



DEPARTMENT OF PUBLIC WORKS
Solid Waste Management Division

MINUTES
SOLID WASTE MANAGEMENT COMMISSION
Monday, October 25, 2004
Solid Waste Management Center, 1201 Second Street

Chairperson Howard Chong called the meeting to order at 7:02 p.m.

1. Roll Call:

Commissioners Present: Susan Blachman, Howard Chong, Genevieve Dreyfus, Steen Jensen, Jay Miyazaki, Peter Schultze-Allen, Carrie Sprague, Jonathan Wafer

Commissioner absent: None

Staff: Tom Farrell, Tania Levy

Members of the Public: Jeff Belchamber, Frederick Douglas, Joe Smith

2. Comments from the Public: None

3. Announcements: Joe Smith announced his pending retirement and introduced Frederick Douglas who is replacing him as Shop Steward.

4. Approval of the Meeting Minutes from September 27, 2004: M/S Sprague/Wafer to approve the minutes of September 27, 2004 as corrected. Approved 7/0/1 (Dreyfus abstained). Miyazaki requested a further correction to state he abstained on item 6a, Precautionary Principle Ordinance, because he received the materials too late to review. M/S Miyazaki Sprague to approve the minutes of September 27, 2004 as further corrected. Approved 7/0/1 (Dreyfus abstained).

5. Approval of Agenda: M/S Schultze-Allen/Jensen to approve the agenda as written. Approved 8/0/0.

6. New Business

- a. **Poaching:** Chong reviewed the history and past problems enforcing poaching ordinances, and distributed copies of State and City codes. Levy relayed City Attorney comments that poaching is an infraction. Many city employees can issue citations, which are processed in municipal court like a traffic ticket. Police will respond, but it is low on their priority list. Belchamber described three types of poachers; shopping cart, truck, and neighbors supplementing their income, with trucks stealing the most. Miyazaki suggested a City policy be formed for poaching, and reminded staff to respond to public comments about poaching made at the solid waste management plan meeting. Sprague noted that people stop recycling to avoid the noise of late night poachers. Farrell pointed out the need to balance the cost of enforcement with the potential savings. At 7:35 M/S Blachman Chong to extend the topic by five minutes; approved 8/0/0. Chong requested the discussion continue at the next meeting.

7. Old Business
 - a. **Recommendation for Refuse Fund Study:** The Commission discussed the revised draft memo to Council concerning the uses of the Refuse Fund and asking that permissible fund uses be clearly defined. Chong supports the recommendation in order to open a dialogue, but does not find the current uses inappropriate. Jensen prefers flexibility and transparency in use of the Fund but was reluctant to request change at a time of tight City budgets. M/S Jensen/Sprague to adopt the recommendation with the following changes: ~~We believe that there should be a~~ We are concerned that there are not clearly defined programmatic limits within which the Refuse Fund use is allowed.
Approved 8/0/0.
 - b. **Commission Work Plan:** Chong described the tasks to be completed and commissioners volunteered to lead tasks. Some tasks on the list are complete or no longer needed. Chong will bring a list of tasks and their volunteers to the next Commission meeting.
 - c. **Municipal Code Review:** Commissioners discussed BMC Sections 12.32 and 12.34. Their suggestions included adding definitions for the food waste program; distinguish types of waste that are treated differently; add a 75% diversion goal; increase incentives in the rate structure for recycling; require multi-family buildings to provide recycling, consider mandatory recycling and allow biweekly collection of trash for participants in organics recycling.
 - d. **Solid Waste Management Plan:** Farrell reported that the Consultant should have a draft report of program recommendations by the next meeting. Miyazaki wants to focus on 75% diversion, and to consider reorganizing the refuse process. Farrell noted that the transfer station's location on a railroad near the freeway opens up possibilities to move more material and to increase diversion, and be innovative. Dreyfus suggested requiring new buildings to have recycling.
8. **Staff Updates:** Capital Improvements: The organics area is expected to open the first week of November. Work is now scheduled to repair skylights, concrete around doorways and the overhang at the transfer station building. **SWMD Staffing:** The City Manager approved filling all Division vacancies, including backfilling after promotions. Joseph Ayankoya, Senior Refuse Supervisor, returned from working in the Streets Division. The Commission's resolution supporting the **Precautionary Principle** was forwarded to Economic Development to include in their Council Report. The State **Electronics Recycling Act** will begin January 1, 2005 and the City expects to be an authorized "Collector".
9. **Future Agenda Items and Meeting Days:** The next agenda should include poaching, work plan, Berkeley Municipal Code and the ESA Solid Waste Management Plan report if available. The next meeting will be Monday, November 22.
10. **Adjourn:** It was M/S Schultze-Allen/Dreyfus to adjourn the meeting at 9:05 pm