

APPROVED

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING & ORGANIZATION COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

**Thursday, May 14, 2015
7:00 p.m.**

**Hayward City Hall
777 B Street
Conference Room 1C, 1st Floor
Hayward, CA 94541
(510) 583-4400**

I. CALL TO ORDER

President Daniel O'Donnell called the meeting to order at 7:03 p.m.

II. ROLL CALL

Adan Alonzo, Recycling Programs
Lorrin Ellis, City of Union City (arrived 7:06 p.m.)
Greg Jones, City of Hayward
Peter Maass, City of Albany
Daniel O'Donnell, Environmental Organization
Michael Peltz, Solid Waste Industry Representative
Jerry Pentin, City of Pleasanton (arrived 7:10 p.m.)
Tim Rood, City of Piedmont
Toni Stein, Environmental Educator (arrived 7:10 p.m.)
Minna Tao, Recycling Materials Processing Industry

Absent:

Steve Sherman, Source Reduction Specialist

Staff Present:

Wendy Sommer, Deputy Executive Director
Arless Dunn, Clerk of the Board
Audrey Beaman, County Counsel
Meri Soll, Senior Program Manager
Tom Padia, Recycling Director
Maryann Koller, Azevada PTA
David Lewis, Save the Bay

III. ANNOUNCEMENTS BY THE PRESIDENT

Wendy Sommer shared a photo including WMA Board member Shelia Young, Recycling Board member Daniel O'Donnell and agency staff. The photo was taken at a sheet mulching lawn conversion event in San Lorenzo. 500 people were in attendance at the landscape expo and 60 people helped with lawn conversion. KGO television covered the event. President O'Donnell stated the event went very well. President O'Donnell announced that he attended the Bio-Cycle conference in April and is pleased and amazed at the amount of funding currently going towards compost research and application.

IV. CONSENT CALENDAR

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| 1. Approval of the Draft Minutes of April 9, 2015 (Wendy Sommer) | Action |
| 2. Board Attendance Record (Wendy Sommer) | Information |
| 3. Written Report of Ex Parte Communications (Wendy Sommer) | Information |

Board member Tao made the motion to approve the Consent Calendar. Board member Maass seconded and the motion carried 7-0 (Ellis, Pentin, Sherman, and Stein absent).

V. OPEN PUBLIC DISCUSSION

There was none.

VI. REGULAR CALENDAR

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| 1. Potential Time Change for July meeting (Wendy Sommer) | Action |
| Direct staff of the preferred meeting date/time for the July meeting. | |

Wendy Sommer provided a summary of the staff report. Board member Peltz made the motion to approve Option 2: Changing the July 9th meeting time to 5:30 p.m. Tour of Tesla will start at 4 p.m. and the Committee meeting will be convened at 5:30 p.m. at the Fremont Transfer Station. A tour of the Transfer Station will follow. Board member Ellis seconded and the motion carried 8-0 (Pentin, Sherman, and Stein absent).

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| 2. Azevada Elementary School Parent Teacher's Association Nonprofit Grantee Presentation (Wendy Sommer & Meri Soll) | Information |
| This item is for information only. | |

Meri Soll provided a summary of the staff report and introduced Maryann Koller, PTA President. Ms. Koller provided an overview of the outcome and results of the recent grant. The staff report is available here: <http://www.stopwaste.org/azevada/grant/presentation/pdf>

Board member Stein asked if the school lunch is cooked onsite or delivered to the school. Ms. Koller replied that lunch is delivered to the school and then put out on cardboard trays. Board member Stein asked if a bin is required for non-recyclable items and inquired if the school has considered compostable utensils. Ms. Koller stated yes, a non recyclable bin is available but the volume is usually light and mostly for snack wrappers, plastic utensils and straws. She added she will speak with the principal regarding compostable utensils but this is a school district wide issue. Board member Stein inquired if food scraps is being used for the garden. Ms. Koller stated not at this time but they do have a garden hose and they are being careful due to skunks and raccoons in the area. Board member Tao commended Ms. Koller on a wonderful program and asked if the students are able to use the same food scrap and recycling techniques at home. Ms. Koller stated yes, the City of Fremont supports the program and the franchise provider offers the same program at home.

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| 3. Reusable Bag Ordinance 2012-2: Potential Expansion (Discussion) (Wendy Sommer & Meri Soll) | Information |
| This item is for information only. | |

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Meri Soll presented a PowerPoint presentation and led the discussion regarding the Reusable Bag Ordinance 2012-2: Potential Expansion. A copy of the PowerPoint presentation is available here: <http://www.stopwaste.org/2015/committee/bags/presentation.pdf>

Wendy Sommer reported on the comments from the P&A Committee meeting earlier that day. A majority of the members prefer not to follow the previously approved process and would like staff to come back to the WMA Board with options for expansion at a later date. Some comments in favor of continuing the discussion on the ordinance expansion included: the value of the ordinance as an educational tool, the need for regional consistency for shoppers, and the importance of showing our leadership in this area. The City of Fremont representative was not present but staff from Fremont expressed support if it is a unanimous decision, and not a patchwork approach. The City of Dublin was opposed to reopening the process and preferred to stay the course due to neighboring counties not adopting a countywide ordinance and future agency budget constraints. Board member Biddle also expressed a feeling of ordinance fatigue with respect to the MRO, HHW, and Benchmark Ordinances.

Ms. Sommer provided clarification with respect to process. The original ordinance included an opt-out date which has since passed, so if the Board elects to adopt the amended ordinance that is countywide, there will be no opt-out provision. Board member Pentin stated if we were to amend the ordinance we should be able to add an opt-out provision. County Counsel Audrey Beaman stated that she would need to review the current ordinance to see if the language prohibits adding an opt-out provision to amendments, however, she does not believe there is such a prohibition. Ms. Sommer also clarified that the \$180,000 funding from the Clean Water Program will cover all costs of expansion for mostly the first year only and the Board will need to look at budgeting for subsequent years.

Board member Tao inquired how to measure effectiveness with respect to behavior change if expanding to include 7,000 additional stores and what would be the total cost per store. Ms. Soll stated that it is difficult to measure the cost per store but data shows the existing ordinance has been very effective with the current covered stores with respect to behavior change.

Board member Maass inquired if SB270 could have any future effect on an expanded ordinance. Ms. Soll explained that if the bill becomes law in 2016 we would only be able to change the cost per bag and the affected stores. Board member Maass inquired why the Clean Water Program was selected to work with the cities. Ms. Sommer stated the Clean Water Program approached us to expand the ordinance since our agency did not prioritize the effort. Ms. Sommer added that although the reusable bag ordinance is beneficial with respect to storm water issues, the agency's mission is to address waste reduction. There are approximately 1,800 tons of additional plastic bags that an ordinance expansion could potentially address, as compared to the 350,000 potential tons that could be diverted through the Mandatory Recycling Ordinance (MRO). Expanding the bag ordinance will entail reassigning staff resources from other Agency priority programs such as MRO, HHW and Grants to NonProfits.

Board member Mass inquired if agency staff time allocated to the ordinance can be reduced if member agency staff assumed some of the enforcement duties. Ms. Soll stated that the ordinance was setup designating WMA staff as the enforcement arm to ensure consistency. Member agency staff will have to be trained on our enforcement protocol and practices, which will result in Agency staff time. Ms. Sommer added in addition to enforcement there also data gathering and analysis, outreach efforts, stakeholder process and other duties.

Board member Peltz inquired if staff can project the volume of complaint activity if the ordinance is expanded. Ms. Soll stated we are currently using an inspection based ordinance but counties that do complaint based enforcement report that there is heavy volume the first year but subsides over time.

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Board member Rood asked who is responsible for the San Jose ordinance and the number of staff allocated to the project. Ms. Soll stated the Department of Environmental Services was responsible for the ordinance with a half-time staff person. Board member Rood inquired about projected cost of expanding the ordinance three years out. Ms. Soll stated it is difficult to project as she is uncertain as to what duties will still be required and exactly how many stores will be affected and how many complaints we will get. Board member Ellis stated the ongoing costs raise concern with respect to the budget. Board member Rood inquired whether the buy-in process from City Administrators is intended to be a “poison pill”. Board member Pentin stated that the process was adopted knowing that the buy-in process was one of the biggest hurdles.

David Lewis, Save the Bay, encouraged the Committee to pursue expansion. Board member Stein inquired about the broader motivators and externalities that concern Save the Bay with respect to the plastic bag issue. Mr. Lewis stated that Save the Bay has 60,000 members and the primary motivation is protecting the bay for people and wildlife both from an environmental and human health perspective. Board member Pentin asked for clarity on a couple of issues relating to letters received from Save the Bay. In particular, a letter stating Pleasanton had opted out of the expansion. Mr. Lewis stated that he would research the issue and report back to Board member Pentin and make corrections as necessary.

Board member Pentin stated that it appears that staff is asking for action on this item but that the item is on the agenda as an information item. Ms. Beaman stated that it is permissible for the Board to provide suggestions and to weigh in as information. Board member Rood stated that he is not opposed to staff coming back to the WMA despite the second criteria not having been met. However, he has serious concerns about the agency’s ability to finance the expansion in future years and he is not certain that this is the most effective program for the agency to fulfill its goals.

Board member Stein stated that she also recommends that the item come back to the Board but with additional options such as including a characterization and categorization of the 7,000 stores so that we can possibly focus on a smaller subset of stores and also a phase-in process. Additionally, include information on other environmental benefits from this ordinance. Board member Jones supported bringing the item back to the Board for a full discussion and analysis of where other financial resources can come from including possibly some member agency and other organizations financial input, including asking the Clean Water Program for additional funding. He added he is concerned about the return on the investment of this program and would like to consider other programs that may receive a more robust return. Board member Peltz concurred with Board member Jones’ comments and added staff should do more research to determine what the most effective use of funds is to make the ordinance more effective. Board member Maass stated his support for continuing the discussion of expansion and was optimistic that the northern portion of the county would be receptive to adding additional resources and agreed that staff should provide more alternatives for expansion. He also added that he would not like to see a reduction in resources towards other agency programs.

Board member O’Donnell commented that if we can change the definition of grocery stores to include stores that sell snacks and candy (e.g. Home Depot, Fry’s), we could possibly reduce some of the cost. Ms. Soll stated that the hard cost i.e. stamps, outreach materials, are minimal but the labor costs i.e. staff hours consumes most of the project budget. Board member Alonzo stated the best option is producer responsibility and possibly involve the retailers to generate funds to cover the ordinance. Tom Padia stated that because of Prop 26 we can’t make this a cost recovery effort with revenue coming from stores. Board member Ellis concurred with Board member Alonzo that producer responsibility is the best method at a statewide level, through piggybacking on legislative efforts Board member Stein stated that we should provide information to the incoming 7,000 stores on where to purchase the compliant bags.

VII. OTHER PUBLIC INPUT

There was none.

VIII. COMMUNICATIONS/MEMBER COMMENTS

President O'Donnell reminded the Board of the July meeting will start with a tour of Tesla at 4:00 p.m. and convene the meeting at 5:30 p.m. at the Fremont Transfer Station.

IX. ADJOURNMENT

The meeting adjourned at 8:40 p.m.