

**From:** Bolotina, Olga  
**To:** [Wald, Zachary](#)  
**Cc:** [Farmer, Casey](#)  
**Subject:** RE: All the Documents for your final approval - Urgent  
**Date:** Monday, July 28, 2014 10:39:00 AM  
**Attachments:** [Motion to Council Zero Waste Agreement 7.30.2014 FINAL.docx](#)  
[Memo to the Staff Zero Waste Agreement 7.30.2014 FINAL.pdf](#)

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Hell Zac,

Please feel free to make any edits to the motion to make it a motion :) I would still leave it as two separate documents though. The letter to the Administration was already sent. We do have to submit everything by noon.

Thank you!

Olga

Olga A. Bolotina  
Community Outreach Director  
Office of District One City Councilmember Dan Kalb  
City of Oakland  
1 Frank H. Ogawa Plaza, Suite 230, Oakland, CA 94612  
Direct: 510-238-7240  
[obolotina@oaklandnet.com](mailto:obolotina@oaklandnet.com)

-----Original Message-----

**From:** Wald, Zachary  
**Sent:** Friday, July 25, 2014 2:09 PM  
**To:** Bolotina, Olga  
**Subject:** Re: All the Documents for your final approval - Urgent

Olga -

The motion is not really a motion. As far as I can tell, it is just a repeat of the memo we sent to Henry Gardner.

For simplicity's sake why not just make the memo to Henry a submittal? Or, have a short intro to the Council members with the letter to Henry attached?

Z

Zachary Wald  
Chief of Staff  
Oakland City Council, District 3  
(510) 238-7032

On Jul 24, 2014 9:01 PM, "Bolotina, Olga" <[OBolotina@oaklandnet.com](mailto:OBolotina@oaklandnet.com)> wrote:

>

> Esteemed Colleagues,

>  
>  
>

> Please provide your edits or just approve tonight if everything looks good.  
After we receive

upon your approval the following will happen: > > > > § Memo to the Staff\_Zero  
Waste Agreement - Dan will send PDF to Henry and cc appropriate PW staff and  
all of us > > § Motion to Council\_Zero Waste Agreement - Casey and I will  
submit tomorrow for the Wednesday, July 30th agenda package > > § Civicorps  
Resolution - Casey and I will submit tomorrow for the Wednesday, July 30th  
agenda package > > § Civicorps proposal - Casey and I will submit tomorrow  
for the Wednesday, July 30th agenda package > > > > Please text/call me if  
you have any questions 510-910-4733. It looks like Casey and I will be here  
at 8am having a hole punching party, join if you want ;) > > > > Warmly, > >  
> > Olga > > > > Olga A. Bolotina > > Community Outreach Director > > Office  
of District One City Councilmember Dan Kalb > > City of Oakland > > 1 Frank  
H. Ogawa Plaza, Suite 230, Oakland, CA 94612 > > Direct: 510-238-7240 > >  
[obolotina@oaklandnet.com](mailto:obolotina@oaklandnet.com) > > >



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Dan Kalb (510) 238 – 7001  
COUNCILMEMBER ~ DISTRICT 1

Rebecca Kaplan (510) 238 - 7008  
COUNCILMEMBER ~ DISTRICT AT LARGE

Lynette Gibson McElhaney (510) 238 – 7003  
COUNCILMEMBER ~ DISTRICT 3

July 24, 2014

**Henry Gardner**  
City Administrator

Greetings Henry,

We have received the staff report for the July 30<sup>th</sup> Special City Council meeting on the Zero Waste Contract, and believe that some critical items of information are still missing. We hope and request that the following information be made available *prior to* the July 30<sup>th</sup> meeting in order to better inform our decision-making:

- Please include the costs to ratepayers, if any, for the use of the EBMUD waste-to-energy facility in Options 1 or 2 within the staff report. We understand that the EBMUD option is already incorporated into the base rates under Option 3.
- Multi-family building bulky waste pick-up is not addressed in the staff report. We are interested in Council consideration of incorporating scheduled quarterly bulky waste curbside pick-ups at larger multi-family buildings in addition to the building owner initiated pick-ups already incorporated into the base franchise agreement.
- The various options for the provision of a 3<sup>rd</sup> 'organics' bin for multi-family green waste are not fully costed out in the most recent staff report. We had previously expressed to Waste Management our desire for them to work to bring their cost estimates down for the 'Opt-out alternative. We realize that CWS has incorporated the source-separated green organics bin for multi-family buildings into their proposed multi-family base rates.

We want to make sure the Council has the option of genuinely phasing in the organics green bin at multi-family buildings as follows:

In the first two years of the franchise agreement, the City would require an opt-in for the green bin at no additional cost (this is the base rate for multi-family buildings); in years three through seven of the franchise agreement, we would require an opt-out such that



all multi-family buildings would be provided with a green cart/bin unless they affirmatively opt out (for any reason); in years eight through ten of the franchise agreement, we would have a stronger opt-out such that the green cart/bin would be mandatory, except that multi-family building owners could opt out for specified reasons through a simple waiver process that would eventually be developed in cooperation between the franchisee and the City.

At the May 29<sup>th</sup> Council meetings, we also requested an “apples to apples” comparison of the two bidding companies, but the staff report does not appear to wholly reflect that request. We understand that the proposal from California Waste Solutions (CWS) includes the following options, but it is not clear what the cost would be to include these options in the proposal from Waste Management of Alameda County (WM):

- Living wages and benefits for all their recycling workers effective July 1, 2015
- Use of the EBMUD facility for dealing with Oakland Commercial Organic waste
- Working with Civicorps on Collection of Commercial Organics
- Third Bin for multi-family buildings as a default option at no additional cost
- In-County call center
- Allowing for an extension of any Zero Waste Franchise Agreement(s) by the City of Oakland

Additionally, in the lower-cost option 3 proposal, CWS has clearly indicated that they are not asking for relief from liquidated damages due to a company-initiated ‘lock-out’. Does the difference in this provision between the two bidders have any impact on the proposed rate structure?

We respectfully request that the following options be costed out and included in all proposed options (Options 1, 2 and 3 as proposed by the City Staff) so that they are available to be considered and voted on at the July 30<sup>th</sup>, 2014 Special Council meeting:

- (A) Allocating citywide commercial source-separated organics collection and disposal services to Civicorps to be handled at the EBMUD local waste-to-energy facility;
- (B) Multi-family buildings curbside bulky pick-up services to be performed quarterly at times coordinated with building management by both WM and CWS in their designated areas at no additional cost to building residents;
- (C) Multifamily buildings organics collection services be performed as follows: Opt-in incorporated into base rates through June 30, 2017; Opt-out from July 1, 2017 through June 30, 2021; mandatory with a waiver for cause option from July 1, 2021 forward;
- (D) Use of the EBMUD local waste-to-energy facility for handling source-separated organics;
- (E) Versions of the agreement(s) that do not exempt the franchisee from having to pay liquidated damages due to company ‘lock-outs’;
- (F) Versions of the agreement(s) that allow for the extension of any Zero Waste Franchise agreements by the City of Oakland.



Respectfully,



Dan Kalb  
Councilmember, District 1



Lynette Gibson McElhaney  
Councilmember, District 3



Rebecca Kaplan  
Councilmember At-large

cc: Mayor Jean Quan  
Council President Pat Kernighan  
Brooke Levin, Director, Oakland Public Works  
Susan Kattchee





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**Lynette Gibson McElhaney** (510) 238 – 7003  
COUNCILMEMBER ~ DISTRICT 3

*July 24, 2014*

Dear Council President Kernighan and Members of the Council:

We are submitting this memorandum in reference to the City of Oakland's Zero Waste Franchise agreements under consideration at our July 30<sup>th</sup> special Council meeting.

Based on the most recent staff report for the proposed Zero Waste franchise agreements, we believe that there are some relevant pieces of information missing from that report. We have requested that the Administration provide the following information *prior to* the July 30<sup>th</sup> meeting in order to better inform our decision-making:

- Since multi-family building bulky waste pick-up was not addressed in the staff report, we have requested information on the possible costs to ratepayers of incorporating scheduled quarterly bulky waste curbside pick-ups at larger multi-family buildings in addition to the building owner initiated pick-ups already incorporated into the base franchise agreement.
- Costs to ratepayers, if any, for the use of the EBMUD waste-to-energy facility in Options 1 or 2 within the staff report. We understand that the EBMUD option is already incorporated into the base rates under Option 3.
- The various options for the provision of a 3<sup>rd</sup> 'organics' bin for multi-family green waste were not fully costed out in the most recent staff report. We had previously expressed to Waste Management our desire for them to work to bring their cost estimates down for the 'Opt-out alternative. We realize that CWS has incorporated the source-separated green organics bin for multi-family buildings into their proposed multi-family base rates.

We are asking that the Council favorably consider the option of genuinely phasing in the organics green bin at multi-family buildings as follows:

In the first two years of the franchise agreement, the City would allow for an opt-in for the green bin at no additional cost (this is the base rate



for multi-family buildings); in years three through seven of the franchise agreement, we would allow for an opt-out such that all multi-family buildings would be provided with a green cart/bin unless they affirmatively opt out (for any reason); in years eight through ten of the franchise agreement, we would have a stronger opt-out such that the green cart/bin would be mandatory, except that multi-family building owners could opt out for specified reasons through a simple waiver process that would be developed in cooperation between the franchisee and the City.

At the May 29<sup>th</sup> Council meetings, we collectively requested an “apples to apples” comparison of the two bidding companies, but the staff report did not appear to wholly reflect that request. We understand that the proposal from California Waste Solutions (CWS) includes the following options, but it is not clear what the cost would be to include these same options in the proposal from Waste Management of Alameda County (WM):

- Living wages and benefits for all their recycling workers effective July 1, 2015
- Use of the EBMUD facility for dealing with Commercial Organic waste
- Working with Civicorps on Collection of Commercial Organics (see separate resolution)
- Third Bin for multi-family buildings as a default option
- In-County call center
- Allowing for an extension of any Zero Waste Franchise Agreement(s) by the City of Oakland

Additionally, in the lower-cost option 3 proposal, CWS has clearly indicated that they are not asking for relief from liquidated damages due to a company-initiated ‘lock-out’. We feel strongly that if CWS can offer these conditions the same provisions should be offered by WM.

We respectfully call for your favorable vote to include the following provisions into the Zero Waste Franchise contract(s):

- (A) Good Living wages and benefits for all Oakland recycling workers effective July 1, 2015
- (B) Allocation of citywide commercial source-separated organics collection and disposal services to Civicorps to be handled at the EBMUD local waste-to-energy facility;
- (C) Multi-family buildings curbside bulky pick-up services to be performed quarterly at times coordinated with building management by the franchisee(s) at no additional or negligible cost to building residents;
- (D) At a minimum, multi-family buildings organics collection services be performed as follows: Opt-in incorporated into base rates through June 30, 2017; Opt-out from July 1, 2017 through June 30, 2021; mandatory with a waiver for cause option from July 1, 2021 forward;
- (E) Use of the EBMUD local waste-to-energy facility for handling source-separated organics;
- (F) Reject agreement(s) that exempt the franchisee from having to pay liquidated damages due to company ‘lock-outs’;



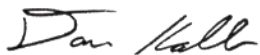
(G) Allow for the extension of any Zero Waste Franchise agreements by the City of Oakland.

(H) In-County call center

The Zero Waste franchise agreements present a rare opportunity for the City Council to enhance the local, sustainable, and collaborative nature of our city while providing the best value to our residents.

Thank you very much for your consideration.

Respectfully,



Dan Kalb  
Councilmember, District 1



Lynette Gibson McElhaney  
Councilmember, District 3



Rebecca Kaplan  
Councilmember At-large

cc: Mayor Jean Quan

