

**APPROVED**

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

**Thursday, October 8, 2020**

**4:00 P.M.**

**TELECONFERENCE MEETING**

**I. CALL TO ORDER**

President Deborah Cox called the meeting to order at 4:00 p.m. Wendy Sommer explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

**II. ROLL CALL OF ATTENDANCE**

Bob Carling, ACWMA  
Lillian Carrell, Recycling Materials Processing Industry  
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  
Vacant, Recycling Programs

**Staff Present:**

Wendy Sommer, Executive Director  
Timothy Burroughs, Deputy Director  
Jeff Becerra, Communications Manager  
Justin Lehrer, Operations Manager  
Meri Soll, Senior Program Manager  
Meghan Starkey, Senior Management Analyst  
Farand Kan, Deputy County Counsel

**Others Participating:**

Soren Fajeau, Public Works Director, City of Newark  
Mike Hannon, Council member, City of Newark  
Jason Schmelzer, Shaw Yoder Antwih Schmelzer & Lange  
Priscilla Quiroz, Shaw Yoder Antwih Schmelzer & Lange

**III. ANNOUNCEMENTS BY THE PRESIDENT**

There were none.

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### IV. OPEN PUBLIC COMMENT

There were no public comments on the remote call and there were no public comments received in the public comment email address.

### V. CONSENT CALENDAR

#### 1. Approval of the Draft PC & RB Minutes of September 10, 2020 (Jeff Becerra)

#### 2. Board Attendance Record (Jeff Becerra)

#### 3. Written Report of Ex Parte Communications (Jeff Becerra)

#### 4. Grants Issued Under Executive Director Signature Authority (Wendy Sommer)

There were no public comments for the consent calendar. Board member Zermeño made the motion to approve the consent calendar. Board member McKaughan seconded and the motion carried 10-0: (Ayes: Carling, Carrell, Cox, Havel, Hoover, Kalb, McKaughan, Nourot, Sadoff, Zermeño. Nays: None. Abstain: None. Absent: None. Vacant: Recycling Programs)

### VI. REGULAR CALENDAR

#### 1. Election of First Vice President for 2020 (Arliss Dunn)

Elect a First Vice President for the remainder of 2020.

Clerk Arliss Dunn presented the item. Board member Zermeño nominated Board member Carrell to serve as the First Vice President. Board member Carrell stated that it was an honor to receive the nomination but respectfully declined due to her recent appointment to the board. President Cox nominated Board member Hoover to serve as First Vice President. Board member Hoover accepted the nomination. There were no other nominations. There were no public comments on this item. Board member Zermeño seconded and the motion carried 10-0:

(Ayes: Carling, Carrell, Cox, Havel, Hoover, Kalb, McKaughan, Nourot, Sadoff, Zermeño. Nays: None. Abstain: None. Absent: None. Vacant: Recycling Programs)

#### 2. City of Newark Expenditure Plan for Accumulated Measure D Funds (Meri Soll)

Staff recommends that the Recycling Board approve the Expenditure Plan submitted by the City of Newark and find that Newark is eligible to continue receiving its quarterly per capita disbursements from the Recycling Fund through June 30, 2022, while it spends its Measure D funds according to the latest Expenditure Plan.

Meri Soll provided an overview of the staff report. A link to the report is available here: [Newark-Expenditure-Plan.pdf](#). Ms. Soll introduced Soren Fajeau, Public Works Director, City of Newark. Mr. Fajeau was available to answer any questions.

Board member Zermeño inquired if there are penalties assessed if an agency fails to complete the requirements. Ms. Soll stated that there are no penalties. The Recycling Board is required to approve the two-year plan and we continue to work with the city. If the Recycling Board does not approve the plan then the city forfeits their quarterly distribution. Ms. Sommer added that the funds that would have been allotted to Newark would be distributed per capita to the other member agencies. Board member Carling inquired if the Recycling Board were not to approve the current expenditure plan would they still be allowed to use prior distributions to complete their proposed plan. Ms. Soll stated yes. Board member Havel inquired about the number of member agencies that receive Measure D

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funds and also inquired if there were other cities that had submitted expenditure plans. Ms. Soll stated that the 14 cities and the two sanitary districts receive Measure D funding. Ms. Soll added, in the prior fiscal year, the cities of Dublin and Pleasanton each submitted expenditure plans as they had exceeded the threshold and they are currently in their two-year plans. In previous years, the cities of Hayward and Livermore submitted expenditure plans and drew down their fund balance as planned. Board member McKaughan inquired as to why the City Center project was not completed over the two-year period and inquired if the Board can add a caveat to state that this would be the final extension as to not set a precedent that would allow this cycle to continue. Mr. Fajeau thanked the Board for considering their plan and stated that the project is moving as scheduled and that they will be receiving LEED and Bay Friendly certification next year. Mr. Fajeau added they will be moving into the new City Hall and the police department in February or March 2021, and that half of the funds associated with the project have been expended. Ms. Sommer stated that if the Board would like to revisit the policy and place limitations on the number of extensions staff would be happy to bring this item back to the Board. However, Ms. Sommer added the Board should allow for flexibility and consider any unforeseen circumstances. County Counsel Kan added that the current resolution allows the Board to consider the expenditure plans as submitted but should not end the process based on what could happen next year. Board member Nourot added that she would recommend stringent oversight to ensure that the funding is spent appropriately. President Cox stated that she is pleased to see that the project is moving forward and would like to discuss the policy to implement measures that would ensure that the funding is spent in the established timeline to prevent ongoing expenditure plans. President Cox added she is pleased to learn that the other expenditure plans are moving forward. Council Member Hannon, City of Newark, stated that they have some exciting projects moving forward and added his appreciation to the Board for considering their proposed plan and the city does not anticipate requiring additional extensions.

There were no public comments on this item. Board member Zermeño made the motion to accept the staff recommendation. Board member McKaughan seconded and the motion carried 10-0:

(Ayes: Carling, Carrell, Cox, Havel, Hoover, Kalb, McKaughan, Nourot, Sadoff, Zermeño. Nays: None.

Abstain: None. Absent: None. Vacant: Recycling Programs)

### **3. 2020 Legislative Year in Review (Jeff Becerra)**

This item is for information only.

Jeff Becerra, Communications Manager, provided an overview of the staff report and introduced the agency lobbyists, Jason Schmelzer and Pricilla Quiroz. Mr. Schmelzer and Ms. Quiroz were available to answer any questions. A link to the staff report is available here: [2020-Legislative-Year-Review.pdf](#)

Board member Zermeño commented that he was disappointed with the failure of SB 1080 but was pleased to see that the legislation will be brought forward in 2022, and inquired about the agency's strategy for its success. Mr. Becerra stated that in 2022, a rough equivalent of SB 1080 would be on the ballot as a voter initiative. AB 54/SB 1080 received tremendous support from nonprofit and grass roots organizations. The legislation could have been placed on the current ballot but there was hesitation around the idea of promoting the use of reusables during COVID-19. Staff will continue to educate the public on the validity of using reusables. Board member Nourot inquired about the list of items that the state is considering as recyclable. Mr. Becerra stated it is a preliminary list of items that are universally recycled throughout the state, but Alameda County is far ahead of other counties throughout the state. Board member Sadoff inquired about the biggest obstacles towards AB 1362 as he was under the impression that some of the manufacturers were not in opposition to the legislation. Mr. Schmelzer stated there is no good reason why the bill died and they plan to introduce it again next year. Board member Hoover commented with regard to SB 1080, that there is an opportunity to endorse the ballot initiative as an agency or as an individual. Board member Hoover stated that she

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could provide the link to the endorsement form. Board member Havel commented that the agency should embed some of the larger aspects of the plastic issues into our priority setting process. Board member Havel inquired about the major challenges facing SB 1383, i.e. is it the composting piece along with COVID-19 that is leading to postponing the issue. Mr. Becerra stated that the main issue is that this is a mandate for the cities and jurisdictions without any funding for implementation, also with the addition of a new initiative focused on food rescue operations the jurisdictions will require time to ramp up and possibly hire new staff and other measures. Ms. Sommer added the state still has not adopted final regulations and the date for implementation is rapidly approaching. Board member McKaughan asked for further clarification regarding the opposition from the haulers for AB 54/SB 1080, and commented that StopWaste should be at the forefront of restoring and rebuilding public trust in the area of reusables. Mr. Becerra stated that the opposition stemmed from most of the larger haulers with the sole exception being Recology. The haulers were concerned about the EPR (Extended Producer Responsibility) mechanism in the bill and that this could possibly pull the most valuable materials out of their control. Board member Nourot stated that making sure that there are available haulers for the materials is a concern as well as acquiring permitting. President Cox stated that she concurs with Board member McKaughan regarding the renewed focus on using reusables. President Cox added that she is pleased to see the Governor's approval for AB 793.

There were no public comments on this item. President Cox thanked staff for the presentation.

#### **4. Program Evaluation Update (Meghan Starkey)**

This item is for information only.

Wendy Sommer provided background on the conventional evaluation methods such as waste characterization studies and waste audits to help inform our work. These methods provide insight into what ends up in the landfill, but as our agency put more emphasis on upstream programs and rely on community outreach efforts, it becomes harder to evaluate success. Moving forward, we need an evaluation process that goes beyond counting tons. Meghan Starkey provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Program-Evaluation-Update.pdf](#).

Board member Carling inquired about the expectations and if the deep dive will help staff to decide what we should measure. Ms. Starkey stated that staff is hopeful that we will be able to set quantifiable objectives that are measurable while ensuring that we align our projects with our big picture system goals. Ms. Starkey stated that the deep dives would enable us to decide what we should measure. For example, with MRO (Mandatory Recycling Ordinance), counting inspections isn't the right metric. We want to measure whether our programs affect behavior, as ultimately, our goal is to change behavior. Board member Nourot commented that a significant concern is the contamination in compost and offered to assist in those efforts. Board member Hoover stated that the NRDC developed a tool "[Assessing Progress at the City Level](#)," as it is difficult to obtain the numbers for food waste.

There were no public comments on this item. President Cox thanked Ms. Starkey for the presentation.

#### **VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR**

Ms. Sommer announced the launch of the agency's new Re:Source mobile app available on both Apple and Android platforms. Ms. Sommer stated that it was an in-house effort and congratulated the team for their hard work, Jeff Becerra, Robin Plutchok, Chris Ross, and Jeanine Sidran.

#### **VIII. ADJOURNMENT**

The meeting adjourned at 5:23 p.m.