



Solid Waste Management Division

MINUTES
SOLID WASTE MANAGEMENT COMMISSION
Monday, January 28, 2002
Solid Waste Management Center, 1201 Second Street

Chairperson Rod Becker called the meeting to order at 7:05 p.m.

1. Roll call: Commissioners Present: Rachel Balsley, Rod Becker, Kristine Johnson, Carrie Sprague
Commissioners Arriving After Roll Call: Howard Chong, Judith Maguire
Commissioners Absent: Garth Schultz
Staff: Joseph Ayankoya, Becky Dowdakin, Tom Farrell, Joe Smith, Lieutenant Sherrie Aldinger
Members of the Public: Martin Bourque, Dave Williamson

2. Comments from the Public: None.

3. Approval of the December 17, 2001 minutes: Balsley suggested that the minutes be amended to reflect that in discussing the Annual Clean Up, the Commission expressed concern that debris boxes not be made available in the campus area for free. Becker added that they should be made available at cost. The minutes were approved as amended.

4. Old Business

The Commission reordered the agenda to optimize the time of Berkeley Police Department (BPD) Lieutenant Aldinger.

b. Discussion of Curbside Poaching with Representatives from Ecology Center and Berkeley Police Department

Becker introduced the topic of poaching by noting that the problem had worsened since the Commission last discussed the issue, perhaps two years ago. Williamson, Ecology Center Recycling Manager, described that newspaper poaching increased significantly in the last few years as the price of old newspaper rose. The price of newspaper has dropped in the last year, but the poaching continues unabated. Williamson believes just seven or eight vehicles capture the lion's share of the poached materials, which amount to about 10% of the tonnage, or 100 tons per month. He further noted that the residents are de-motivated by poaching, and that the poachers commingle the materials and create a service problem for the collectors. Bourque stated the Ecology Center wants to focus their recycling message on environmentalism and not get embroiled in a discussion of poaching as the main concern with curbside recycling.

Aldinger stated that the BPD policy is to respond to reports of poaching, but that as a Berkeley Municipal Code (BMC) violation, the call is classified as a priority four call and handled according to resources available. Police must have a witness to make a citation. Aldinger said it would be helpful to have a list of the current prices so that BPD can more easily assess the value of the property in cases where they have a witness to the theft. Theft

of less than \$400 is considered petty theft. If a vehicle is used, it cannot be impounded except for violation of the California Vehicle Code.

Becker recalled that in years past poaching was handled by BPD reserves, and wondered if that could be done again. Farrell noted that the Refuse Fund funded the reserve officers on this task at the cost of about \$12,000 per year for two years. Aldinger responded that there are few reserve officers any more due in part to training requirements, costs, and pressure to assign work to regular BPD officers rather than reserves.

Williamson stated that he believes there are no solutions to the problem of poaching by people with shopping carts, and that we must focus our attention on those in vehicles. He offered to forward to BPD the time, day, vehicle license, and poacher description for every poaching call. Aldinger explained that the key is to produce witnesses who can identify the poachers and not just their vehicles. She further mentioned that the District Attorneys are all moving to Oakland, and prosecution of poaching cases might become a lower priority. Williamson admitted that it is difficult to get residents to press charges against poachers.

Balsley noted that when the Dwight-King recycling center closes, that some residents will choose to throw their recyclables in the garbage rather than deal with the poachers. Chong stated that the BMC was inadequate, and that the Council should write policy that allows the BPD to seize vehicles of poachers. He further suggested that neighborhood groups should be given fact sheets on poaching, and perhaps even supply them with cameras and offer rewards.

Aldinger agreed to chat with the local District Attorney regarding poaching. She asked for a map of the collection routes. Farrell suggested that the best way to raise the concern of the Council members is for the Commissioners to talk to them, to express their concerns to the Council about safety and security, and to suggest that the Council allow BPD to confiscate shopping carts used for poaching.

a. Staff Report on Status of Refuse Fund

Tom Farrell, Manager of Solid Waste and Recycling, made a presentation to the Commission on financial management and the Refuse Fund. Farrell reviewed a budget summary table entitled "City-Wide Refuse Fund (820) Analysis." Farrell stated that the new expenditures for Neighborhood Services partially covered the cost of four new positions in the City Manager's office. Finance expenditures covered the cost of billing services related to solid waste. The expenditure for Youth Employment was not related to solid waste services. The expenditures for Parks and Fire are related to plant debris and fire fuel management, for which fees are collected as part of the refuse fees in the hill areas. The amount shown for Economic Development is for the Recycling Market Development Zone.

Farrell continued his presentation with overhead slides, and offered definitions for the following terms and concepts: fund balance, net available resources, reserve account, renewal and replacement funds, sinking fund, purposes for a contingency, debt, and cash v. debt. Chong asked how the Solid Waste facilities and equipment were purchased. Farrell responded that the City used bonds to build the facilities, and used cash or internal borrowing

to purchase containers. Becker asked if there was not a “reserve” that SWMD used as a contingency fund. Farrell responded that SWMD could have a contingency line item in the budget, but did not have one. He clarified that government is allowed to charge only for current expenses and a reasonable set aside for future capital.

Farrell proposed to provide the Commission with a presentation at their next meeting on how to read the SWMD budget, a description of the budget process, what to expect from rates, and future solid waste programs.

Balsley expressed concern that the SWMD was denied funding for capital improvement projects. Farrell responded that the City should have an ERR for facilities. Sprague asked how the Refuse Fund could be better protected. Farrell responded that the Council can take Refuse Fund money through the budget process because the fund is not set up in an account separate from the General Fund. Chong asked what percent of the budget was contingency and what does the balance on the spreadsheet represent. Farrell responded that the General Fund is the “deep pocket.” The fund balance on the spreadsheet is the net available resources. Smith asked what solid waste programs would be discussed next time. Farrell responded residential food waste and others. Smith said that the Union (SEIU 790) is concerned with BOSS, litter, and funding for commercial recycling services.

5. New Business

a. **Staff Report and Discussion of Proposed Revisions to Solid Waste Management Division Job Descriptions**

In addition to three job descriptions provided in the Commission packet (Refuse Worker, Refuse Truck Driver, Refuse Supervisor, and Refuse Senior Supervisor), Dowdakin handed out job descriptions for Wheeled Loader Operator, Weighmaster, and Tractor Trailer Driver. She stated that the original impetus for amending the job descriptions was simply to update the titles to replace “refuse” with “solid waste,” but that since the process for changing even a job title is so complicated, staff agreed to look at all the job descriptions update them as much as possible. Ayankoya, Senior Refuse Supervisor, added that the job title change was consistent with the change of the Division name some years ago. He also noted that the Weighmaster job description was not currently being considered, because the issues on this particular job description were not as straightforward as the others. Becker noted that a lot of work went into the proposed changes, which were for the better. Smith, Refuse Truck Driver, explained that the Union had asked management to provide amended job descriptions to the union president and field representative before providing them to the general membership. The union has not had the opportunity to respond to the proposed changes.

6. Staff updates: Dowdakin reported that the **20-gallon refuse containers** had arrived and are being promoted on the web sites for the Solid Waste Management Division and the City’s Finance Department. The 20-gallon cart will be promoted in the next residential newsletter, due out in March 2002.

Sudden Oak Death has been in the news and could be an issue for plant debris management. City of Berkeley staff has been meeting about how to deal with the disease and with

quarantines if they are established. Dowdakin has been working with officials of UC Berkeley and with ACWMA to make sure that the City can continue to lawfully transport known infected plant materials to Grover's compost facility in San Joaquin County. The County and the State have drafted regulations regarding the handling of infected plant materials, and we may be required to obtain additional permits to continue our operations. It appears that composting is the best way to handle the infected materials because composting will kill the disease. Bourque asked if the finished compost from Grover had been tested. Dowdakin responded that it may have been tested by UCB but she did not know. Becker requested that Sudden Oak Death be placed on the agenda for the next meeting.

ACWMA has announced an **Incentive Fund**, whereby the member agencies may apply for "block grants" to encourage recycling with cash awards, similar to the "Cash-for-Trash" program. SWMD staff is initially considering using this funding on a school recycling program. Dowdakin distributed a memo from the City Attorney on the **Brown Act Checklist**. Dowdakin announced that she had a **Tentative Agreement with Community Conservation Centers on Fees** for recycling sorting services. The container sorting fee will be lowered, the paper sorting fee will be raised, and the Disposal fee will increase ten percent. Dowdakin reminded the Commission that CCC had implemented a new labor contract, and that their employees were now receiving a "Living Wage" as described by the City of Berkeley. ACWMA completed and published the **2000 Waste Characterization Study**, which can be provided to the Commission, in part, at a future meeting. Last, Dowdakin reminded the Commission of the **Upcoming Election of New Officers**, which they are required to do at their February 2002 meeting.

7. Future agenda items and meeting days: The next meeting will be February 25, 2002. The agenda will include a staff presentation on recycling activities and education in Berkeley schools, part two of the staff presentation on the Refuse Fund, report and discussion on Sudden Oak Death including representatives from UC Berkeley, and a report on Holiday Tree Collection.
8. Adjourn: the meeting was adjourned at 9:40 p.m.