



DEPARTMENT OF PUBLIC WORKS  
Solid Waste Management Division

**MINUTES**  
**ZERO WASTE COMMISSION**  
**Monday, Feb. 28, 2011**  
**North Berkeley Senior Center, 1901 Hearst Street**  
**Workshop Room B, 1<sup>st</sup> floor**

Chair Tam called the meeting to order with a quorum at 7:05 PM

**1. Roll Call:**

**Commissioners present:** Jensen, Bartlett, Kirkpatrick, Kalil, Tam, Halperin

**Commissioners absent:** Blachman

**Staff:** Andrew Clough – Acting Public Works Director, Ken Etherington - Solid Waste Division Manager, Andy Schneider – Recycling Program Manager  
Joe Sloan – Sloan Vazquez LLC

**Members of the Public:** Martin Bourque, Daniel Maher, Debbie Beyea and crew members of the Ecology Center (EC); Sara MacKusick, Jeff Belchamber and crew members of Community Conservation Center (CCC); Dan Knapp and Mary Lou Van Deventer of Urban Ore; Ricky Jackson, Michael Ayers, Danny Walker, Lionel Brackens, Fred Douglas, John Smith, Kenny Stephens, Miguel Martinez, Brian McDonald, Sandra Lewis, Gladys Gray and other members of SEIU Local 1021; John Reimann and members of IWW; Steve Sherman, Dave Williamson, residents.

**2. Approve Agenda:** Kirkpatrick moved to reorder the agenda with Comments from the Public after Approve Meeting Minutes and before Sloan Vazquez Presentation.

**M/S/C Kirkpatrick/Jensen to approve the amended agenda 6/0/0**

**3. Announcements and Commissioner Comments:** Tam reported the San Francisco Board of Supervisors authorized an RFP for a survey to increase waste competition and inter-jurisdiction cooperation. Schneider asked that all Commissioners submit their Form 700 Statement of Economic Interests by April 1<sup>st</sup>.

**4. Approve Meeting Minutes of Jan 24, 2011:** Kalil requested that section seven be corrected to add that the Ecology Center cart presentation be provided to Council.

**M/S/C Kalil/Kirkpatrick to approve the Jan 24, 2011 minutes as amended 6/0/0**

**5. Sloan Vazquez SW&RD Assessment Presentation:** Etherington introduced Joe Sloan who presented the scope and findings of their assessment of the Solid Waste Management Division. Mr. Sloan explained how their assessment compared the current known cost of our contractor services and presented options that would reduce these costs. The primary recommendations Sloan made to the City in the report were to outsource the processing of recyclables to an outside processor; that the City would take over the collection of residential recycling from the Ecology Center; and to consider single operator collection for all services. Other recommendations included eliminating the commercial food waste discount; franchising all, or assuming all, commercial collections; and auditing all routes to insure proper compensation.

**6. Comments from the Public:** Numerous Local 1021 collectors spoke raising questions and making comments showing support for some of the recommendations, but stating that some locations in Berkeley cannot be safely collected by a single operator. Ricky Jackson, Local 1021 Shop Steward, explained that they have created their own deficit reduction proposal, independent from the Sloan Vazquez report. He stated that they are ready to meet with the City to discuss compromises. John Reimann from IWW commented that one union should not fight to take other union jobs.

**Commissioner Comments:** Commissioners were given 10-minute turns to make comments. Upon questioning, and in response to a six-page comment paper created by Commissioner Kalil for the ZWC's use, Mr. Sloan made clear he was not a policy expert and was not directed to base the report on achieving zero waste; rather the main goal was to close the \$4 million refuse fund budget deficit. Kalil noted that with all the public's and employees voices just heard, there was a clear need for leadership on the part of the Division to facilitate. Kalil then stated that a policy options comparison matrix such as that provided by the 2005 ESA Report would be more useful than a single recommendation for each item. She stated there were three areas of concern: Policy, Process, and Product. She stated the report lacked a policy basis of how we would achieve our diversion goals, meet new mandatory recycling programs, service customers, and direct the creation of a progressive sustainable rate structure. As for process, that the Commission was not given the opportunity to review the report prior to releasing the final nor given electronic copies. In terms of product, numerous lacks, errors and omissions had been found. She then stated that the report must be revisited and corrected with ample opportunity for further discussion and review with the Commission on these important policy decisions and budget outcomes. Commissioner Jensen stated that he, too, was disappointed in the Report and its process. He stated it seemed that the RFP scope was directed to provide recommendations with no consideration of policy that the Commission advises upon. Mr. Sloan confirmed the extent of the project scope did not include policy. Andrew Clough added that we have to make all efforts at improving operational efficiency before any movement towards a rate increase or rate structure. He stated that the March 8th Council Work Session would be an additional opportunity for discussion and that no recommendations would be adopted at that meeting. Commissioner Bartlett also took issue with the report's process and stated that back-up data and cost benefit analysis were required. He stated that the Division should analyze the impacts of taking over all commercial collection and requested that the franchise fee be part of the analysis. Commissioner Kirkpatrick agreed that back-up data is necessary and stated that our Zero Waste goals need to be included in discussions of reducing costs. Commissioner Halperin stated dissatisfaction in the unavailability of the report and that it lacked recommendations that would both reduce costs and waste. Commissioner Tam stated that he was perplexed at the decision to not make the report available for circulation and review, and that it seemed elitist. He stated that processing cost data was missing and will need to be provided before any recommendations could be considered. Resident Steve Sherman stated that he found the Report extremely lacking, that he had considered bidding on the assessment RFP, but had reservations about the scope, process and apparent lack of Commission involvement.

**Motion to extend meeting 30 minutes M/S/C Kalil/Bartlett 6/0/0**

Commissioner Kalil presented a draft Resolution for the Commission's use in response to the Sloan Vasquez Report and next steps that the Division and Council should take.

**After discussion, the Commission approved the following resolution:**

1. We, the Zero Waste Commission, perceive the Sloan Vasquez Report to be a Draft Report, having found incomplete and missing information, cost-benefit analyses, and a lack of an adequate and inclusive process.
2. The ZWC made strong efforts to ensure that the scope of the RFP for Division Assessment (Sloan Vasquez Contract) was based upon how best to achieve the City's Zero Waste Goals while reducing the structural deficit and establishing sustainable revenue through a new rate structure. Instead, the recommendations address the existing structural deficit without adequate recycling-centered policy and cost-benefit analysis, including a review of non-core use of solid waste funds, e.g.: the Clean City Program.
3. We are extremely disappointed that the opportunity for a team approach was lost. While portions of the report may be useful and accurate, the process and lack of collaboration with City staff, the unions, and the City's contractors brings the recommendations into question, particularly takeover of contractor functions.
4. We find that the labor-related cost analyses are incomplete and require further definition.
5. We have not been given supporting data documentation for review. Previous draft reports were withheld until the printed report was distributed to Council. No detail of the calculation is provided. The report contains errors and omissions that must be corrected in order to be finalized.
6. We find the report lacks any discussion of expanding recycling programs, and we believe several recommendations would seriously weaken the program, notably elimination of the Recycling Manager. Pending State and local regulations to establish universal multi-family and commercial recycling, and the staff and resources needed to comply, are not addressed.
7. We advise that the City Council mandate an inclusive review process with adequate time necessary for the consultant and management to meet with the Zero Waste Commission, staff, unions and contractors, to correct and supply data, create adequate cost comparative analyses, and address a sustainable rate structure.

**Motion to approve resolution as amended Kalil/Jensen 6/0/0 (Blachman absent)**

**7. ZWC Officer Elections:**

**Bartlett was elected as Vice Chair: 6/0/0**

**Kalil was elected as Chair: 6/0/0**

**Kalil made a motion for a resolution thanking Tam for his efforts as Chair.**

**Kalil/Kirkpatrick 5/0/1 (Tam abstains)**

**8. Future Agenda Items and Meeting Dates:** Tam asked that the Clean Cities program be considered under the purview of the ZWC. Jensen asked that Plastic Bags and EPR updates be provided.

**9. Adjourn: M/S/C Jensen/Kirkpatrick to adjourn at 9:30 6/0/0**