

**Planning Committee/
Recycling Board Members**

Darby Hoover, **President**
Environmental Organization

Francisco Zermeno, **1st Vice President**
ACWMA

Laura McKaughan, **2nd Vice President**
Source Reduction Specialist

Bob Carling, ACWMA

Deborah Cox, ACWMA

Eric Havel, Environmental Educator

Dan Kalb, ACWMA

Chiman Lee, Recycling Programs

Tianna Nourot, Solid Waste Industry Representative

Dave Sadoff, ACWMA

Recycling Materials Processing Industry, Vacant

Wendy Sommer, Executive Director

AGENDA

**MEETING OF THE
PLANNING COMMITTEE
AND**

ALAMEDA COUNTY RECYCLING BOARD

Thursday, June 10, 2021

4:00 P.M.

TELECONFERENCE MEETING

Teleconference/Public Participation Information to Mitigate the Spread of COVID-19.

This meeting will be entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Governor's Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order is to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Members of the public and staff who are not presenting an item may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 and using the webinar id 856 3383 1287
2. Using the [Zoom](#) website or App and entering meeting code 856 3383 1287

Board members and any other individuals scheduled to speak at the meeting will be sent a unique link via email to access the meeting as a panelist. All Board members MUST use their unique link to attend the meeting. During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than noon, Thursday, June 10, 2021. The public may also comment during the meeting by sending an e-mail to publiccomment@stopwaste.org prior to the close of public comment on the item being addressed. Each e-mail will be read into the record for up to three minutes.

In accordance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENT

IV. OPEN PUBLIC COMMENT

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.

Page V. CONSENT CALENDAR

1 1. Approval of the Draft PC&RB Minutes of May 13, 2021 (Timothy Burroughs)

5 2. Board Attendance Record (Timothy Burroughs)

7 3. Written Report of Ex Parte Communications (Timothy Burroughs)

VI. REGULAR CALENDAR

9 1. Revisions to Recycling Board Resolution RB 2014-12 to address accumulated Measure D fund balances (Meri Soll)

That the Recycling Board adopt Revision of Recycling Board Resolution #RB 2014-2 regarding fund balances of recycling fund per capita allocations.

15 2. Reusable Food Ware Project Update (Justin Lehrer)

This item is for information only.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

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

Thursday, May 13, 2021

7:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Darby Hoover called the meeting to order at 7:00 p.m. Timothy Burroughs explained the process being utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

II. ROLL CALL OF ATTENDANCE

Bob Carling, ACWMA
Deborah Cox, ACWMA
Eric Havel, Environmental Educator
Darby Hoover, Environmental Organization
Dan Kalb, ACWMA
Laura McKaughan, Source Reduction Specialist
Tianna Nourot, Solid Waste Industry Representative
Dave Sadoff, ACWMA
Francisco Zermeño, ACWMA
Chiman Lee, Recycling Programs
Vacant, Recycling Materials Processing Industry

Staff Present:

Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Justin Lehrer, Operations Manager
Meghan Starkey, Senior Management Analyst
Arliss Dunn, Clerk of the Board
Adrienne Ramirez, Assistant to Clerk of the Board
Farand Kan, Deputy County Counsel

Others Participating:

Shawn Tackitt, Field Director of Operations, Waste Management, Inc.
Karen Stern, Director of Communications, Waste Management, Inc.
Lizzie Carrade, City of Albany
Hoi-Fei Mok, City of San Leandro

III. ANNOUNCEMENTS BY THE PRESIDENT

There were none.

IV. OPEN PUBLIC COMMENT

There was none.

V. CONSENT CALENDAR

- 1. Approval of the Draft Joint WMA, EC & RB Minutes of April 28, 2021 (Timothy Burroughs)**
- 2. Board Attendance Record (Timothy Burroughs)**
- 3. Written Report of Ex Parte Communications (Timothy Burroughs)**

There were no public comments for the Consent Calendar. Board member Zermeño moved to approve the Consent Calendar and Board member McKaughan seconded. The motion carried 10-0. The Clerk called the roll:

(Ayes: Carling, Cox, Havel, Hoover, Kalb, McKaughan, Nourot, Sadoff, Zermeño, Lee. Nays: None. Abstain: None. Absent: None. Vacant: Recycling Materials Processing Industry)

VI. REGULAR CALENDAR

- 1. Proposed FY 2021-2022 Budget (Wendy Sommer, Timothy Burroughs, and Pat Cabrera)**
That the Recycling Board adopt the RB FY 21-22 Budget Resolution (Attachment A).

Timothy Burroughs provided clarification regarding the Agency's grant decision and outreach process and recommended that Board adopt the Recycling Boards portion of the budget of approximately \$12M. There were no public comments on this item. Board member Zermeño motioned to adopt the proposed budget. Board member Sadoff seconded and the motion carried 10-0. The Clerk called the roll:

(Ayes: Carling, Cox, Havel, Hoover, Kalb, Lee, McKaughan, Nourot, Sadoff, Zermeño. Nays: None. Abstain: None. Absent: None. Vacant: Recycling Materials Processing Industry)

- 2. Waste Management Davis St. Organics Facilities Update (Wendy Sommer)**
This item is for information only.

Wendy Sommer provided an overview of the staff report and introduced Shawn Tackitt and Karen Stern of Waste Management, Inc. Mr. Tackitt provided an update to the board on the status of two organics processing facilities at the Davis Street Resource Recovery Complex in San Leandro. A link to the staff report is available here: [WM-Facility-Update.pdf](#).

Mr. Tackitt presented a video of the facility operations, available here: <https://youtu.be/kzsKkWaR2Rg>. The audio link to the discussion is available here: [OMRF-Presentation](#)

Additional time was provided for committee members to ask clarifying questions. Mr. Tackitt informed the committee that the facility is not currently offering tours to the public but tours are available to jurisdictions upon request. To schedule a tour, contact Marisol Duenas at mduenas2@wm.com or 510-563-4245. There were no public comments on this item. President Hoover thanked Mr. Tackitt for the presentation.

- 3. Municipal Panel Climate Action on the Local Government and Community Level (Meghan Starkey)**
This item is for information only

Meghan Starkey provided an overview of the staff report and introduced Lizzie Carrade, City of Albany and Hoi-Fei Mok, City of San Leandro, who provided an overview of climate mitigation and adaptation activities, and information on tools to create multiple benefits and create capacity within their

communities. A link to the staff report is available here: [Municipal-Panel-Climate-Action.pdf](#). An audio link to the discussion and presentation is available here: <https://www.stopwaste.org/file/8219>. Additional time was provided for committee members to ask clarifying questions.

There were no public comments on this item. President Hoover thanked Lizzie Carrade and Hoi-Fei Mok for the presentation.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

There were none.

VIII. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

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2021 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
B. Carling	X	X	X	X	X							
L. Carrell	X											
D. Cox	X	X	X	X	X							
E. Havel	X	X	X	X	X							
D. Hoover	X	X	X	X	X							
C. Lee				X	X							
D. Kalb	X	X	X	X	X							
L. McKaughan	X	X	X	X	X							
T. Nourrot	X	X	X	X	X							
D. Sadoff	X	X	X	X	X							
F. Zermeño	X	X	X	X	X							
Recycling Materials Processing Industry												
INTERIM APPOINTEES												

Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

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DATE: June 10, 2021

TO: Recycling Board

FROM: Timothy Burroughs, Deputy Director

SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

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DATE: June 10, 2021

TO: Alameda County Source Reduction and Recycling Board

FROM: Meri Soll, Senior Program Manager

SUBJECT: Revisions to Recycling Board Resolution RB 2014-12 to address accumulated Measure D fund balances

SUMMARY

Phase 1 of the Five Year Financial & Compliance Audit Report for FY 2016/17 – FY 2018/19 was presented and accepted by the Recycling Board in January 2021. One of the audit recommendations was to consider further revising [Resolution 2014-2](#), which is the policy addressing accumulated Measure D fund balances. In response, the Board requested staff to update this policy in order to develop standard policies and procedures for the distribution of Measure D monies when the allowable fund balance threshold has been exceeded.

BACKGROUND

The purpose of the Board policy on accumulated fund balances is to ensure that Recycling Fund monies are used consistently to continue and expand waste reduction programs. Per [current policy](#), at the end of a fiscal year, if a member agency has an unspent fund balance that exceeds the allowable threshold (\$8 x jurisdiction population) they must submit, for Recycling Board's approval, an expenditure plan in order to be eligible to continue to receive Measure D per capita monies. The more recent expenditure plan submittals have shown that the current policy lacks controls to help ensure member agency implementation of their expenditure plans.

At the February 2021 Recycling Board meeting, staff presented policy options to address Measure D fund balances. Based on Board feedback as well as additional legal review, staff has created policy recommendations for the Board to consider/adopt at the June 2021 board meeting. Attachment A provides a synopsis of the policy recommendations; Attachment B is the recommended Revision of Recycling Board Resolution #RB 2014-2 regarding fund balances of recycling fund per capita allocations.

RECOMMENDATION

That the Recycling Board adopt Revision of Recycling Board Resolution #RB 2014-2 regarding fund balances of recycling fund per capita allocations.

Attachment A: Synopsis of proposed revisions to #RB 2014-2

Attachment B: Recycling Board Resolution regarding fund balances of recycling fund per-capita allocation.

ATTACHMENT A

Resolution RB 2014-2 - Allowable Fund Balance Threshold Policy Revision Synopsis of Policy Recommendation

A	B	C
<i>If Measure D Yearly report shows Member Agency (MA) above allowable threshold (\$8 x population), the following to occur:</i>	<i>If Fund Balance not reduced to 25% below allowable threshold after 2 years, the following will occur:</i>	<i>WHEN Fund Balance reduced to 25% below allowable threshold, resume quarterly payments; withheld funds disbursed in the following manner:</i>
<ol style="list-style-type: none"> 1. MA submits an expenditure plan for Board approval that details how MA will spend down fund balance in a 2-year time frame, signed by City Manager 2. Expenditure plan to clearly detail activities and expenditures, per fiscal year, that will bring the MA Measure D fund balance to 25% below allowable threshold (Maximum 2-year plan period) 3. Once plan approved, Recycling Board staff to conduct quarterly check ins with MA staff to assess progress on expenditures identified in plan 4. StopWaste staff to review submitted annual MA Measure D report to assess yearly MA fund balance and Measure D expenditures 5. MA staff provide a yearly update to RB regarding progress with plan activities and fund balance reduction 6. If after 2 years the MA has not met expenditure plan goals and fund balance is not reduced to 25% below allowable threshold, Recycling Board begins withholding quarterly disbursements. See column B for process to address noncompliance 7. If after 2 years the MA has met plan goals and reduced fund balance to 25% below allowable threshold, MA continues to receive quarterly disbursements with no monitoring 	<ol style="list-style-type: none"> 1. MA is no longer eligible to receive future quarterly Measure D disbursements and they will be withheld by Recycling Board 2. Withheld disbursements will be placed in a separate account. Interest earned on funds will be retained by the Recycling Board 3. Steps 4-6 in column A continue to occur until fund balance reduced to 25% below allowable threshold 4. Once fund balance reduced to 25% below allowable threshold, Column C explains process to resume quarterly disbursements and access to withheld funds 	<ol style="list-style-type: none"> 1. Review of yearly Measure D report shows MA's Measure D fund balance is 25% below allowable threshold 2. Quarterly payments resume (starting Q1 of FY) <p>AND</p> <ol style="list-style-type: none"> 3. Withheld funds kept in a separate Recycling Board account will be distributed in amounts equal to quarterly payments until held account balance is \$0 4. If next yearly Measure D report shows MA fund balance is greater than allowable threshold, funds withheld and process starts again <p><i>Demonstrated need for funds held in Recycling Board account may be distributed to Member Agency prior to October report with RB approval.</i></p>

**ATTACHMENT B
ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD**

RESOLUTION #RB_

MOVED:

SECONDED:

AT THE MEETING HELD JUNE 10, 2021

**RECYCLING BOARD RESOLUTION REGARDING FUND BALANCES OF
RECYCLING FUND PER CAPITA ALLOCATIONS**

WHEREAS, the Alameda County Charter Section 64 (the Alameda County Waste Reduction and Recycling Act of 1990, hereinafter the “Act”) states that “The Recycling Board shall formulate rules for its own procedures and other rules as necessary to facilitate the implementation of the provisions of this Act,” (Subsection 64.130(J)); and

WHEREAS, the Act states that fifty percent of the monies from the Recycling Fund shall be disbursed on a per capita basis to municipalities for the continuation and expansion of municipal recycling programs (Subsection 64.060 (B)(1)); and

WHEREAS, the Recycling Board has concluded “Phase One” of the current 5-Year Financial and Compliance Audit for the period FY 2016/17 through FY 2018/19; and

WHEREAS, the Recycling Board has reviewed audit recommendations to consider further revising Resolution 2014-2, the policy addressing accumulated Measure D fund balances held by the municipalities; and

WHEREAS, the Recycling Board discussed the issues and concerns with the current policy at the February 11, 2021 meeting and based on that discussion requested a revised policy for final consideration and adoption; and

WHEREAS, the Recycling Board hereby finds that this policy of rules and procedures regarding the accumulation of unspent fund balances, plans for the use of such accumulated funds, and eligibility to receive further per capita disbursements will facilitate implementation of the Act; and

WHEREAS, this policy supersedes Resolution 2014-2 and any other policy or practice addressing this issue.

NOW THEREFORE, BE IT RESOLVED, that the Alameda County Source Reduction and Recycling Board hereby adopts the policy which revises and replaces “Rule 2” from Resolution #RB 2014-2 with the following:

Rule 2: Any municipality receiving per capita disbursements of Recycling Fund monies under the Alameda County Waste Reduction and Recycling Act, Section 64.060, shall present to the Board for its approval a written expenditure plan if, at the end of any fiscal year, that municipality has an unspent balance of such monies that exceeds the amount of \$8.00 (eight dollars) multiplied by the population

basis used for the first quarterly disbursement of that fiscal year. (Utilizing same threshold formula identified in Resolution 2014-2).

Municipality must submit, for the approval of the Recycling Board, the plan for municipality to continue to receive future quarterly disbursements. A municipality's proposed expenditure plan must include the following:

- The scope of work and amount of funds proposed for expenditure to reduce the municipality's Measure D fund balance to 25% below the allowable threshold of \$8.00 (eight dollars) multiplied by the population basis formula.
- An expenditure plan and scope of work allocated by fiscal year and designed to expend the required amount within two (2) fiscal years from submittal date of the expenditure plan
- Member agency's manager (City Manager, General Manager, or equivalent) signature

The municipality is required to provide updates on plan implementation and progress relating to expenditures to reduce fund balance in the following manner:

- Conduct quarterly check in meetings with assigned Recycling Board staff.
- Provide yearly updates to the Recycling Board that include expenditure plan compliance, expenditures and progress of expenditure plan deliverables.

After two (2) years from submittal of approved expenditure plan, if the municipality's yearly Measure D report identifies that the municipality's end of fiscal year fund balance has not been reduced to 25% below the allowable threshold, the following will occur:

- Municipality will no longer be eligible for quarterly Measure D disbursements for an entire fiscal year, using the start date of Q1 of the fiscal year in which the municipal Measure D report was submitted.
- Quarterly disbursements will be retained by Recycling Board in a dedicated Measure D fund liability account; interest earned on liability account will be retained by Recycling Board.
- Quarterly check in with Recycling Board staff and yearly updates to Recycling Board will continue.
- The municipality's Measure D annual report will be reviewed to assess if municipality has successfully reduced fund balance to 25% below allowable threshold.
- When municipality has reduced fund balance as required, it will be eligible to receive future quarterly disbursements, effective Q1 of the fiscal year the municipal Measure D report was submitted.
- When municipality has reduced fund balance as required, municipality will also be eligible to receive funds held in the dedicated liability account. Funds will be released to municipality in alignment with the quarterly disbursement schedule. Withheld funds will be disbursed in amounts equivalent to the normal quarterly disbursement amounts, until the account balance has been reduced to \$0.
- If municipality has not adequately reduced the fund balance per policy, funds will continue to be withheld for an entire fiscal year until it can demonstrate reduction in fund balance to 25% below allowable threshold.

A municipality may request approval from the Recycling Board to access its Measure D funds held in the dedicated liability account if it can demonstrate the need for funds to pay for a pending expenditure that is an approved Measure D expense.

Rule 2 will be applied to the municipality's end of fiscal year fund balance utilizing the Measure D Annual Report submitted for FY 2020/21 and each year thereafter.

Passed and adopted this _____ by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board

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DATE: June 10, 2021

TO: Programs & Administration Committee
Planning Committee/Recycling Board

FROM: Justin Lehrer, Operations Manager

SUBJECT: Reusable Food Ware Project Update

SUMMARY

At its January 2020 meeting, the Waste Management Authority Board directed staff to conduct research and pilot projects to better understand the challenges of implementing reusable food ware at dining establishments in Alameda County. At the June 10, 2021 Programs & Administration and Planning Committee/Recycling Board meetings, staff will provide an update on progress and near-term plans for the project.

DISCUSSION

StopWaste has developed numerous programs around the concept of reuse, recognizing this practice as a desirable ‘upstream’ strategy for reducing waste and greenhouse gas generation. Programs specifically addressing reuse in the commercial/industrial sector have included work on [reusable transport packaging](#), the [Reusable Bag Ordinance](#), funding grants for reuse and repair activities, convening a reuse and repair industry [stakeholder group](#), and most recently, efforts to support the adoption of reusable foodware.

In 2019, staff presented options to the Waste Management Authority Board for addressing single-use food ware items, which are often made from non-recyclable plastic, compostable plastic, or fiber, are prevalent in daily life, and result in significant impacts to human health and the environment. These options included development of a countywide ordinance, development of a model ordinance for use by our member agencies, and developing pilot projects to help drive opportunities for greater adoption of reusable food ware in Alameda County.

In January 2020, recognizing that convenient and accessible reuse solutions, such as cup/container rental and dishwashing services, must be in place for consumers and businesses before implementing a regulatory approach, the Waste Management Authority Board committed funding and directed staff to conduct research and pilot projects. The purpose of the pilot projects is to test new solutions, help develop the market, and gain a better understanding of the opportunities, requirements, and challenges we must address in order to build a more robust reuse infrastructure in the county.

The pilot projects present an opportunity to develop reusable cup and container infrastructure and services that are currently very limited in the county. Staff will partner with member agencies and businesses on projects that will help us evaluate different approaches and better learn what solutions are most effective for different types of businesses and circumstances.

Shortly after receiving this direction, the pandemic took hold, leading to shelter-in-place orders and deeply impacting the restaurant industry. These conditions slowed our work significantly; we were unable to launch any pilot projects, and in fact saw public perceptions of the safety of reusables slide amid confusion over whether COVID-19 could be spread via surface transmission.

With the pandemic now in retreat and the State planning to lift many restrictions in the coming weeks, this effort is primed to move forward. On June 7, staff is producing a webinar highlighting three innovative services already operating in the Bay Area that make reusable food ware a sustainable, cost-saving option for restaurants, cafeterias, events, and other food service operations. We are also in the process of developing outreach materials, with the support of the County and City of Berkeley health departments, affirming that reusables are safe to use.

In addition, four pilot projects have been selected for funding through the Agency's recent grant solicitation. Activities include implementing reusables in a school district, in bulk meal distribution to food-insecure populations, and a study of the barriers and opportunities to implementing reusables in all school districts countywide, with the intention of facilitating this change in additional districts.

Next steps for the project include direct technical assistance work with food service businesses in three focus areas; education on the safe use of reusables, direct technical assistance to businesses that can switch to reusable foodware for on-site dining, and working closely with Member Agency staff and food business operators to identify and launch pilot projects that will help test, validate, and learn more about models for reuse in food service. At the June 10 meeting, staff will provide an update on these activities and near-term plans for the project.

RECOMMENDATION

This item is for information only.