

APPROVED

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

**Thursday, August 13, 2015
4:00 p.m.**

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

I. CALL TO ORDER

President Daniel O'Donnell called the meeting to order at 4:03 p.m.

II. ROLL CALL

Adan Alonzo, Recycling Programs
Don Biddle, City of Dublin for Jerry Pentin, City of Pleasanton
Greg Jones, City of Hayward
Peter Maass, City of Albany
Dianne Martinez, City of Emeryville
Daniel O'Donnell, Environmental Organization
Michael Peltz, Solid Waste Industry Representative
Tim Rood, City of Piedmont
Toni Stein, Environmental Educator (arrived 4:20 p.m.)
Steve Sherman, Source Reduction Specialist (via teleconference)

Staff Present:

Wendy Sommer, Deputy Executive Director
Tom Padia, Recycling Director
Meri Soll, Senior Program Manager
Kathleen Pacheco, Senior Deputy County Counsel
Arliiss Dunn, Clerk of the Board

Others Participating:

Erik Nylund, Crowe Horwath, Ltd.
Miriam Gordon, Clean Water Action
Samantha Sommer, Clean Water Action

III. ANNOUNCEMENTS BY THE PRESIDENT

First Vice President Tim Rood welcomed Board member Dianne Martinez as a new WMA representative to the Recycling Board, and announced that the WMA Board directed Agency Counsel to work with the WMA Board President to negotiate a contract agreement with Wendy Sommer to serve as the next Executive Director, starting after Executive Director Wolff's retirement at the end of December.

IV. CONSENT CALENDAR

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| 1. Approval of the Draft Minutes of May 14, 2015 (Wendy Sommer) | Action |
| 2. Board Attendance Record (Wendy Sommer) | Information |
| 3. Written Report of Ex Parte Communications (Wendy Sommer) | Information |

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Board member Rood made the motion to approve the Consent Calendar. Board member Biddle seconded and the motion carried 6-0-2 (Stein absent) (Maass and Martinez abstained).

V. OPEN PUBLIC DISCUSSION

There was none.

VI. REGULAR CALENDAR

1. Clean Water Action - 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 Miriam Gordon and Samantha Sommer, Clean Water Action staff. Ms. Sommer provided an overview of the organizations efforts through the "Rethink Disposable" campaign. A copy of the PowerPoint presentation is available here:

<http://stopwaste.org/Rethink/Disposable.pdf>

Board member Biddle asked how initial contact is made to the businesses and their reaction. Ms. Sommer stated they track the trash generated in the commercial districts and canvas the businesses door to door. The auditors are trained to look for certain operations that qualify the businesses as good candidates. The goal is to audit large chain retail establishments but currently they are working with small local businesses where the managers are onsite. Board member Maass inquired if they have explored utilizing social media sites such as restaurant review portals such as Yelp to promote and advertise when a business has successfully completed the audit. Ms. Sommer stated that they have discussed it but have not pursued it. Board member Alonzo inquired if there is data available with respect to increase in water use from washing the units. Ms. Sommer stated that if there is concern from the business they will work with them on a case by case basis. They use a tool that can calculate water impacts and none of the businesses have reported any increase in water usage. They will be developing a new water conservation guide on their website.

Board member Stein inquired if there is opportunity to work with ABAG with respect to the Green Business program and to include the ReThink Disposable program as criteria. Ms. Sommer stated yes, and she made a presentation to ABAG and all of the regional Green Business programs and many of them are making it a requirement for food-related businesses to meet with the Clean Water Action staff. Board member Stein recommended that they include hospitals in their institutional portfolio. Ms. Gordon stated that right now it is a capacity issue but it is a long term goal. Wendy Sommer inquired if they had considered working with food truck vendors at fairgrounds. Ms. Sommer stated that they have not worked with them but considers it a good idea.

President O'Donnell thanked Ms. Sommer and Ms. Gordon for the presentation.

2. Recycling Board "Five Year Audit" - Recommendation to Accept Phase I Five Year Financial & Compliance Audit Report – FY 2011/12 – 2013/14 (Wendy Sommer & Tom Padia) Action

It is recommended that the Recycling Board accept the Phase I Five Year Financial and Compliance Audit by Crowe Horwath LLP and approve the recommendations therein, subject to the qualifications enumerated in the staff report.

Tom Padia provided an overview of the staff report and introduced Erik Nylund, Crowe Horwath. The staff report is available here: <http://stopwaste.org/Five/Year/Report.pdf>

Mr. Nylund presented the findings and recommendations from the Five Year Financial and Compliance Audit. The PowerPoint presentation is available here: <http://stopwaste.org/Five/Year/Presentation.pdf>

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Board member Stein inquired about the disparity in Measure D fund balances at the end of June 30, 2014. Mr. Nylund stated that over the years the Board has incentivized the agencies to spend the funds in an expeditious fashion and there has been a penalty if certain balances exceed the total disbursements over the last two year period. If balances exceed the two year period threshold the agency must submit an expenditure plan and Crowe Horwath would follow up to ensure that the expenditure plan was accomplished. Predominantly, none of the agencies have exceeded the balance threshold. Mr. Padia stated that in the distant past the City of Hayward submitted an expenditure plan, and more recently the City of Livermore submitted an expenditure plan due to a staff vacancy that took longer than anticipated to fill.

Board member Stein inquired about the outcome regarding the Recycled Product Purchase Preference Program (RPPP). Mr. Nylund stated historically leftover funds were allocated for specific recycled content purchases. There were no leftover RPPP monies to allocate to member agencies for this purpose. Board member Stein recommended developing a diversion metric to present tonnage information in percentage form to illustrate that we want to get as high diversion as possible. Board member Peltz inquired if Measure D spoke to member agency fund balances or is it at the discretion of the Board. Mr. Padia stated that language is not included in the County Charter so it falls into the discretion and policy making decisions of the Board. The Charter directs the funding to be used for the maintenance and expansion of municipal recycling programs and we want to make sure the funding is used for this purpose.

Board member Rood inquired if the monies can be taken away from the member agencies. Mr. Padia stated that the Board passed a policy about what constitutes an adequate commercial recycling program and staff will be coming back to the Board probably at the end of this year regarding the City of Pleasanton as they do not currently have a commercial organics diversion program. The Board will need to determine their eligibility in continuing to receive Measure D funding. Additionally, all jurisdictions are required to have a curbside recycling program and all jurisdictions are currently in compliance. However, if a jurisdiction discontinues the program they will potentially become ineligible to continue to receive Measure D funding.

Mr. Padia provided an overview of the audit recommendations in the staff report. Board member Stein suggested with respect to Recommendation MA-1 Track Labor Costs, to collect duty statements to see if they align with the budgeted percentage.

Board member Biddle made the motion to approve the Recycling Board Five Year Audit subject to the staff recommendation. Board member Rood seconded and the motion carried 10-0.

VII. OTHER PUBLIC INPUT

There was none.

VIII. COMMUNICATIONS/MEMBER COMMENTS

Wendy Sommer introduced Kathleen Pacheco, Senior Deputy County Counsel. Ms. Pacheco will serve as interim Counsel for the Recycling Board while Audrey Beaman is on medical leave.

Board member Rood inquired if the Board is required to ask for public comment on an item prior to taking action. Mr. Padia stated that the Rules of Procedure states that any member of the public may comment on any item if recognized for that purpose by the meeting Chair. Ms. Pacheco added that generally if any member of the public would like to speak on a specific topic they will stand up during the public comment and the meeting Chair can then recognize them.

IX. ADJOURNMENT

The meeting adjourned at 5:20 p.m.