



DEPARTMENT OF PUBLIC WORKS  
Solid Waste Management Division

**MINUTES**  
**ZERO WASTE COMMISSION**  
**Monday, March 23, 2009**  
**North Berkeley Senior Center, 1901 Hearst Street**  
**Workshop Room, 2<sup>nd</sup> floor**

Chairwoman Nashua Kalil called the meeting to order with a quorum at 7:05 p.m.

**1. Roll Call:**

**Commissioners present:** Jensen, Kalil, Kirkpatrick, Tam, Oatfield, Dodsworth (7:07), Blachman (7:14)

**Commissioners absent:** Nava, Schultze-Allen

**Staff:** Andy Schneider - Recycling Program Manager; Tania Levy – Analyst, Ken Etherington – Solid Waste Division Manager; Tracy Vesely – Budget Manager

**Members of the Public:** Martin Bourque, Daniel Maher and Frances Kawamoto of the Berkeley Ecology Center (EC); Jeff Belchamber and Sara MacKusick of Community Conservation Centers (CCC); and Residents Leila Khatapoush and Adam Heffler. City Councilmember Jesse Arreguin was also in attendance.

**2. Introduce New Commissioner:** Christina Oatfield has been appointed by Jesse Arreguin to represent District 4. She is an Environmental Sciences major at Cal.

**3. Approve Agenda:** M/S Tam/Jensen to approve the agenda 6/0/0

**4. Introduce Division Manager Ken Etherington:** Kalil introduced Ken Etherington, the new Solid Waste & Recycling Division Manager. He described his experience of 25 years including landfill management, building transfer stations, operating collection companies, and implementing recycling collection programs in San Jose and San Francisco. Commissioners discussed single and dual stream recycling.

**5. Comments from the Public:** Jeff Belchamber asked that the transfer station redesign address the entire picture, with a timeline, and not be a piecemeal effort.

**6. Announcements and Commissioner Comments:** Tam announced the NCRA Recycling Update event, and described new ownership of local landfills due to refuse company mergers. Kalil requested tours of representative single and dual stream sorting facilities. Dodsworth protested receiving citations for growing fruit trees and vegetables in a median strip. Kalil stressed the importance of a new rate structure and that the Commission should be utilized in the process.

**7. Approve Meeting Minutes of 2/23/09 and 1/26/09:** Kalil asked for a correction from *the Commission will back a rate increase to the Commission will remain involved in the rate structure process and will be available for public discussion.* **M/S Jensen/Kalil to approve minutes of 2/23/09: 5/0/2** (Dodsworth and Oatfield abstain due to absence at meeting.) **M/S Jensen/Kalil, to approve minutes of 1/26/09: Oatfield abstains.**

**8. Public Hearing Notice on refuse rates:** Budget Manager Tracy Vesely described the process and content of the refuse rate proposal to be presented to City Council on April 21. Previously, a public hearing was required before increasing service fees. Due to Proposition 218 and subsequent legal decisions, cities that provide their own refuse or sewer service must allow a protest vote for rate increases, as well as a public hearing. If Council approves, information and a protest form will be mailed to record owners of each property in Berkeley. If after 45 days, 50% +1 of the properties submit a protest vote in writing, or testify at a public hearing, the rate increase will not be approved.

The City last raised refuse rates in 2006, and rates must be raised now to pay for current and future programs, including the weekly organics, new curbside recycling carts, increased landfill fees, and other fixed costs. The refuse increase is expected to raise \$5 million additional revenue. If the rate increase is not approved, services will be decreased to dramatically cut costs, and the City will try again with a different rate structure. The City can provide information, but cannot campaign for or against the proposal.

Proposition 218 also requires that a property owner can be billed only for services that directly benefit the property. Residential or commercial rates cannot subsidize each other. Revenues that are not property based, such as transfer station fees or franchise fees, can subsidize service or pay for other non-property city functions. Only property-based rates are included in this resolution. Other rate changes only require a public hearing, and will be addressed later in the year. This restriction does not apply to cities with private refuse service, where such cross-subsidy is common. In 2007, the City hired a consultant to review the City's rate structure and provide a cost of service model to meet proposition 218 requirements.

In discussion, Blachman inquired if achieving 75% diversion would increase the deficit. Vesely responded that the current refuse based rate model is outdated; and Kalil added that the fee should be for the full service package of recycling and refuse, not as a fee for recycling. Kalil asked how the Commission can participate, and emphasized that Council needed a strategic action plan for waste reduction, which the Commission is working to provide. Tam suggested increasing the franchise fees to private haulers to help reduce the proposed refuse fee.

**M/S/C Tam/Kirkpatrick to extend discussion for 5 minutes. 7/0/0**

**Rate Resolution:** The chair asked that the commission create a resolution to support the proposed rate increase. Discussion followed and the following resolution was proposed: *“The City of Berkeley Zero Waste Commission supports the proposed 20% waste and recycling rate increase in order to maintain our current level of service and programs that advance our Zero Waste and Greenhouse Gas reduction goals. We further recommend that Council study the possibility of increasing the commercial franchise fee in connection with City service provision in order to finance new and necessary zero waste programs.”* **M/S Kalil/Tam to approve resolution 7/0/0**

**Items 9-12 Climate Change Plan, Division update and Legislative Report were not discussed.**

**Adjourn: M/S Jensen/Kalil to adjourn at 9:10 pm. 5/0/0**