

**APPROVED**

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

**Thursday, November 14, 2019**

**7:00 P.M.**

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

**Teleconference  
Darby Hoover  
SpringHill Suites Denver Downtown  
1190 Auraria Pkwy  
Denver, Colorado, 80204  
303-705-7300**

**I. CALL TO ORDER**

First Vice President Deborah Cox called the meeting to order at 7:02 p.m.

**II. ROLL CALL OF ATTENDANCE**

Jillian Buckholz, Recycling Programs  
Bob Carling, ACWMA  
Deborah Cox, ACWMA  
Darby Hoover, Environmental Organization (teleconference)  
Jim Oddie, ACWMA  
Rochelle Nason, ACWMA (interim for Dave Sadoff)  
Francisco Zermeño, ACWMA

**Absent:**

Bernie Camara, Recycling Materials Processing Industry  
Tianna Nourot, Solid Waste Industry Representative  
Vacant, Source Reduction Specialist  
Vacant, Environmental Educator

**Staff Present:**

Wendy Sommer, Executive Director  
Jeff Becerra, Communications Manager  
Pat Cabrera, Administrative Services Director  
Cassie Bartholomew, Program Manager  
Justin Lehrer, Senior Management Analyst  
Andrew Massey, Deputy County Counsel  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Samantha Sommer, Rethink Disposable  
Kathy Cote, City of Fremont  
Zack Reda, City of Pleasanton

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Lori Lightfoot  
Eva Holman, Upstream Solutions

### III. ANNOUNCEMENTS BY THE PRESIDENT

There were none.

### IV. OPEN PUBLIC COMMENT

There was none.

### V. CONSENT CALENDAR

1. **Approval of the Draft Minutes of October 10, 2019 (Jeff Becerra)**
2. **Board Attendance Record (Jeff Becerra)**
3. **Written Report of Ex Parte Communications (Jeff Becerra)**

There were no public comments for the consent calendar. Board member Buckholz made the motion to approve the consent calendar. Board member Zermeño seconded and the motion carried 6-0: (Ayes: Buckholz, Carling, Cox, Hoover, Nason, Zermeño. Nays: None. Abstain: None. Absent: Camara, Nourot, Oddie, Vacant: Source Reduction Specialist, Environmental Educator)

### VI. REGULAR CALENDAR

#### 1. **ReThink Disposable technical assistance in Fremont (Cassie Bartholomew)**

Adopt a Resolution to accept funds from the City of Fremont and authorize the Executive Director to enter into an MOU with the City of Fremont to pilot ReThink Disposable technical assistance with Fremont businesses by adding funds to StopWaste's existing contract with Clean Water Fund.

Meri Soll presented the item on behalf of Cassie Bartholomew. A link to the staff report is available here: [ReThink-Disposables-MOU-11-14-19.pdf](#)

Kathy Cote, City of Fremont, stated that the Fremont City Council is seeking to reduce single use plastic food ware in the city. Staff recently advised the council to not pursue its own ordinance but to participate in a countywide or a model ordinance if adopted by StopWaste in order to leverage resources and also utilize any tools and infrastructure offered by StopWaste. The council supported staff recommendation but stated that they would like to expand on current efforts with a focus on outreach and technical assistance to eating establishments located in Fremont. Board member Zermeño stated that he supports a countywide ordinance as well and asked for information to provide to the Hayward council. Ms. Soll stated that this is currently a pilot project with the City of Fremont and over the next six to nine months we hope to glean information on the types of resources that would be required and determine if the program would be feasible to open up to member agencies. Board member Carling inquired if they have identified specific establishments. Ms. Cote stated that staff is preparing a list of 250 businesses to work with and added there has been some success with the local Subway restaurant and would like to work with more of them. Ms. Cote added they would like to build upon the successes in working with franchises that have participated in the City of Alameda. Board member Zermeño inquired about working with the larger restaurants. Ms. Cote stated that the larger dine-in restaurants are the low hanging fruit. Board member Buckholz inquired if there are challenges with franchises not wanting to participate due to corporate level policies. Samantha Sommer, ReThink Disposable, stated that there have been some successes with franchisee owned chain restaurants and often times they are also regional owners which allow them to affect multiple locations. Ms. Sommer added it continues to be a challenging area. Board member Buckholz

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commented that she works on a college campus that has these types of franchises and requested a list of the franchises that ReThink Disposable is working with.

First Vice President Cox opened the floor for public comments. Lori Lightfoot inquired if the program is successful with the larger franchises, what the plan would be for the much smaller to-go businesses that are entirely plastic. Wendy Sommer stated that we will outline our plan to address single-use food ware in the following presentation. Zack Reda, City of Pleasanton, inquired about how the contract with StopWaste differs with a city working directly with ReThink Disposable. Ms. Soll stated that there are currently cities that are working directly with ReThink Disposable and the difference is that the city would be required to provide staff resources to manage the contract and also release an RFP. Ms. Soll added ReThink Disposable is the only organization that she is currently aware of that provides technical assistance to move from single-use to reusables and cities find it more manageable to join a master contract. There were no other public comments. First Vice President Cox thanked Ms. Soll for her report.

Board member Carling made the motion to approve the staff recommendation. Board member Zermeño seconded and the motion carried 6-0:

(Ayes: Buckholz, Carling, Cox, Hoover, Nason, Zermeño. Nays: None. Abstain: None. Absent: Camara, Nourot, Oddie. Vacant: Source Reduction Specialist, Environmental Educator)

### **2. Food Service Ware Ordinance: Options and Impacts (Justin Lehrer)**

This item is for discussion and information.

Justin Lehrer provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and presentation is available here: [Food-Serviceware-Ordinance-11-14-19.pdf](#)

Board member Carling inquired about the differences in the ordinance that Santa Cruz is considering and the ordinance that we are proposing to enact. Mr. Lehrer stated that the ordinance that the City of Santa Cruz is considering is requiring that all food ware must be biodegradable, compostable, or recyclable but does not contain a requirement for reusables. Ms. Soll added the County of Santa Cruz has a more comprehensive ordinance that requires all food ware to be compostable, recyclable, BPI certified, and dine-in requirements must be phased in. Board member Carling inquired if the ordinance that we are proposing will only apply to restaurants. Mr. Lehrer stated no, the ordinance will apply to restaurants, food trucks, third party delivery services, etc. Board member Carling stated that he participated in Open Heart Kitchens, a food delivery service for the homeless, and inquired if the ordinance would apply to such organizations and if so it could create a hardship for such organizations. Mr. Lehrer stated that we are still working on the details of the ordinance and part of the process will be working with stakeholders and the community. Ms. Soll added when working on the reusable bag ordinance we were careful to consider the affected entities and excluded non-profit organizations such as Goodwill and the Salvation Army. Board member Zermeño inquired if food vendors would be included as well. Mr. Lehrer stated that they are being considered. Board member Zermeño stated that he agrees that organizations such as Meal on Wheels should be included as stakeholders and recommended that they receive advanced notification of the proposed requirements under the ordinance. Board member Zermeño added we should also reach out to retailers such as Smart and Final, Target, and Walmart to encourage them regarding their single use packaging. Board member Zermeño inquired if the Board will receive adequate information to report to their councils in January. Ms. Sommer stated that they will not be able to provide a full report on the ordinance in January but staff will provide information to the WMA Board at the November meeting that would enable Board members to discuss with their respective councils and boards to see if they would prefer to pursue a countywide ordinance or a model ordinance. Board member Zermeño expressed his support for a countywide ordinance as it provides more consistency and supports the proposed fee on reusables. Board member Oddie commented that the proposed budget of \$450,000 for a model ordinance appears quite high as we are not starting from scratch. Mr. Lehrer stated that the \$450,000 includes

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stakeholder work and working with member agencies to ensure that they are on board with whatever is decided. Board member Oddie commented that StopWaste has given grants to non-profits that have converted to using reusables and saved money and inquired if staff has data on the cost difference between plastic containers and compostable containers as the information would be useful for them. Board member Oddie added, if we are considering a fee it would be helpful to use the revenue from the fee to help fund some of these programs such as Meals on Wheels as they are delivering food to the same residents. Mr. Lehrer stated that we have access to some of the data and in some cases the costs are similar. ReThink Disposable has more data on the costs. Ms. Soll added that we are already doing this as all of the grants that we funded this year are upstream, meaning reusables and other practices that reduce waste before it is created. Ms. Sommer added that some of our member agencies have expressed interest in contributing funds to help with the implementation if we decide to do a countywide ordinance. Board member Buckholz inquired if there is any data showing that there has been an increase in the reusable plastic containers in the waste stream from to-go establishments that converted to reusables. Ms. Soll stated that the data she is seeing shows very minimal loss from people returning the to-go containers. Board member Buckholz stated that the ordinance should also require that any reusable container must be accepted by the local waste hauler as recyclable. First Vice President Cox inquired if the TAC is involved in the discussions. Mr. Lehrer stated yes, we have a select working group comprised of TAC members that are particularly interested in this issue. First Vice President Cox stated that she had recently attended a League of Cities conference and a company presented that provided dishwashing and pickup and delivery services of reusable service ware for events. Ms. Soll stated that she will be conducting a site visit to a company in San Carlos called Dishcraft and they provide robotic dishwashing and pickup and delivery services of reusable food service ware. First Vice President Cox added we could help incentivize businesses by having their logo on reusable service ware. First Vice President Cox stated that when presenting to their respective councils it would be helpful to have information on the City of Alameda and Berkeley ordinances. Board member Hoover inquired if our proposed ordinance would impact or preempt any city ordinances or prevent future ordinances. Mr. Lehrer stated no.

First Vice President Cox opened the floor for public comment. Samantha Sommer, ReThink Disposable, commented that she is impressed with the conversation the Board is having and she highly recommends pursuing a countywide ordinance and added if the businesses are allowed to retain any of the proposed fee it would encourage and enable them to purchase more reusable containers. Kathy Cote, City of Fremont, commented that she supports a countywide approach as it provides the best opportunity to leverage resources to get economies of scale and provide consistent messaging. Eva Holman, Upstream Solutions, commented that she supports a countywide approach and added it is heartening to see the many businesses that are coming aboard.

Ms. Sommer stated that when staff comes back to the Board in January the Board will need to provide direction on which approach we take (countywide or model) and if we proceed with a countywide approach we will need to consider what other programs that we might need to reduce or eliminate in order to pursue this effort.

First Vice President Cox thanked Mr. Lehrer and Ms. Soll for their presentation.

### **VII. COMMUNICATIONS/MEMBER COMMENTS**

There were none.

### **VIII. ADJOURNMENT**

The meeting adjourned at 7:55 p.m.