

City of Berkeley ZERO WASTE COMMISSION Regular Meeting

Monday, July 26, 2021 at 7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH ZOOM VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, this meeting of the City of Berkeley Zero Waste Commission will be conducted exclusively through video and teleconference, and there will be no physical meeting location available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device, please use this URL to join the meeting:

<https://us02web.zoom.us/j/82587046286>

If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. **To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 82587046286#.** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Note: Your phone number will appear on the videoconference screen.

MEETING AGENDA

PRELIMINARY MATTERS:

- 7:00 pm 1. Call to Order by Chair and Roll Call by Secretary
- **Christienne de Tournay (Chair)**, appointed by CM Sophie Hahn, District 5
 - **Annette Poliwka (Vice Chair)**, appointed by Mayor Jesse Arreguin
 - **Steven Sherman**, appointed by CM Rashi Kesarwani, District 1
 - **Rachel Doughty**, appointed by CM Terry Taplin, District 2
 - **Antoinette Stein**, appointed by CM Ben Bartlett, District 3
 - **Margo Schueler**, appointed by CM Kate Harrison, District 4
 - **Sandra Curtis**, appointed by CM Susan Wengraf, District 6
 - **Nicole Ulakovic**, appointed by CM Rigel Robinson, District 7
 - **David Grubb**, appointed by CM Lori Droste, District 8
- 7:05 pm 2. Approve Meeting Agenda and Order of Agenda Items
- 7:10 pm 3. Approve Draft Action Minutes:
- June 28, 2021 Regular Meeting*

- 7:15 pm 4. Public Comment on Items Not on the Agenda
Speakers are allotted up to two minutes. Speakers may be allotted less time at the discretion of the Chair.
- 7:25 pm 5. Commissioner Announcements
Commissioners may make general announcements; no action will be taken.
- 7:30 pm 6. Staff Updates:
- Cal Move Out/Mattress Recycling Pilot Program
 - Textile Recycling Program
 - FITES Committee Draft Bag Ordinance

DISCUSSION AND ACTION ITEMS:

Members of the public may provide comments at the beginning of each discussion item and prior to the vote of the Commission on any action items. Speakers are allotted up to 2 minutes.

- 7:45 pm 1. Recycling Markets Update
- 8:00 pm 2. Discuss Ecology Center and Community Conservation Centers New Contracts Effective July 1, 2021
- 8:15 pm 3. Discuss SB1383 County Ordinance and City of Berkeley Opt-In Ordinance and Possible Action to Create a SB1383 Subcommittee
- 8:25 pm 4. Discuss Commission Restructuring and Possible Action to Make Recommendations to Council
- 8:40 pm 5. Single Use Foodware and Litter Reduction Ordinance Implementation and City/County Reusables Messaging, Including the Impacts of Drought/Water Use for Washing Reusables
- 8:50 pm 6. Discuss Future Agenda Items
- 9:00 pm 7. Adjournment

INFORMATION ITEMS:

Information items may be moved to discussion but no action will be taken.

- Commission Reorganization Council Recommendation [Annotated Agenda](#) from the June 15 Special Meeting
- Commission Reorganization Memo from the City Clerk’s office*
- UpStream [Reuse Wins](#) Report and [key findings in the report](#) forwarded by Steven Sherman
- [Reusables Foodware is Safe During Covid-19](#) StopWaste Flyer forwarded by Chrise de Tournay
- Website link to [Boards and Commissions Conflict of Interest Issues/Resources Training](#) forwarded by City Attorney’s Office
- Ecology Center New Contract Staff Report

- Community Conservation Centers New Contract Staff Report
- Low-income Commissioner Stipend Updated Regulations Resolution and Memo forwarded by City Clerk's office*

COMMUNICATIONS:

Communications from the public are included as links or attachments in the agenda packet.

- No communications from the public were received prior to packet distribution.

***Indicates material included in the agenda packet**

**** Indicates material to be available at the meeting**



ADA Disclaimer: This meeting is being held in a wheelchair-accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Public Works Department located at the address below.

Communications Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Commission Secretary:

Heidi Obermeit, Recycling Program Manager,
Zero Waste Division, 1201 2nd St. Berkeley, CA 94710
510-981-6357

hobermeit@cityofberkeley.info

MINUTES

The meeting was convened at 7:02 p.m. with Chrise de Tournay, Chair, presiding.

ROLL CALL

Present: Chrise de Tournay, Annette Poliwka, Steven Sherman, Rachel Doughty, Margo Schueler, Sandra Curtis, Nicole Ulakovic, David Grubb
LOA: None
Absent: Antoinette Stein

STAFF PRESENT: Heidi Obermeit

MEMBERS OF THE PUBLIC PRESENT: 7

PUBLIC COMMENTS (on non-agenda items): 2

ACTION MINUTES:

1. Approval of the June 28, 2021 Regular Meeting Agenda

M/S/C (de Tournay/Poliwka) to approve the agenda for the June 28, 2021 regular meeting.

Ayes: Unanimous;

Abstain: None; Absent: Stein

2. Approval of the May 24, 2021 Meeting Minutes

M/S/C (Schueler/Doughty) to approve the May 24, 2021 regular meeting minutes.

Ayes: de Tournay, Poliwka, Sherman, Doughty, Schueler;

Abstain: Curtis, Ulakovic, Grubb; Absent: Stein

3. Report-Back from the Covid-Related Waste Mitigation Subcommittee and Action to Approve Scope of Work and Deliverables

Action taken: M/S/C (Doughty/de Tournay) to approve disbanding the Covid-Related Waste Mitigation Subcommittee now that the previous limitations on customers' ability to bring their own reusables into stores and restaurants have been lifted as of June 15.

Ayes: Unanimous; Abstain: None; Absent: Stein

Public comments: 0

4. Discuss SB1383 County Ordinance and City of Berkeley Opt-In Ordinance and Possible Action to Create a SB1383 Subcommittee

No action taken. Discussion only. Item will carry over to the July meeting.

Public comments: 0

5. Discuss Commission Restructuring and Possible Action to Make Recommendations

No action taken. Discussion only. Item will carry over to the July meeting.

Public Comment: 1

6. Discuss Future Agenda Items:

- Discuss SB1383 County Ordinance and City of Berkeley Opt-In Ordinance and Possible Action to Create a SB1383 Subcommittee
- Discuss Commission Reorganization and Possible Action to Form a Subcommittee to Make Recommendations to Council
- Recycling Markets Update
- Update Regarding Ecology Center and CCC New Contracts Effective July 1, 2021
- Discuss Single Use Foodware and Litter Reduction Ordinance Implementation and City/County Reusables Messaging, Including the Impacts of Drought/Water Use for Washing Reusables

Public comments: 0

7. Adjournment at 8:57 p.m.

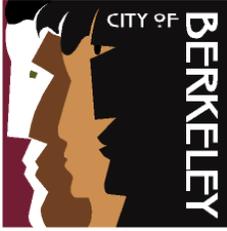
M/S/C (de Tournay/Poliwka) to adjourn the meeting.

Ayes: Unanimous; Abstain: None; Stein

The next regular meeting of the Zero Waste Commission will be held on Monday, July 26, 2021 at 7:00 p.m. by virtual videoconference/teleconference. The link to access the virtual meeting will be posted to the Community Calendar: www.cityofberkeley.info/communitycalendar/

Respectfully Submitted:

Heidi Obermeit, Secretary



City Clerk Department

July 1, 2021

To: Commission Secretaries

From:  Mark Numainville, City Clerk

Subject: Commission Reorganization Update

On June 15, 2021 the City Council took action to direct staff to implement the following reorganization of Berkeley Commissions. Please see the links at the end of this memo for the Council report and the record of the final action taken by the Council.

New Commission Name	Former Commissions to be Reorganized
Commission on Climate and the Environment	Energy, Community Environmental Advisory, and Zero Waste (policy issues)
Parks, Recreation, Waterfront (special Marina subcommittee)	Children, Youth, and Recreation, Parks and Waterfront, Animal Care
Peace, Justice, and Human Welfare*	Peace and Justice and Human Welfare, Community Action Commissions
Public Health Commission & Sugar Sweetened Beverage Panel of Experts**	Community Health Commission and Sugar Sweetened Beverage Panel of Experts
Housing Advisory Commission	Measure O and Housing Advisory Commission
Homeless Services Panel of Experts	Homeless Commission and Measure P Homeless Services Panel of Experts
Public Works and Transportation	Public Works, Transportation, and Zero Waste (facilities issues)
Planning	Planning and Cannabis

All other commissions will maintain their current structure: Aging, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Police Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth

** Members will be appointed by Council and membership should adhere to Government Code Section 12736(e); 12750(a)(2) and 12751. Membership will not include appointments from Berkeley Unified School District*

*** New commission designated as 18-member commission*

As part of the action, the City Council also referred to the City Manager and the affected commissions to explore the possible consolidation of the Commission on Disability and the Commission on Aging.

The City Council referral requested that staff bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed in the report discussed at the June 15, 2021 City Council meeting. As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

Existing commissions impacted by the reorganization will have an opportunity to weigh in on the revisions to the enabling legislation for the new commissions and the charge/responsibilities of merged commissions. Staff will provide direction and support to the existing commissions on the transition process to new consolidated commissions and the effective date of the changes.

Work on Phase 1 will begin in Summer 2021. Staff will coordinate with commission secretaries to schedule any relevant discussions with the commissions for Phase 1 and Phase 2 in the fall of 2021.

Please relay any questions regarding the consolidation process through the commission secretary.

[Link to Council Report](#)

[Link to Annotated Agenda for Final Action](#)



City Clerk Department

June 30, 2021

To: Commission Secretaries

From: Mark Numainville, City Clerk

Subject: Commission Low-Income Stipend Update

On March 9, 2021, the City Council adopted Resolution No. 69,739-N.S. increasing the qualifying annual household income threshold and the per meeting stipend for eligible members of certain boards, commissions, committees, task forces, and joint subcommittees (eligible recipients). **These changes will go into effect on July 1, 2021.**

The City Clerk Department has updated Administrative Regulation (AR 3.2) to reflect the new stipend amount, the new qualification threshold, and the processing steps in ERMA. Additional funds have been budgeted to cover the expected increase in eligibility and stipend amount. City Clerk staff is working with the Budget Office to determine how departments will access the budget allocation to cover stipend payments and will inform you of the process later in July 2021.

Please share the resolution and A.R. 3.2 with your commissioners.

The qualifying annual household income was adjusted from \$20,000 to the Alameda County 50% Area Median Income (AMI) for a three-person household for stipend and reimbursement in lieu of expenses for eligible recipients. The three-person Alameda County AMI was used to set the Mayor’s salary for Measure JJ that was approved by Berkeley voters on November 3, 2020.

Persons in Household	Annual Income Extremely Low (30%)	Annual Income Very Low (50%)	Annual Low Income (80%)	Annual Income Median (100%)
3	\$35,250	\$58,750	\$94,000	\$117,500

The meeting stipend amount was also increased from \$40 to \$100 per meeting (not to exceed four meetings per month) with an annual Consumer Price Index (CPI) inflator. Reimbursement for actual expenses incurred including child care, paid attendant services for elderly care, and support services as a disabled member for meeting participation remain unchanged.

Additionally, eligible recipients requesting reimbursement for child care expenses, paid attendant services for elderly care, and support services as a disabled member for meeting participation are subject to AB 1234. State law AB 1234 requires completion of an online ethics training course within one year of the first day of service, and every two years thereafter. The ethics course is available online at no cost. Upon completion of the course, a printed and signed certificate of participation must be on file with the secretary in order to be eligible for reimbursement.

To establish eligibility, Commissioners must still file the Annual Declaration Form with the secretary. Claims for reimbursement will still be filed with the secretary and processed pursuant to procedures established in AR 3.2.

If you have any questions, please e-mail the Commission Inbox, commission@cityofberkeley.info.

Attachments:

1. Resolution No. 69,739-N.S.
2. Revised A.R. 3.2

CITY OF BERKELEY

ADMINISTRATIVE REGULATIONS

SUBJECT: Stipend and Reimbursement in Lieu of Expenses for Members of Certain Boards, Commissions, Committees, Task Forces, and Joint Subcommittees

PURPOSE

The purpose of this Administrative Regulation is to establish procedures for reimbursing expenses to certain board, commission, committee, task force, and joint subcommittee members (including temporary appointees) who might otherwise incur an economic hardship.

POLICY

The City Council, by Resolution No. 69,739-N.S. (known as the Stipend Resolution March 9, 2021), authorizes payment in lieu of expenses to members of all Council-appointed boards, commissions, committees, task forces and joint subcommittees who meet certain household income criteria in order to remove economic hardship barriers from citizen participation. Subcommittees of commissions, which are designated by the advisory body and not by Council appointment, are not eligible for reimbursement.

An eligible member is authorized to receive:

- a) \$100 for each official meeting attended, not to exceed four (4) meetings each month;
- b) reimbursement for actual child care expenses incurred while he/she attends meetings;
- c) reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while he/she attends meetings; and
- d) reimbursement for actual expenses incurred for disabled support services in order to participate fully in board, commission, or committee meetings.

The \$100 stipend amount shall be annually adjusted by the Bay Area Consumer Price Index.

DEFINITIONS AND REGULATIONS

An “official meeting” is defined as a duly noticed, properly agenzized, regular meeting or special meeting of the full board or commission at which a quorum of the full membership must be present in order for the meeting to be held.

For a meeting that is cancelled, claims may only be submitted if it is for an official meeting where the attendees and staff Secretary believed that the meeting would proceed as scheduled, and for which Commissioners and the Secretary actually showed up and waited a reasonable period beyond the meeting start time for the quorum to be met before canceling.

A receipt or invoice signed by the person providing such child care, elderly dependent care or disabled support services must accompany a request for reimbursement. Invoices must include date, services provided, vendor contact information, and dollar amount.

The Human Welfare and Community Action Commission provides for alternate representatives of the poor to be elected or to be appointed when a vacancy occurs. Alternate representatives of the poor shall be eligible for stipend payments when serving in place of the principal member.

The City Clerk Department is responsible for keeping this Administrative Regulation up-to-date and shall include notification of this policy with each appointment letter mailed.

COMMISSIONER'S CRITERIA AND RESPONSIBILITIES

1. Eligibility criteria for stipend and reimbursement:

- a) Persons eligible to receive reimbursement in lieu of expenses are those board, commission, committee, task force or joint subcommittee members whose household gross income as filed jointly for federal income tax purposes is below the Alameda County 50% AMI 3-person household (\$58,750 as of July 2021) per year.
 - b) Commissioners who are minors (under 18 years old) must have eligibility declaration forms co-signed by a parent or legal guardian attesting that the combined 3-person household income is under the Alameda County 50% AMI (\$58,750 as of July 2021) per year.
 - c) If a commissioner is paid \$600 or more in stipend payments in one calendar year, an IRS Form 1099 will be generated by the Finance Department for the commissioner's tax filing purposes.
2. To establish eligibility, Commissioners must file the Annual Declaration Form (attached) with the secretary of their board, commission, committee, task force or joint subcommittee. Commissioners must file a new declaration form annually prior to May 31st in order to maintain eligibility.
 3. In order to pay a Commissioner's attendant directly, a completed IRS Form W-9 must be on file in the Finance Department's Accounts Payable Division. If an attendant, support service, or child care provider is paid \$600 or more in one calendar year, a Form 1099 will be generated by Finance. In order to be reimbursed for payments made to an attendant, support service, or child care provider, a Commissioner must be set up as a vendor by Finance - General Services.
 4. Eligible members who are disabled and are seeking reimbursement for support services must also complete the support services statement portion on the Annual Declaration Form. If the member's needs change, he/she must immediately notify the secretary. Otherwise, the statement certifying the need for support services will continue to be in effect for the duration of the member's term of appointment.
 5. Pursuant to Berkeley Municipal Code Section 3.66.040, low-income status for members of the Commission on Disability is not a prerequisite for reimbursement of attendant care expenses.

6. Additionally, eligible recipients requesting reimbursement for child care expenses, paid attendant services for elderly care, and support services as a disabled member for meeting participation are subject to AB 1234. State law AB 1234 requires completion of an online ethics training course within one year of the first day of service, and every two years thereafter. The ethics course is available online at no cost. Upon completion of the course, a printed and signed certificate of participation must be on file with the secretary in order to be eligible for reimbursement.

RESPONSIBILITIES OF SECRETARY

1. It is the responsibility of the secretary of each board, commission, committee, task force or joint subcommittee to submit quarterly payment forms to the Finance Department, by the 10th of each month (January, April, July, and October). Payment forms for stipends paid for attendance at meetings held pursuant to the Mental Health Services Act are filed monthly. Every submission must include the following:
 - a) A.R. 3.2 Payment Form
 - b) Invoices for support services, dependent care, and/or child care, if applicable.
 - c) Verification that each meeting for which reimbursement or stipend is claimed actually occurred.
 - d) A copy of the Annual Declaration Form
 - e) A spreadsheet showing the year-to-date payments for each commissioner.
2. The completed forms must be attached to the request for check entry in ERMA and released for review to the Finance Department by the 10th of each specific month so payment can be made. A separate request for check and supporting documentation must be submitted individually for each member.
3. The secretary shall keep copies of all Annual Declaration Forms on file and attach a copy each time a request for check is submitted to the Finance Department, and when submitting quarterly statements.
4. Each secretary will advise the board, commission, committee, task force and joint subcommittee members of this policy and respond promptly to commissioner inquiries regarding payment status. Commissioners should not contact the Finance Department or City Clerk Department for payment status.

RESPONSIBLE DEPARTMENT: City Clerk	Approved by: _____ /s/ Department Director
TO BE REVISED: Every 1 year	_____ /s/ City Manager

ANNUAL DECLARATION FORM RESPECTING ELIGIBILITY FOR REIMBURSEMENT OF EXPENSES AS A MEMBER OF THE

(Board/Commission/Committee/Task Force/Joint Subcommittee)

Inasmuch as it is in the public interest to remove barriers, particularly those creating economic hardships for citizens participating on boards, commissions, committees, task forces, and joint subcommittees the City Council has determined that it is in the public interest to alleviate this hardship by authorizing payments in lieu of expenses for certain meetings and under certain conditions as indicated in Stipend Resolution No. 69,739-N.S.

I, _____ certify to the following:

- 1) That my adjusted gross income reported individually, or as part of a household joint Federal Income Tax Return, was less than the Alameda County 50% AMI 3-person household (\$58,750 as of July 2021) per year.
- 2) I will file this declaration form every year no later than May 31st with the Secretary who will forward copies to the Finance Department; and
- 3) I will notify the Secretary as soon as I am aware that my household current year income exceeds the Alameda County 50% AMI 3-person household (\$58,750 as of July 2021) per year and request that my eligibility be canceled:

Signature Date

Signature of Parent or Legal Guardian if Member is a Minor Date

Signature of Secretary Date

* * *

SUPPORT SERVICES STATEMENT

I, _____, certify I am disabled and require the following support services in order to participate fully in commission meetings:

Signature Date

A.R. 3.2 PAYMENT FORM

Name of Commission: _____

Name of Commissioner: _____

Address of Commissioner: _____

Name of Secretary: _____ Phone: _____

Quarter Covered: Year ____ Jan - Mar April - June July - Sept Oct - Dec

Date of Meeting	Payment Type*	Amount Due
		\$
		\$
		\$
		\$
		\$
		\$
		\$
Total (this qtr.)**		\$

* Stipend, Support Services, Dependent Care, or Child Care

** Attach Year-to-Date Spreadsheet to this Form

Please hold check for pick up: _____
(Commissioner's Signature)

Prepared by: _____ Date: _____
(Preparer's Signature)

Reviewed by: _____ Date: _____
(Commission Secretary Signature)

CERTIFICATION AND AUTHORIZATION FOR PAYMENT: I hereby certify that the payments for all persons whose names appear herein have been properly authorized; and that the amounts indicated as due said persons are actually due and payable. Payment is approved against the appropriation indicated under delegated authority of the City Manager.

Authorized by: _____ Date _____
Authorized Department Signature (must be on file with AP)

COMMISSIONER STIPEND CHECKLIST

This checklist is provided to expedite the processing of commissioner stipends. The Finance Department requires that all forms are completed and information is accurately prepared and submitted before stipends can be paid. Review the checklist prior to submitting stipend requests.

For Initial Payment to a Commissioner or Service Provider:

- Set up the Commissioner as a vendor with Finance - General Services
 - * Use a W-9 form to set up the Commissioner as a vendor (available on Groupware)
- Set up the Vendor (support services, dependent care, or child care) as a vendor with Finance - General Services
 - * Use a W-9 form to set up the service provider as a vendor

Required Documentation for Every Payment Submission (compile submission in this order):

- Request for Check
 - * In both description areas of the Request for Check screen, list the type of stipend being paid and the period covered (quarterly or monthly)
 - * Provide the full account code and/or project string (consult your department budget analyst)
 - * Verify in ERMA that adequate funds are available in the account to pay the voucher
 - * Clearly document the payment amount
 - * Obtain all required signatures
- A.R. 3.2 Payment Form
 - * Complete all fields
 - * Obtain all required signatures
- Invoices for Support Service, Dependent Care, and/or Child Care Providers
 - * Must include date, services provided, vendor contact information, and dollar amount
- Attendance Verification
 - * A copy of the meeting minutes
 - * Requests for reimbursement for cancelled meetings require written representation from the Commission Secretary
- Annual Declaration Form
 - * The form is completed and signed and dated yearly by the commissioner and the Commission Secretary
 - * A copy of the form is submitted with each reimbursement voucher
- Year-to-Date Summary Spreadsheet
 - * Documents the fiscal year (year to date) expenditures of the individual commissioner
 - * Remember that payments of \$600 or more result in the issuance of a Form 1099 from the Finance Department and may have tax implications

RESOLUTION NO. 69,739-N.S.

AUTHORIZING REIMBURSEMENT IN LIEU OF ACTUAL EXPENSES PAID OR INCURRED BY MEMBERS OF CERTAIN BOARDS, COMMISSIONS, COMMITTEES, TASK FORCES, AND JOINT SUBCOMMITTEES, AND AUTHORIZING PAYMENT OF ACTUAL EXPENSES UNDER CERTAIN TERMS AND CONDITIONS AND RESCINDING RESOLUTION NO. 64,831-N.S. AND ALL AMENDMENTS

WHEREAS, it is in the public interest to remove barriers from citizen participation on boards, commissions and committees of the City of Berkeley; and

WHEREAS, the Council of the City of Berkeley finds and determines that it is in the public interest to alleviate this hardship by reimbursing and paying certain minimum allowances for expenses incident to attending official meetings of said bodies; and

WHEREAS, such allowances are determined to be in lieu of actual expenses paid or incurred by said members, except in the case of actual expenses incurred for child care and actual expenses incurred by a member who must employ a paid attendance to provide care for a dependent elderly person while he or she attends meetings; and

WHEREAS, the Council of the City of Berkeley finds and determines that it is in the public interest to reimburse for these support costs when they create and economic hardship for disabled members of boards, commissions and committees; and

WHEREAS, Resolution No. 64,831-N.S., known as the Stipend Resolution, is being rescinded and readopted to change the qualifying household income cap to 50% of Annual Median Income (AMI) for a three-person household in Alameda County, increase the per meeting stipend to \$100 per month, and reaffirm the current policy and procedures.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. ELIGIBILITY OF BOARDS, COMMISSIONS, COMMITTEES, TASK FORCES AND JOINT SUBCOMMITTEES

This resolution shall apply to members of Council-appointed boards, commissions and committees, and temporary task forces and joint subcommittees established by Council (collectively "Eligible Recipients"). Payments in lieu of expenses for other than members of Council-appointed boards, commissions, committees, task forces and joint subcommittees, shall be addressed as part of the Council's budgetary process.

Section 2. ANNUAL STATEMENT OF ELIGIBILITY

Eligible recipients desiring said payments shall file annually with the secretary of the board, commission, committee, task force, or joint subcommittee ("secretary"), a statement certifying that their family income for the preceding year was below the limits specified in Section 3.

Eligible recipients listed as dependents on their family's Federal Income Tax, shall file annually with the secretary, a parental statement certifying that the family income for the preceding year was below the limits specified in Section 3.

Section 3. FINANCIAL LIMITATIONS ON ELIGIBILITY

Those eligible recipients whose family gross income as filed jointly for Federal Income Tax purposes is below the Alameda County 50% Area Median Income (AMI) for a three-person household per year shall be entitled to receive payments as set forth in section 5.

When an eligible recipient becomes aware that their annual family income has or will exceed the Alameda County 50% AMI for a three-person household, that member shall immediately notify the secretary, and request that their eligibility to receive payments be cancelled.

When an eligible recipient whose family income for the preceding year was more than the Alameda County 50% AMI for a three-person household finds that their family income for the current year will be below the Alameda County 50% AMI for a three-person household, they may file a certified declaration with the secretary describing the general circumstances which have occurred that resulted in the lower income. Such certified declaration shall make the person again eligible for payments pursuant to Section 5 of this Resolution.

Section 4. DISABLED SUPPORT

Eligible recipients who are disabled and whose incomes fall within the limitations set forth in Section 3, qualify for reimbursement for the costs of readers to help in reviewing written materials in the meeting packets, for attendants to accompany members to meetings, and other support costs that are required in order to allow such disabled members to participate fully in meeting deliberations.

Disabled eligible recipients desiring reimbursement for these costs, will file in addition to the statement of eligibility set forth in Section 2, a statement with the secretary that certifies the support services that the member requires in order to participate fully. If the member's needs change, they will immediately notify the secretary. Otherwise, the statement certifying the need for support services will continue to be in effect for the duration of the eligible recipient's term of appointment.

Section 5. REIMBURSEMENT

Eligible recipients are authorized to receive \$100 for each official meeting attended, not to exceed four meetings each month and reimbursement for actual expenses incurred upon presentation of a receipt from the person(s) providing the following services:

- a) Child care expenses incurred by a member while they attend meetings;
- b) Expenses incurred by a member who must employ a paid attendant to provide care for a dependent elderly person while they attend meetings;
- c) Expenses incurred by a disabled member who requires support services in order to participate fully on board, commission or committee meetings.

An "official meeting" is defined as a duly noticed, properly agendized, regular or special meeting of the full board, commission, or committee.

For a meeting that is cancelled, claims may only be submitted if it is for a meeting where the attendees and secretary believed that the meeting would proceed as scheduled, and for which eligible recipients and the secretary actually showed up and waited a reasonable period beyond the meeting start time for the quorum to be met before canceling.

The \$100 stipend amount shall be annually adjusted by the Bay Area Consumer Price Index.

Additionally, eligible recipients requesting reimbursement for child care expenses, a paid attendant for elderly care, or expenses incurred for support services as a disabled member, are subject to AB 1234. State law AB 1234 requires completion of an online ethics training course within one year of the first day of service, and every two years thereafter.

The ethics course is available at no cost online on the FPPC website. Upon completion of the course, a printed and signed certificate of participation must be filed with the secretary in order to be eligible for reimbursement,

Section 6. CLAIMS

Claims for reimbursement in lieu of actual expenses paid or incurred shall be filed with the secretary. Said secretary shall process the claim for payment pursuant to procedures established by City Administrative Regulation 3.2 and as amended by the City Manager.

Section 7. REIMBURSEMENT NOT SUBJECT TO FINANCIAL LIMITATIONS

- A. Human Welfare and Community Action Commission. The Human Welfare and Community Action Commission provides for alternate representatives of the poor to be elected or appointed when a vacancy occurs. Alternate representatives of the poor shall be eligible for stipend payments when serving in place of the principal member.

- B. Commission on Disability. Pursuant to Berkeley Municipal Code Section 3.66.040, low income status for members of the Commission on Disability is not a prerequisite for reimbursement of attendant care expenses.

BE IT FURTHER RESOLVED that the new stipend rate and qualifying threshold shall take effect upon the date which City Council appropriates resources in the General Fund for the increase in the stipend, but no earlier than July 1, 2021.

BE IT FURTHER RESOLVED that Resolution No. 64,831-N.S. and all amending resolutions are hereby rescinded upon the date the new stipend rate and qualifying threshold take effect.

The foregoing Resolution was adopted by the Berkeley City Council on March 9, 2021 by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk



Office of the City Manager

CONSENT CALENDAR
June 15, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Contract: Ecology Center, Inc. for the Residential Curbside Recycling Collection

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a new contract with Ecology Center, Inc. for the collection of residential curbside recycling and delivery of these recyclable materials to Berkeley Recycling for processing and marketing. The contract term is five (5) years, commencing July 1, 2021 through June 30, 2026, with an option to extend by mutual agreement for another five (5) years, commencing July 1, 2026 through June 30, 2031, for a total contract not to exceed amount of \$54,518,752 for the ten year period.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this Contract is subject to appropriation in the Zero Waste Fund (601) via the FY 2022 Annual Appropriation Ordinance. The contract's not-to-exceed (NTE) amount for the five (5) year term is \$23,773,984, plus \$3,527,709 for the replacement of carts over this time. If the contract option is exercised with no change in terms and conditions, the NTE for the five (5) year option is \$27,217,058. The NTE for the full ten (10) years is \$54,518,752. This contract is an approximate 13% increase over Ecology Center's current contract. The Zero Waste Fund can absorb this impact through June 30, 2022. However, this cost increase will be reflected in the new five-year rate schedules, which are subject to the Proposition 218 process. If rates are approved through the Proposition 218 process, the City Council will be requested to adopt the next five years of these rates effective July 1, 2022.

CURRENT SITUATION AND ITS EFFECTS

On December 15, 2020¹, the City Council authorized the City Manager to conduct sole source negotiations with Ecology Center, Inc. (EC). The Ecology Center (EC) is a non-profit organization that runs eight (8) collection routes, three year-round farmers

¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/12_Dec/City_Council_12-15-2020_-_Regular_Meeting_Agenda.aspx

markets, and a store and environmental center in Berkeley. The EC's recycling routes are coordinated with the City Zero Waste Division's residential collection of refuse and green/food waste to ensure same day collection.

EC's residential curbside collection of recyclable materials is a key component of the City's Zero Waste Program to encourage residents in single family homes and up to 9 units to fully participate in recycling. As a result of these services, 8,400 tons of materials are diverted from the landfill and recycled annually. The current contract is due to expire on June 30, 2021.

This new contract with revised scope of services, exhibits, and payment terms will ensure the continued collection of the City's residential recyclables and its dual stream curbside recycling collection program.

BACKGROUND

On December 8, 2009², the City Council adopted Resolution No. 64,714 – N.S., which authorized the City Manager to execute a contract with EC for the residential curbside collection recycling program in the amount of \$37,020,678. The Contract was amended with City Council approval on June 29, 2010, June 11, 2011, and March 19, 2013 to adjust for changes initiated by the City's Zero Waste Program with a revised 2013 amount NTE of \$35,582,679.

On October 2, 2018³, the City Council affirmed the City's commitment to its dual stream recycling curbside collection system, which provides collection of cardboard and other fiber material separate from metal, glass, aluminum, and plastic containers. This Contract was due to expire on June 30, 2020. However, given the City's Public Health Officer's Shelter in Place Orders, dated March 16 and 31, 2020, the City Council⁴ authorized a one (1) year extension with additional funding of \$3,850,384 for collection services and \$210,089.81 for 1,600 sixty-four (64) gallon split carts to replace unrepairable carts. This Contract extension ensured continued curbside collection of the City's dual stream residential collected recyclables materials, and its delivery to the Berkeley Recycling facility for sorting and marketing during the pandemic.

ENVIRONMENTAL SUSTAINABILITY

The services provided by EC advance important measures in the City of Berkeley's Vision 2050 Framework (2020), Climate Action Plan (2009), Zero Waste Goal (2005), and long-standing commitment to protect the environment. In support of these goals,

² <https://www.cityofberkeley.info/recordsonline/paFiles/cqFiles/index.html>

³ https://www.cityofberkeley.info/Clerk/City_Council/2018/10_Oct/City_Council_10-02-2018_-_Regular_Meeting_Agenda.aspx

⁴ https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/City_Council_06-16-2020_-_Regular_Meeting_Agenda.aspx

EC's collections help the City's Zero Waste Program minimize recyclable materials being sent to the landfill and promote remanufacture of these materials.

RATIONALE FOR RECOMMENDATION

EC, a non-profit organization, has provided these curbside recycling collection services to the City's residents for many decades. A randomized citywide survey of EC's customers conducted in May 2021 showed high satisfaction rates. More than 85% of respondents were either satisfied or very satisfied with EC's collection services. In addition, an audit of EC's costs found them reasonable and in line with those of surrounding communities. The contract's rise in costs is attributable to increased labor expense, expanded outreach and education that includes an equity component, and a more proactive vehicle replacement schedule. Finally, contracting with a non-profit for collection services is unique in the Bay Area and the state, resulting in a Berkeley-based provider of recycling services, three year-round farmers markets, and an environmental center.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Greg Apa, Solid Waste & Recycling Manager, Zero Waste Division (510) 981-6359

Attachment:
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT WITH ECOLOGY CENTER, INC.
FOR THE RESIDENTIAL CURBSIDE RECYCLING COLLECITON

WHEREAS, the City recognizes its long-standing partnership with the Ecology Center, Inc. to assist with and collaborate on the City's Zero Waste Goal. In conjunction with the City supported dual stream recycling material system, Ecology Center, Inc. provides curbside collection service to the City's single family and multi-family, up to nine units, residents and delivery of these materials to the City's Berkeley Recycling facility; and

WHEREAS, on March 19, 2013, Resolution No. 66,036 - N.S., the City Council authorized the City Manager to execute an amended contract and its not to exceed amount of \$35,582,679 for the residential curbside recycling collection; and

WHEREAS, on December 8, 2009, Resolution No. 64,714 – N.S., the City Council authorized the City Manager to execute a contract with the Ecology Center, Inc. for the residential curbside recycling collection services with an amount not to exceed of \$37,020,678 and term of January 1, 2010 through June 30, 2020; and

WHEREAS, on May 26, 2020, Resolution No. 69,417 - N.S., the City Council authorized the City Manager to amend the existing Ecology Center, Inc. contract with \$4,060,474 in additional funding and extend the term until June 30, 2021; and

WHEREAS, on December 15, 2020, Resolution No. 69,662 - N.S., the City Council authorized the City Manager to conduct sole source negotiations with Ecology Center, Inc; and

WHEREAS, the City has negotiated terms with Ecology Center, Inc., that are reasonable and in line with surrounding communities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a Contract and any amendments with the Ecology Center, Inc. to provide residential curbside recycling collection services with a total Contract amount not to exceed \$54,518,752 for the period from July 1, 2021 to June 30, 2031. A record signature copy of said amendment to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
June 15, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Department of Public Works
 Subject: Contract: Community Conservation Centers, Inc. for Processing and Marketing Services of Recyclable Materials

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a new Contract with Community Conservation Centers, Inc. (CCC) for the sorting and marketing of residential and commercial curbside collected recyclables, and the recycling drop-off and buyback centers. The contract term is five (5) years, commencing July 1, 2021 through June 30, 2026, with an option to extend by mutual agreement for another five (5) years, commencing July 1, 2026 through June 30, 2031, for a total contract amount not to exceed \$30,080,793 for a ten year period.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this Contract is subject to appropriation in the Zero Waste Fund (601) via the FY 2022 Annual Appropriation Ordinance. The Contract's not to exceed (NTE) amount for the initial five (5) year term is \$13,003,684 plus \$1,087,000 for a capital and maintenance contingency. If the five (5) year contract option is exercised with no change in terms and conditions, the NTE for the next five (5) year option is \$15,990,109. The NTE for ten (10) years is \$30,080,793. This contract is an approximate doubling of CCC's current contract. The Zero Waste Fund can absorb this impact through June 30, 2022. However, this cost increase will be reflected in the new five-year rate schedules, which are subject to the Proposition 218 process. If approved through the Proposition 218 process, the City Council will be requested to adopt new rates effective July 1, 2022.

CURRENT SITUATION AND ITS EFFECTS

On December 15, 2020¹, the City Council authorized the City Manager to conduct sole source negotiations with CCC. CCC's operation of Berkeley Recycling includes: sorting and marketing of curbside recycling from businesses and residents; California

¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/12_Dec/City_Council_12-15-2020_-_Regular_Meeting_Agenda.aspx

Redemption Value containers and residential drop-off recyclable centers; and acceptance of certain residential universal waste materials. The current Contract is due to expire on June 30, 2021.

For many years, our community has heard a message that the costs of recycling would pay for itself, i.e., the costs of collecting and processing recyclable materials would be offset by the revenue generated from marketing the materials. However, policies implemented by the Chinese government have dramatically restricted the volume of the recyclables accepted in China. This, in turn, has led to a sustained drop in commodity pricing for the foreseeable future. Cardboard went from receiving \$350 per ton in 2012 to around \$60 per ton today, and cardboard is 50% of the recyclable material currently collected in Berkeley. This new normal is not forecasted to change anytime soon and is having significant effects on the contract with CCC, where these revenues had been able to offset the majority of expenses. With significantly less revenue, a greater portion of CCC's operating expenses must be covered through rates charged to customers. Thus, to continue to support the City's dedicated dual stream collection system and to achieve the Zero Waste Goal, rates will increase.

This new contract has a revised scope of services, exhibits, and payment terms. It will ensure the continued and uninterrupted processing and marketing of all of the City's recyclables, and Berkeley Recycling's residential drop-off and buyback program.

BACKGROUND

On October 2, 2018², the City Council confirmed the City's commitment to its dual stream recycling curbside collection system. As a key component of this system, CCC operates Berkeley Recycling located at Second and Gilman. This materials recovery facility accepts and markets all recyclable materials collected by the City of Berkeley, Ecology Center, and surrounding communities, and provides one of the few Container Redemption Value (CRV) programs and buyback centers in the East Bay.

On January 22, 2019³, the City Council authorized the City Manager to execute a new contract with CCC for the sorting and marketing of the City's recyclables, California Redemption Value containers, and residential dropped-off recyclable materials. By the Resolution, CCC was no longer obliged to remit 7.5% of its gross revenues to the City, a decision precipitated by the dramatic decline in revenue from marketing commodities.

This Contract was due to expire on June 30, 2020. However, given the City's Public Health Officer's Shelter in Place Orders, dated March 16 and 31, 2020, the City Council⁴ authorized a one (1) year extension of \$2,100,000. The Contract extension

² https://www.cityofberkeley.info/Clerk/City_Council/2018/10_Oct/City_Council_10-02-2018_-_Regular_Meeting_Agenda.aspx

³ https://www.cityofberkeley.info/Clerk/City_Council/2019/01_Jan/City_Council_01-22-2019_-_Regular_Meeting_Agenda.aspx

⁴ https://www.cityofberkeley.info/Clerk/City_Council/2020/05_May/Documents/2020-05-26_Item_18_Contract_Amendment_No_31900055.aspx

ensured the continued processing and marketing of the City's dual stream collected recyclables materials and Berkeley Recycling.

ENVIRONMENTAL SUSTAINABILITY

The services provided by CCC advance important measures in the City of Berkeley's Vision 2050 Framework (2020), Climate Action Plan (2009), Zero Waste Goal (2005), and long-standing commitment to protect the environment. In support of these goals, CCC supports the City's Zero Waste Program to minimize recyclable materials being sent to the landfill and promoting these materials' remanufacture.

RATIONALE FOR RECOMMENDATION

CCC, a non-profit, has provided these services to the City for many decades. A randomized citywide survey of CCC's customers conducted in May 2021 showed high satisfaction rates. More than 85% of respondents were either satisfied or very satisfied with CCC's and Berkeley Recycling's services. The contracting with a non-profit for these services is unique in the Bay Area and the state, resulting in a Berkeley-based provider that receives high marks from customers, provides entry level jobs to many low-income people, provides one of the few buy-back programs in the East Bay, and produces high quality recyclables.

Staff engaged a third-party expert to help determine whether CCC's costs for the sorting and marketing of recyclable materials was reasonable when compared to communities in Alameda County. That audit found CCC's costs and marketing of recyclables reasonable and in line with those of surrounding communities.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Greg Apa, Solid Waste & Recycling Manager, Zero Waste Division (510) 981-6359

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT WITH COMMUNITY CONSERVATION CENTERS, INC.
FOR THE PROCESSING AND MARKETING
OF RECYCLABLE MATERIALS

WHEREAS, the City recognizes its long-standing partnership with the Community Conversation Centers, Inc. to assist the City's Zero Waste Goal and to accept, sort and market all recyclable materials collected by the City and its contracted vendor and this Contract will provide and ensure the continuation of this essential service for the processing and marketing of recyclable materials for the City's residential and commercial customers; and

WHEREAS, on October 2, 2018, the City Council confirmed the City's commitment to its dual stream recycling curbside collection system; and

WHEREAS, on January, 22, 2019, Resolution No. 68,735 - N.S., City Council authorized City Manager to execute a contract and the not to exceed amount of \$4,000,000 for the Processing and Marketing of Recyclable Materials, that include curbside collected, residential drop-off and buyback materials, December 1, 2018 through June 30, 2020; and

WHEREAS, on May 26, 2020, Resolution No. 69,417 - N.S., City Council authorized the City Manager to amend the existing CCC contract with an additional \$2,100,00 in funding and extend until June 30, 2021; and

WHEREAS, on December 15, 2020, Resolution No. 69,662 - N.S., the City Council authorized the City Manager to conduct sole source negotiations with CCC; and

WHEREAS, the City has negotiated terms with CCC that are reasonable and in line with surrounding communities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a Contract and any amendments with Community Conservation Centers, Inc. to provide recyclables processing and marketing services with a total Contract amount not to exceed \$30,080,793 for the period from July 1, 2021 to June 30, 2031. A record signature copy of said contract to be on file in the Office of the City Clerk.