, some types of containers don't fit as well in paper bags. Whereas plastic bags conform to the size of the container, paper bags do not. The bottom of paper bags is generally rectangular-shaped which doesn't work when you have a standard, large square container.
- Restaurants will tightly pack up food in a plastic bag and use the handles to tie the bag so as to prevent the food from moving around and spilling. You can't do this with a paper bag.

**Therefore, we urge the Waste Management Authority to carefully consider these public health reasons for why restaurants are in a unique situation. Continue to fully exempt all restaurants and other food service establishments from any plastic bag ordinance.**

Should you have any questions, please contact me at [jlynam@calrest.org](mailto:jlynam@calrest.org).

Sincerely,



Jessica Lynam  
Director, Local Government Affairs Bay Area Region  
Government Affairs + Public Policy

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**DATE:** November 16, 2016  
**TO:** Waste Management Authority Board  
**FROM:** Dan Kalb, WMA President  
**SUBJECT:** Executive Director Contract Amendment

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Last month, the Board approved the annual review for Executive Director Wendy Sommer done by myself, Mike Hannon, Dave Sadoff, and Jerry Pentin. The four of us also serve as a negotiating team for the Board.

Based on the annual review, we recommend an increase of 3.5% effective the pay period starting September 25, 2016. This amounts to \$7,700 per year, since her current salary is \$220,000.

Attachment: Proposed Amendment to the Executive Director Employment Agreement

**AMENDMENT TO  
AGREEMENT FOR EMPLOYMENT AS EXECUTIVE DIRECTOR  
OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

This amendment agreement is between the ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY ("Authority") and Wendy Sommer ("Employee") and provides:

WHEREAS, Authority hired Employee as Executive Director of the Authority beginning on January 1, 2016 pursuant to an agreement dated September 16, 2015 ("Employment Agreement"); and

WHEREAS, Authority desires to continue to employ Employee as Executive Director and amend the Employment Agreement based on Employee's positive annual review for 2016 by increasing Employee's salary by 3.5% from \$220,000 per year to \$227,700 per year.

NOW THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. Section 5 of the Employment Agreement is amended as shown below:

5. SALARY.

~~Beginning on the Effective Date~~ **Effective September 25, 2016**, Authority agrees to pay Employee \$220,000 (~~Two hundred twenty thousand dollars~~) **\$227,700** (Two hundred twenty-seven thousand seven hundred dollars) per annum ("salary") for her services, payable in installments at the same time as other employees of the Authority are paid. Authority may increase this base salary annually based on the results of performance evaluation as described in Section 7. In the event the Board does not hold such evaluation prior to the end of the calendar year, the base salary shall be increased on the next anniversary of the Effective Date by the California CPI for Urban Wage Earners and Clerical Workers for the most recent 12 months between June and June as calculated by the Department of Industrial Relations as authorized by Government Code §§ 3511.1 and 3511.2. Payment will be retroactive to the pay period closest to October 1st, which is consistent with the time that other employees receive salary increases.

2. All other terms of the Employment Agreement remain in full force and effect.

Counterpart # \_

3. This Agreement shall be executed simultaneously in three counterparts which shall be identified by number and each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

**AUTHORITY:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dan Kalb, President  
Alameda County Waste Management Authority

**APPROVED AS TO FORM:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Richard S. Taylor  
Authority Counsel

**EMPLOYEE:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Wendy Sommer

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**Date:** November 16, 2016

**TO:** Waste Management Authority and Recycling Board

**FROM:** Wendy Sommer, Executive Director

**SUBJECT:** Grants Issued Under Executive Director Signature Authority

### SUMMARY

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 grant policy is that staff informs the Board of recently issued grants.

### Grants – September 15, 2016 through October 15, 2016

PROJECT NAME	GRANT RECIPIENT	PROJECT TYPE/DESCRIPTION	LOCATION	VERIFICATION	GRANT AMOUNT	BOARD
Partner Community Outreach Grant	El Sobrante Park and Planting Justice	Engage qualified Community Based Organizations to extend their reach and impact to promote food scrap recycling to a wider community by partnering with one another	Oakland	Reports, pledges and social media analysis	\$5,000 each	RB
Community Outreach Grant	St. James Lutheran Church	Nonprofit grant funds to promote food scrap recycling to difficult to reach audiences. Grantees utilize Agency outreach materials to reach their communities using their own networks and social media.	San Leandro	Reports, pledges and social media analysis	\$5,000	RB
Community Outreach Grant	Colonial Acres Elementary School PTA	Nonprofit grant funds to promote food scrap recycling to difficult to reach audiences. Grantees utilize Agency outreach materials to reach their communities using their own networks and social media.	Hayward	Reports, pledges and social media analysis	\$5,000	RB

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**DATE:** November 16, 2016

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**BY:** Pat Cabrera, Administrative Services Director

**SUBJECT:** Contract/Vendor Authorization

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#### SUMMARY

At its November 16, 2016 meeting, staff will recommend that the Waste Management Authority Board approve new or augmented contracts and/or vendor purchases.

#### DISCUSSION

All expenditures listed below are already approved by the Board as part of the FY 16/17 Budget. However, since the Executive Director only has authority to approve contracts, purchase orders or other expenditures of funds to any one vendor or consultant up to \$50,000 per fiscal year, expenditures in excess of this amount require Board approval. The request for this approval is generally included during the budget and mid-year budget revision process. However, staff will not be presenting a mid-year revision this fiscal year as there is no proposed change to the total core budget at this time.

Staff is requesting that the Board review and approve the following contracts, contract augmentations and/or spending authority. Vendors/contractors that are less than \$50,000 have been included in the list below if previous expenditures to that contractor or supplier could exceed the Executive Director's authorization threshold.

##### Reusable Bags

Image X	\$ 10,000
Printing services	

##### Business Assistance Supporting Activities

Starline Supply Company	\$ 80,000
Waxie Sanitary Supply	\$ 50,000
<i>Both vendors are for indoor food scraps bins for businesses and multi-family properties</i>	

Accounting and Budgeting (administrative overhead)

Management Partners \$ 85,000

Account Temps \$ 60,000

*Temporary financial and consulting services*

**RECOMMENDATION**

Staff recommends that the Authority Board approve the contracts, vendors and/or spending authority as listed above.



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**DATE:** November 16, 2016

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**SUBJECT:** Priority Setting: Guiding Principles

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## **SUMMARY**

Beginning in July of this year, the Authority embarked on a priority setting process with staff, the Board, and key stakeholders. At the November 16 Waste Management Authority Board meeting, staff will seek approval of the guiding principles below, which were developed in response to Board and stakeholder input gathered during the priority setting public process. The guiding principles will help with strategy and budget development over the coming two years; their adoption will conclude the priority setting process.

## **DISCUSSION**

Our budget and work plans each year are guided by the agency's Strategic Plan 2020, adopted in 2010. Constraining resources and projections for continued revenue declines now lead us to set priorities within the comprehensive plan, and focus our efforts where we can achieve the greatest results in support of our mission, stakeholders, and member agencies. In order to shift towards a more fluid, adaptive approach to strategic planning, we plan to reassess our progress and priorities every two years going forward.

The priority setting process included surveys and/or conversations with staff, Boards, city staff (TAC and city managers), the Measure D committee and Northern California Recycling Association. Staff developed the guiding principles below based on evaluation of this stakeholder outreach and current issues relevant to materials management in Alameda County. In addition to the guiding principles, the Board asked staff to develop interim goals that provide more specificity and tracking beyond the Strategic Plan aspirational goal of "less than 10 percent good stuff in the garbage by 2020." Those goals will be developed and included in the FY17-18 budget.

### 2016 Priority Setting Process: Proposed Guiding Principles

The first seven of the guiding principles below were shared with the WMA Board at its October meeting. At that meeting, the Board showed support for the draft principles, with two additions. One is to create a separate principle related to coordination and collaboration with other public agencies to avoid duplication of effort, and the second was to ensure that the Agency had the flexibility to add a new

project when it made sense, with the understanding that other project work would need to be eliminated to make room for the new work.

<b>Topic Area/Polarity</b>	<b>Guiding Principle</b>
Upstream/Downstream	StopWaste's non-mandatory projects will emphasize waste prevention over management of discards.
Experiment & Innovate/Tried & True	Explore innovative and experimental approaches that may be leveraged by member agencies.
Doing/Studying	Emphasize project implementation and collect data only as needed to make informed decisions.
Broader Sustainability/Focus on Waste	Pursue projects with multiple sustainability benefits (greenhouse gas reduction, water conservation), only when linked with materials and waste management.
Organics/Non-Organic Waste	Organics, as the largest remaining portion of the waste stream to landfill, will continue to be an emphasis for the next two years.
Outreach: Target Audiences/Member Agencies	Develop programs that directly reach out to target audiences and communities; coordinate with Member Agencies.
Voluntary/Mandatory	Only implement ordinances that are currently in place (bags and mandatory recycling, plant debris), without introducing new mandatory programs in the coming two-year period.
<i>From Board Discussion</i>	Coordinate and collaborate with local public agencies to avoid duplication of effort.
<i>From Board Discussion</i>	Ensure the flexibility to add new projects and cut back on existing projects when appropriate.

## **RECOMMENDATION**

Adopt the above Guiding Principles to be used for programmatic strategy and budgetary planning through 2018.



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**DATE:** November 16, 2016

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**BY:** Cassie Bartholomew, Program Manager; Kelly Schoonmaker, Program Manager

**SUBJECT:** Decline DROPS Funding and Amend FY16/17 Budget

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## **SUMMARY**

Over the past year, staff has worked with the State Water Resources Control Board to finalize a \$1.5 grant agreement for the DROPS-OPS Project to implement stormwater capture projects paired with education and outreach at Oakland and Piedmont Schools. Several insurmountable obstacles from the Water Board and school district level created significant risks to StopWaste, the schools, and school districts. As a result, staff has declined the funding, and is recommending that the Waste Management Authority amend the FY16/17 budget accordingly.

## **DISCUSSION**

In January 2015, StopWaste staff submitted a grant application for the Drought Response Outreach Program for Schools (DROPS) administered by the State Water Resources Control Board. StopWaste applied for \$1,491,503 in funding for five projects located at four school sites in Oakland and Piedmont Unified School Districts. The grant was intended to provide funding for projects that reduce stormwater pollution and provide multiple benefits including water conservation, water supply augmentation, energy savings, increased awareness of water resource sustainability through classroom curriculum and public outreach, and reduced dry weather runoff.

In May, 2015, the State Water Resources Control Board announced a grant award to StopWaste for the DROPS-OPS (Oakland and Piedmont Schools) Project in the amount of \$1,491,503 to implement stormwater capture projects paired with education and outreach that would build teaching and learning opportunities at each of the participating schools and in the community.

In December, 2015, the WMA Board adopted a Resolution accepting the grant funds and authorizing the Executive Director to enter into an agreement with The State of California. The majority of this grant was a pass through with the Authority acting primarily as a fiscal agent.

In working with the Water Board to finalize the grant agreement in the past ten months, several insurmountable obstacles from both the Water Board and at the school district level developed

(described below), which would have created significant risks to StopWaste, the schools, and school districts.

In addition, staff recently learned from Water Board staff that six other grantees have withdrawn from DROPS for similar reasons. As a result, StopWaste has made the difficult decision to decline the funding. The impact on the Agency's overall budget is minimal as it pertains only to the labor hours that were required to administer the grant. These hours will be reassigned and absorbed into the core budget.

**The projects are not able to meet a completion date of March, 2019.** The State has a hard deadline of April, 2019, to spend this funding and has indicated that all projects must be completed by March, 2019. In a typical design and construction process, this deadline would be very difficult to meet, given both the current status of the projects, which have not entered into design, and construction timelines for the districts. Water Board reviews throughout design and construction add additional time to this process, making the deadline impossible to meet, even with the quickest turnaround times. During the pre-execution process, staff experienced turnaround times from the Water Board that were significantly longer than promised, and must conclude that this pattern would continue during grant implementation, setting projects back further, and putting schools, districts, and StopWaste at great risk of failing to meet grant deadlines.

**The grant requirements and approval process are excessively slow, onerous, rigid, and not realistic.** During the pre-execution process we have encountered Water Board requirements both within the grant agreement and outside of it that have been difficult or impossible to resolve. It often takes weeks to resolve straightforward issues, such as providing documentation acceptable to the state for the name of the Agency, an issue that remains unresolved. Also adding risk for StopWaste, schools, and districts is the non-negotiable requirement of a *36-year fiscal commitment*, which staff learned of during the pre-execution process.

**It is not certain that all project costs will be reimbursed, and no matching funds are available to cover additional costs.** With the conceptual nature of the proposed projects and the detailed content of the Scope of Work in the grant agreement, requests to deviate from the proposed scope will need to be reviewed by Water Board staff before proceeding, and it is uncertain if the design and construction of new proposed project elements in the deviation requests would be approved. This condition presents a risk of further extending the timeline, and districts incurring design costs that will not be reimbursed.

**After a review of the final grant agreement, Oakland Unified School District indicated that the budget included insufficient funding for OUSD projects.** OUSD reviewed the budget during the proposal phase, but upon closer review, calculated an \$800,000 shortfall for the three projects as described in the Scope of Work. Additional funding from the Water Board is not available to cover this shortfall. To complete the projects with the current budget would mean dramatically reducing the scope of work, which is not an acceptable alternative for the Water Board. Also during the final grant agreement review, OUSD's Building and Grounds Department indicated that it would not sign an MOU for the *required 20-year maintenance commitment* unless the school community volunteers were to assume the bulk of the work. This maintenance strategy is not acceptable to the Water Board.

## **RECOMMENDATION**

Amend the FY16/17 budget by \$1.5 million (pass through funds) to reflect the removal of the State Water Resources Control Board DROPS grant and adjust labor hours as appropriate.



**DATE:** November 16, 2016

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**SUBJECT:** Reappointments to the Recycling Board – Board members Peter Maass and Tim Rood

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#### **SUMMARY**

Board members Peter Maass, City of Albany, and Tim Rood, City of Piedmont, each has served one two-year term on the Recycling Board and both are eligible for reappointment to a second two-year term. They have indicated a willingness to serve a second two year term. Their current terms expire November 18, 2016.

#### **RECOMMENDATION**

That the Waste Management Authority Board reappoint Board members Maass and Rood to two-year terms on the Recycling Board ending November 18, 2018.

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## December 2016 Meetings Schedule

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

(Meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
				1	2	3
4	5	6	7	<p>8</p> <p><b>9:00 AM Programs &amp; Administration Committee Key Items:</b></p> <p>1. TBD</p> <hr/> <p><b>4:00 PM Planning &amp; Organization Committee /Recycling Board Key Items:</b></p> <p>1. Election of Officers 2. 2017 Meeting Schedule 3. Newark Expenditure Plan (tentative) 6. Altamont ColWMP</p>	9	10
11	12	13	14	15	16	17
18	19	20	<p>21</p> <p><b>3:00 PM Waste Management Authority &amp; Energy Council Key Items:</b></p> <p>1. Leg planning 2. CPSC Award - Carson 3. Altamont ColWMP 4. 2017 Meeting Schedule 5. EC: LGP contract</p>	22	23  <b>AGENCY HOLIDAY</b>	24
25	26 <b>AGENCY HOLIDAY</b>	27	28	29	30	31

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From Californians Against Waste:

## **CALIFORNIA VOTES TO BAN PLASTIC SHOPPING BAGS**

*Proponents of Plastic Bag Ban Declare Landmark Victory*

SACRAMENTO – Californians have voted to enact a state law to ban plastic shopping bags, the first state in the nation to do so.

Proposition 67, the referendum on the state law (Senate Bill 270) passed by the Legislature and signed by Gov. Jerry Brown in September 2014, is leading by 52-48 percent. The law had been challenged by the out-of-state plastic bag industry, which spent more than \$6 million to defeat it. The plastic bag manufacturers have issued a statement conceding.

Proposition 65, another measure put on the ballot by the plastic bag industry, was defeated by a 10-point margin, 55-45%.

“California voters have taken a stand against a deceptive, multi-million dollar campaign by out-of-state plastic bag makers,” said Mark Murray of Californians Against Waste, co-chair of the campaign. “This is a significant environmental victory that will mean an immediate elimination of the 25 million plastic bags that are polluted in California every day, threatening wildlife.”

“This is a tremendous victory for California,” said Monterey Bay Aquarium Executive Director Julie Packard. “We were pleased to stand in support of Proposition 67. Despite the millions of dollars that out-of-state plastic bag manufacturers spent to defeat the measure, Californians stood together and prevailed. Now, California can finally implement its first-in-the-nation law to reduce a source of plastic pollution—and protect our ocean, coast and marine wildlife.”

"This is a victory for our oceans and marine life, and for communities all over California dealing with the blight of plastic pollution in their neighborhoods," said Marce Gutiérrez-Graudiņš, Founder of Azul. "Latino/a communities have a culture of conservation, and a long tradition of using reusable bags. We are excited to see voters' support for banning plastic bags once and for all."

“The passage of Prop 67 sends a powerful message to out-of-state plastics manufacturers that California’s environmental protections are not for sale,” said Sarah Rose CEO of the California League of Conservation Voters. “Once again Californians voiced their strong support for bold environmental leadership to move our state and our country forward.”

The law will take effect immediately. It was originally designed to take effect on July 1, 2015 for grocery stores and July 1, 2016 for other retailers.

More than 151 California communities already have local plastic bags in place. The passage of Prop 67 extends the ban to the remainder of the state.

The Yes vote on Prop 67 was backed by a diverse coalition of more than 500 organizations, ranging from environmental groups to business organizations and dozens of cities and counties. They included: Environment

California, Heal the Bay, the NAACP, Save the Bay, the Los Angeles Chamber of Commerce, the California League of Cities, Azul, and the California Labor Federation. The Yes campaign also received the support of more than 40 newspapers.

“This is also an important victory for the grass roots, said Murray, who noted the Yes campaign was outspent by more than 4-1 (\$6.1 million to \$1.5 million). “Special interests are losing their ability to use big money to deceive California voters at the ballot box.”

More than 40 percent of California communities are already living without plastic shopping bags through local ordinance.

“Consumers have demonstrated they love this policy,” said Murray. “In the 12 California Counties that have already banned plastic bags, support was most overwhelming, with better than 66% of voters saying yes to Prop 67, and an end to polluting plastic shopping bags.”

More than 70 percent of the Yes on 67 campaign’s funding came from environmental contributors. More than 4,000 individual contributors donated to the campaign. The plastic bag industry had just four contributors.

# # #

## Community News

# Hayward joins expanded plastic bag ban

New law to be fully implemented by Nov. 2017



El Taquito #2 Owner Jorge Espinosa looks through a take-out order on Tuesday at his Hayward restaurant. The Alameda County Waste Management Authority, or StopWaste, will expand the county's plastic bag ban to apply to all restaurants and retail stores in 15 member cities, including Hayward, which voted last week to participate in the expanded ban. (Paul Kuroda/Bay Area News Group)

By **DARIN MORIKI** | [dmoriki@bayareanewsgroup.com](mailto:dmoriki@bayareanewsgroup.com)

PUBLISHED: November 3, 2016 at 6:02 pm | UPDATED: November 4, 2016 at 4:57 am

HAYWARD — Single-use plastic bags may be a little more difficult to find in Alameda County within the next year.

All retailers and restaurants in more than a dozen East Bay cities, including Hayward, likely will stop handing out plastic bags after the Alameda County Waste Management Authority, or StopWaste, voted last month to expand the current plastic bag ban.

It goes into effect May 1 for retail stores and Nov. 1, 2017, for restaurants.

The previous countywide plastic bag ban began in 2013 and applied to 1,288 stores that sold packaged food, such as grocery, drug and liquor stores.

It was created to reduce litter in local waterways; promote reusable bag use; save money on litter and storm drain cleanup costs; and curb the amount of bags in the landfill, according to the StopWaste website.

The expanded ban approved by the StopWaste board at its Oct. 26 meeting will require an additional 9,000 stores and 4,000 restaurants to stop providing carryout plastic bags.

About 10 percent of those stores are in Hayward.

One of them is El Taquito #2, which opened about eight years ago on West Winton Avenue, across the street from the Alameda County Office Building and near the Hayward Police Department.

The restaurant's owner, Jorge Espinosa, supports the shift from plastic to paper bags but acknowledged it will probably increase his operating costs.

"I'm all for it, and these are things that we need to start taking seriously, like when we banned (polystyrene foam) to-go containers, cups and all of that other stuff," Espinosa said in an interview Monday at his restaurant.

"These things need to be dealt with right now rather than later when the damage is done to the environment," he said.

Under the current ban, stores can distribute reusable bags or bags of recycled-content paper if they charge at least 10 cents per bag. The store uses the 10 cents to offset the cost of the bags, according to StopWaste.

Stores will continue to abide by the same rules as a part of the expanded ban. Restaurants distributing recycled-content paper bags would not be required to charge customers. Those restaurants choosing to distribute reusable bags, including plastic bags at least 0.00225 inches thick, must charge customers at least 10 cents.

Espinosa estimates that take-out orders are about 20 percent of his business. Buying products in bulk, however, will likely allow him to spread out the costs so the impact to each customer is minimal.

"They won't see it that much on this specific item. However, that's going to create a sort of consciousness among consumers to bring their own bags, just like they do at the grocery store," Espinosa said.

The 15 East Bay cities covered by StopWaste, including Hayward, have until Dec. 9 to opt out of the expanded ban. The Hayward City Council, however, voted to take part Oct. 25, one day before StopWaste formally approved the changes.

Mayor Barbara Halliday was absent and did not vote on the city council's 6-0 decision.

"I think it's going to have a huge financial impact," Councilwoman Elisa Marquez said before casting her vote.

"It's a good thing for our environment, but it's definitely going to be a shift for our restaurants," she said.

Councilman Al Mendall said expanding the ban to include restaurants will likely reduce the amount of plastic bags littering city streets. He said Hayward saw a noticeable drop in discarded plastic bags after the earlier ban was adopted in January 2013.

"It makes a difference, so I'm happy to move the item, and I look forward to the reduction in litter that will result," Mendall said.

A StopWaste survey of 70 of the 1,288 Alameda County retailers covered by the initial plastic bag ban in 2013 found that their annual amount of purchased carryout paper and plastic bags fell by 80 percent from 2012 to 2015, from 49.98 million to 10 million.

The California Restaurant Association opposes the county's expanded ban because of possible health risks associated with switching to paper bags or reusable bags, said Jessica Lynam, the group's local government affairs director.

Paper bags are also not as durable as plastic bags when it comes to transporting take-out food, Lynam said.

"Restaurants do not know where that reusable bag has been — it could be sitting in a garage, or it could have been used to carry gym clothes with bacteria — so requiring that restaurants either allow customers to use reusable bags or provide them with a paper one is not the best option," Lynam told the Hayward City Council at its Oct. 25 meeting.

"It's different for retail establishments, where they're not serving prepared foods, or for grocery stores, where you prepare your food on your own," she said.

Councilwoman Sara Lamnin said she generally supports the bag ban but was concerned by California Restaurant Association's claims that local restaurants did not feel included in the policymaking process.

"I just think there's some more work to be done," Lamnin said.

Contact Darin Moriki at 510-293-2480 or follow him at [Twitter.com/darinmoriki](https://twitter.com/darinmoriki).

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### **If You're Interested:**

For more information, call 510-891-6575, send an e-mail to [bags@stopwaste.org](mailto:bags@stopwaste.org), or go to the StopWaste website at [www.reusablebagsac.org](http://www.reusablebagsac.org).

Tags: [Environment](#), [Restaurants](#), [Retail](#), [Small Business](#), [sustainable](#)

**Darin Moriki** Darin Moriki is a reporter for the Bay Area News Group's Silicon Valley Community Newspapers. He covers Hayward, Castro Valley, San Leandro and nearby unincorporated Alameda County areas for the Hayward Daily Review. He has worked for the organization since 2016. He has worked for four newspapers in three states since graduating in 2012 from the University of Oregon with his master's degree in journalism. His coverage includes the 2011 Tohoku earthquake and tsunami in Japan and the 2012 Aurora theater shooting in Colorado. Originally from Hawaii, he dreams of the warm ocean water lapping at his feet and the sand between his toes.

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