

APPROVED
MINUTES OF THE MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD
AND
THE ENERGY COUNCIL (EC)

Wednesday, October 28, 2015

3:00 P.M.

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

I. CALL TO ORDER

President Jerry Pentin, WMA, called the meeting to order at 3:05 p.m.

II. ROLL CALL

WMA & EC

County of Alameda	Scott Haggerty, WMA, EC
City of Alameda	Jim Oddie, WMA, EC (left 4:15 pm)
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC (arrived 3:10 pm, left 4:10 pm)
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Greg Jones, WMA, EC
City of Livermore	Laureen Turner, WMA
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA (left 3:55 pm)
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA
City of San Leandro	Pauline Cutter, WMA, EC
City of Union City	Lorin Ellis, WMA, EC (arrived 3:12 pm)

Absent:

City of Fremont	Suzanne Lee Chan, WMA, EC
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Staff Participating:

Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director
Rachel Balsley, Senior Program Manager
Tom Padia, Recycling Director
Debra Kaufman, Senior Program Manager
Wes Sullens, Program Manager
Richard Taylor, Counsel, Authority Board
Arliss Dunn, Clerk of the Board

Others Participating:

Naomi Lue, Castro Valley Sanitary District
Ken Bukowski, Former Board Member

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III. ANNOUNCEMENTS BY THE PRESIDENTS

There were none.

IV. CONSENT CALENDAR (WMA & EC)

- 1. Approval of the Draft Minutes of September 16, 2015 (WMA & EC-Separate Votes) (Gary Wolff) Action**
- 2. Minutes of the October 13, 2015 Technical Advisory Group (TAG) (EC only) (Gary Wolff, Wendy Sommer & Karen Kho) Information**
This item is for information only.
- 3. Grants Under \$50,000 (WMA only) (Gary Wolff) Information**

Board member Rood made the motion to approve the Consent Calendar for the WMA Board. Board member Cutter seconded and the motion carried 17-0 (Chan, Ellis and Wengraf absent).

Board member Kalb made the motion to approve the Consent Calendar for the Energy Council. Board member Rood seconded and the motion carried 14-0 (Chan, Ellis and Wengraf absent).

V. OPEN PUBLIC DISCUSSION (WMA & EC)

There was none.

VI. REGULAR CALENDAR (WMA & EC)

- 1. Uniform Public Construction Cost Accounting Act (WMA only) (Gary Wolff & Pat Cabrera) Action/
Public Hearing**
The P&A Committee by a vote of 10-0 (Carson and Turner absent) recommended that the Authority Board on October 28th: 1) waive reading of the full draft ordinance provided as Attachment A and schedule it for consideration of adoption at the November 18 WMA meeting, and 2) adopt the Resolution provided in Attachment B.

Gary Wolff provided a brief summary of the staff report. The report is available here:

<http://stopwaste.org/UPCAA/Ordinance/memo/10-28-15.pdf.pdf>. President Pentin opened the public hearing. There were no comments from the public. The public hearing was closed. Board member Hannon made the motion to waive reading of the full draft ordinance provided as Attachment A and schedule it for consideration of adoption at the November 18 WMA meeting, and 2) adopt the Resolution provided in Attachment B. Board member Haggerty seconded and the motion carried 17-0 (Chan, Ellis and Wengraf absent).

- 2. Total Compensation Study (WMA only) (Gary Wolff & Pat Cabrera) Action**
Approve the changes to Section XVII of Attachment A of the Human Resources Manual as identified in the staff report.

Gary Wolff provided a brief summary of the staff report. The report is available here:

<http://stopwaste.org/Compensation/Study/memo/10-28-15.pdf>. There was no public comment on this item. Board member Turner made the motion to accept the staff recommendation. Board member Sadoff seconded and the motion carried 18-0 (Chan and Ellis absent).

- 3. Funding Approval – Castro Valley Sanitary District “Less Than Weekly” Residential Garbage Collection Pilot (WMA only) (Gary Wolff & Tom Padia) Action**
Staff recommends that the Authority Board authorize the Executive Director to finalize a funding agreement with the Castro Valley Sanitary District for its LTW pilot project, subject to approval as to form by legal counsel, for an amount up to \$200,000 (payment of actual expenses incurred), with funds to come from Project #3420, Residential Organics Recovery Pilots, in the FY 15/16 budget.

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Gary Wolff provided an overview of the staff report. The report is available here: <http://stopwaste.org/CVSan/Pilot/memo/10-28-15.pdf>. Board member Sadoff, as a Board member of CVSan, recused himself from this item.

Board member Wengraf asked for an explanation regarding whether the State Health Code prevents garbage collection every other week. Mr. Wolff stated that there are contradictions between the State Code governing public health and the regulations from CalRecycle. The code states the local health department can allow less frequent service if that is consistent with local public health. The regulations from Cal Recycle state a jurisdiction must have weekly collection. The agency has a legal opinion from our Attorney's that states that the Code takes precedence over the regulation. CVSan consulted with the local health department, who had no objections because the garbage truck will drive the route each week and will collect all carts set out. If CVSan chooses to provide every other week service after the pilot is completed they will then need formal approval from the health department and will need to go through a Prop 218 process for the rates for that service structure. Board member Wengraf inquired if there will be data regarding volume of waste upon completion of the pilot study. Mr. Wolff stated yes, the total waste on the two pilot routes will be measured and calculated and we will be able to compare them against the rest of the City to see if weights in the garbage trucks are lower than in other routes, and also measured against weights a year prior on those same routes. Mr. Wolff added the agency will do pre, middle, and post pilot benchmark work on the percentage of recyclables and organics in garbage in CVSan during the pilot. Board member Wengraf inquired if other pilot could be conducted in other jurisdictions. Mr. Wolff stated yes, we can fund pilots to explore new ways of reducing organics in garbage in other jurisdictions upon request through funding from the organics reserve.

Board member Turner stated that she doesn't see how it is possible to have a 1/6 savings with the same fixed costs and the trucks driving the same route and she would like to see the actual hard costs at the end of the pilot. Also the pilot will not reflect the actual benefit of every other week service as the trucks will still be driving the route each week. Additionally, she would like the data to include any customer complaints or health department related issues. Board member Turner added she is pleased that the pre, middle and post data is being collected and thinks the area is small enough to conduct such a pilot and considers it a great plan. Naomi Lue, CVSan and Peter Deibler, HF&H Consultants, both confirmed that actual cost data will be gathered and that staff from Waste Management and/or HF&H will be riding the trucks and writing down every address on the route if the truck stops or not to gather accurate statistics during the pilot.

Board member Haggerty asked for clarification on the intent of the \$200,000. Mr. Wolff stated the \$200,000 is for data collection and analysis as well as assistance for homeowners such as a variety of free bags to try out in the kitchen or in the green carts, promotional and outreach material to encourage less than weekly set-out, and other technical assistance to residents. Board member Haggerty inquired if there has been collaboration with public health regarding any possible rodent issues. Mr. Wolff stated that there were no concerns from the public health department with respect to rodents as the trucks will be picking up every week for every resident that sets their bins out for collection. Naomi Lue stated that they met directly with the health department and that because the organics bins were being collected weekly, public health was comfortable with the pilot. They will also be working with the health department on a frequently asked questions (FAQs) document to quickly address any customer issues. Tom Padia added that a letter from public health was included as a link in the staff report, which stated "ACDEH is confident that CVSan will address the concerns of other local and state agencies in this pilot as well and wish the best for a successful implementation."

Board member Cutter stated that she would like to see special bags for dog waste and other issues of the sort addressed as not to contaminate the green waste. Mr. Wolff stated this issue as well as soiled diapers is all addressed as part of the technical assistance provided. Board member Oddie inquired how staff arrived at the 8-10% savings in collection cost if the routes will be the same. Mr. Wolff stated that this is a

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range of possibilities if a true every other week system were implemented in the future. Mr. Wolff added the savings could derive from both labor and capital because trucks and drivers would be needed to only drive the routes every other week. Board member Oddie inquired if there has been discussion with labor unions. Mr. Wolff stated that we did not have discussions with the labor unions because any change in services or prices would be discussed during the franchise agreement negotiations period, not during the pilot. Mr. Wolff added that the public is not being deprived of services during the pilot as they can still continue the same level of services, but are just being asked and encouraged to set out their garbage every other week.

Board member Kalb stated that he supports the pilot but to be a true pilot you should have the same value to the rate payer during the pilot as they would receive if the service is adopted. Mr. Wolff stated that this issue was discussed with CVSan and it was determined that there are complications with determining a true rate structure during the pilot as there may be varying services provided during the actual franchise negotiation process that could affect the outcome of the rate. That is, CVSan can't say now what the rates would be in the next franchise, so there is no way to conduct a true pilot as stated by Board member Kalb. Board member Rood inquired if participating household will receive incentives such as a larger cart at no cost, free cart liners, free garbage bag-its for extras, vouchers for free drop-off of C&D materials or bags of free compost. Mr. Wolff stated the staff recommendation is framed to allow the Executive Director to finalize the funding agreement with CVSan and our position is that there should be no incentives, but more technical assistance, in the pilot. Offering incentives will cloud the statistical analysis of data.

Board member Mass inquired if multi-family residents are included in the pilot. Mr. Wolff stated no, there will be two single family test routes. Tom Padia added the problem is multi-family may have 3-4 time a week pick up and residents don't know the exact pick up days as they take their collection to a central bin. Board member Maass inquired if there has been any downside information reported from other test cities. Mr. Wolff stated that Portland reported that they had some decrease in customer satisfaction and Seattle elected to not implement every other week service due to customer concern regarding items not suitable for the green cart but not wanting to leave them in the garbage bin for two weeks. There were no public health issues reported.

Ken Bukowski stated that he supports the pilot as it will educate the public on how to sort the smelly items from the regular garbage. Board member Young inquired about the completion date for the project. Mr. Wolff stated the pilot runs from June 2016 – December 2016 and the final analysis report should be available by Spring 2017. A presentation of results to the Board is part of the work program included in the pilot.

Board member Haggerty made the motion to approve the staff recommendation. Board member Biddle seconded and the motion carried 17-1 (Sadoff, recused) (Oddie, no) (Chan, absent).

- 4. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (WMA only) Action**
(P&O and Recycling Board meeting, November 12th at 7:00 pm – Castro Valley Public Library, 3600 Norbridge Ave, Castro Valley, CA 94546)

President Pentin and Board member Rood requested an interim appointment for the November 12th meeting. Board member Biddle stated that he would attend as the interim appointment for President Pentin. Board member Young stated that she would attend as the interim appointment for Board member Rood. Board member Haggerty made the motion to approve the interim appointments. Board member Turner seconded and the motion carried 19-0 (Chan absent).

- 5. CLOSED SESSION:**
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to subdivision (d) (4) of Government Code Section 54956.9
(one case; confidential materials mailed separately)

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The Board voted 15-4 to initiate litigation. Board members Cutter and Kalb voted no. Attorney Richard Taylor stated that once the litigation has been initiated any member of the public can request and receive information on the item.

6. Business Assistance Project – Fiscal Year 2014-15 Highlights (WMA only) Information
(Gary Wolff, Rachel Balsley & Michelle Fay)

This item is for information only

Rachel Balsley provided an overview of the staff report and a PowerPoint presentation. The combined report and presentation is available here: <http://stopwaste.org/TA/Presentation/10-28-15.pdf>

Board member Turner inquired if staff reached out to business countywide equitably. Ms. Balsley stated yes, a third of the businesses were proactively targeted and it also depended upon if the haulers and the city representatives wanted to work with the Business Assistance program. Ms. Balsley added the City of Livermore would like Livermore Sanitation Services staff to be the primary technical assistance provider, which is why our statistics show so little concentration in Livermore.

Board member Kalb inquired about any assistance that is being provided by haulers to inform businesses about the Business Assistance program. Ms. Balsley stated that we have varying relationships with the haulers and some are more active at referring businesses to the program, others prefer to do more on their own, and others refer people to the ordinance helpline for ordinance related questions or have a particular question regarding their violation letter. Ms. Balsley added staff provides bill inserts to haulers but she doesn't believe that there is a broad based approach by haulers to provide information to its customers. Board member Kalb inquired if more broad based action by haulers would be of value to the issue of compliance. Ms. Balsley stated yes, but the biggest violation is having no recycling service, so in many cases it's simply businesses working with their service provider in providing recycling services.

Board member Hannon inquired if we are missing a target by not requiring multi-family units to start at 3 units or more. Ms. Balsley stated in many cases the franchise agreement defines multi-family as either 4 or 5 units, and in most cases 5 units or more. Our ordinance matches the State requirement in AB341 which defines multi-family at 5 units or more and businesses with 4 or more cubic yards. Board member Hannon stated that we should legislatively consider looking at redefining multi-family at 3 units or more.

Board member Pentin thanked Ms. Balsley for the presentation.

7. Final Legislative Status for 2015 (WMA only) Information
(Gary Wolff, Debra Kaufman & Wes Sullens)

This item is for information only.

Debra Kaufman and Wes Sullens summarized the staff report. The report is available here: <http://stopwaste.org/Leg/Update/10-28-15.pdf>.

There were no questions on this item. Board member Pentin thanked staff for the report.

VII. COMMUNICATION/MEMBER COMMENTS (WMA & EC) Information

Board member Cutter stated that if possible it would be helpful for staff to provide a handout of the PowerPoint presentations that are being presented at the meeting.

Board member Maass thanked Mr. Wolff for providing the response to the NY Times editorial "Reign of Recycling" (included in the Board package). Board member Maass stated that he was aggravated as well and discovered that the article was pulled from the website possibly due to negative feedback received.

Board member Kalb inquired if staff will be checking in with the jurisdictions to get their input prior to the P&A Committee's upcoming discussion regarding Legislative Priorities for 2016. Debra Kaufman stated that

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she will be attending the Technical Advisory Committee (TAC) meeting next week and this item is on the agenda.

Gary Wolff reminded the Board of the December 10th Build it Green annual event. Wendy Sommer stated that StopWaste would be receiving an award for our partnership with Build it Green and our setting standards for the green-building industry.

VIII. ADJOURNMENT (WMA & EC)

The meeting adjourned at 4:30 p.m.