



# Agenda

## INTERNAL OPERATIONS COMMITTEE

RECORD OF ACTION FOR  
October 12, 2015

Supervisor Karen Mitchoff, Chair  
Supervisor John Gioia, Vice Chair

Present: Karen Mitchoff, Chair  
John Gioia, Vice Chair

Staff Present: Julie DiMaggio Enea, Staff

Attendees: Theresa Speiker, Chief Asst. CAO  
Jason Crapo, County Building Official  
Joe Doser, Environmental Health  
Salvatore Evola, Garaventa Enterprises  
Marilyn Underwood, Environmental Health  
David Gould, Purchasing Svcs Manager  
Cliff Glickman  
Kathy Gallagher, EHS Director  
Camilla Rand, EHSD  
Christine Reick, EHSD  
Krystal Hinojosa, District IV Supervisor's Office  
Linda Wilcox, Deputy County Counsel  
Scott Gordon  
Carlos Velasquez, Fleet Svcs Manager  
Joe Yee, Deputy PW Director  
Agnes Vinluan, Environmental Health  
Janice  
Gayle  
Bart Carr, Contra Costa Solid Waste Authority  
Linda Lavender, District IV Supervisor's Office  
Deidra Dingman, Solid Waste Manager  
Vicky Mead, CAO Management Analyst

### 1. Introductions

*Chair Mitchoff convened the meeting at 2:00 p.m. and self-introductions were made around the room.*

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

*None of the attendees asked to speak during the Public Comment period.*

3. RECEIVE and APPROVE the Record of Action for the September 14, 2015 IOC meeting.

*The Record of Action for the September 14, 2015 Internal Operations Committee meeting was approved as presented.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

4. ACCEPT report on the status of the development of a waste hauler ordinance and provide policy direction to staff.

*Chair Mitchoff invited Bart Carr of the Contra Costa Solid Waste Authority (Authority) to comment. He explained that his agency has one large contract with Republic for solid waste and recycling, and a separate permitting program outside of the franchise for construction and demolition (C&D) disposal, and that contractors can either self-haul or contract with haulers that are permitted under the C&D franchise. He wants to verify that what the Authority has in place for C&D will not be in conflict with the County's ordinance.*

*Chair Mitchoff invited Sal Evola and Cliff Glickman of Garaventa Enterprises to comment. Sal Evola observed that the process to develop a waste hauler ordinance has been a 41-month effort and that some of the policy questions raised in the staff report were areas in which the IOC already provided policy direction, and were being retreaded. Of the 11 items in the report, he noted that staff is again requesting policy direction on five items. His comments on each are below (as numbered in the staff report):*

*(1) Sheriff's Office: Staff has provided the fully-burdened cost (salaries and benefits) of a resident deputy position but that is more than what was contemplated. Instead, Mr. Evola offered to pick up one third of the cost of a Community Services Officer (CSO) (such as is employed by the City of Concord), who would be responsible for code enforcement not just of this ordinance but also graffiti. He noted that the new ordinance could be enforced by any police who witnessed a violation. Supervisor Gioia responded that illegal dumping knows no boundaries, so it's a countywide problem not just an unincorporated (UI) county area problem, and that the County cannot afford countywide CSOs. He suggested raising garbage fees countywide to fund enforcement throughout all law enforcement jurisdictions. The solid waste authorities can decide how to allocate enforcement funding.*

*(2) Performance Bond: Mr. Evola commented that there needs to be some such requirement in the ordinance.*

*(4) Building Inspection/Permit Process: Mr. Evola commented that staff's drafting of the ordinance would place the burden for resolving illegal debris boxes with the franchises rather than with County code enforcement, which is unacceptable. He wants to be able to call the Sheriff or CSO to report an unmarked debris box and have code enforcement notify the violator and, after proper notice, authorize the franchise haul the waste away. Ideally, only Republic or Garaventa (franchise) boxes should be used in the UI county area and should be clearly marked for easy identification. Evidence of proper C&D disposal needs to be required before a certificate of occupancy is issued by Building Inspection. If the permittee fails to provide the required evidence, then the County should levy a fine. The process already exists for the most part and should not be as burdensome as staff represents it to be.*

*Jason Crapo described the building permit process, including requirements for documentation. He indicated that the local building code could be modified to include requirements in the debris recovery plan to document who is doing the hauling. The current code requires receipts showing where debris was disposed but not who hauled it. Building Inspection staff could be assigned responsibility for verifying documentation showing where debris was hauled and who hauled it. He commented that DCD and HSD each have different regulatory roles but can cooperate to enforce the building code, which includes the debris recovery plan. The debris boxes are not covered in the debris recovery plan. However, DCD can assist HSD by providing information about the location and size of construction projects, so there is an opportunity for coordination.*

*(5) Modification of Franchise Agreements: Mr. Evola reiterated that he is amenable to modifying his franchise agreement to conform with the County's ordinance and is waiting for staff to reach out to him.*

*(7) Source separated material: Mr. Evola commented that staff's recommendation was offensive to the franchises. Chair Mitchoff asked staff to work with stakeholders to devise acceptable language.*

*(10) Disposal Within CCC: Mr. Evola suggested that the County try limiting disposal to local sites only and see if it gets challenged. Supervisor Gioia and Scott Gordon commented that State law currently prohibits limiting disposal to within county boundaries and Supervisor Gioia also stated that the County would not proceed with a limitation that it knows is not legal.*

*Chair Mitchoff invited Scott Gordon to comment. Mr. Gordon observed that the ordinance still places the primary enforcement burden on the haulers but he'd like to see the County enforce the ordinance through an integrated system involving the haulers, DCD, HSD and the Sheriff's Office. He said there is no point in having a hauling ordinance unless the enforcement is viable, and to be viable it must be fully integrated to close the net around the illegal activity. He still thinks it is worthwhile to have the Building Inspectors inspect the debris boxes in the field when debris boxes are present at a construction site, since the inspectors are there anyway, rather than only verifying documents in the debris recovery plans.*

*Supv Gioia reiterated that the illegal transfer stations (of which there are approximately 18 countywide) are the biggest issue. The problem that has plagued his district and on which his interest is most focused is the small, unlicensed "Mom & Pop" hauler who has a relationship with an illegal transfer station and who dumps what has value at the transfer station and what is worthless on the street. He said that the County spends over \$1 million countywide to pick up illegally dumped waste, and we are not going to solve the problem without strong enforcement. He added that low-income people cannot generally afford a debris box. Staff commented that regular garbage service includes two bulky item pickups annually at no additional charge. Supervisor Gioia commented that this free service isn't well publicized or known and so isn't fully utilized.*

*Chair Mitchoff expressed frustration about the number of times this has come back to Committee. She asked to see a final draft ordinance at the February 2016 IOC meeting; she preferred to address the enforcement aspect of the ordinance on a separate and parallel track. She asked staff to gather information from law enforcement countywide to see if enforcement costs could be estimated. Supervisor Gioia asked for a commitment from the franchises to raise fees sufficient to fund enforcement of the ordinance countywide. Contra Costa's ordinance can serve as a model ordinance for the cities to emulate. Mr. Evola reiterated his offer to fund one third of the cost of a CSO.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

5. ACCEPT annual report prepared by the Public Works Department on the County's Local Bid Preference Program.

*The Committee accepted the staff report, asked the Purchasing Services Manager to provide more information in future reports about how the Local Bid Preference Program meshes with the Small Business Enterprise and Outreach Programs, and directed staff to forward the staff report to the Board of Supervisors for information.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia  
Passed

6. ACCEPT follow-up report from the Fleet Services Manager on efforts to "green" the County Fleet and CONSIDER approving recommendations on modifying the County's Vehicle and Equipment Acquisition and Replacement Policy, and Clean Air Vehicle Policy and Goals.

*The Committee accepted the staff report with the following modification: Section IV shall be amended to clarify that in the interest of reducing cost and maximizing fuel efficiency and economy, the most appropriate vehicle will be purchased to meet the intended need or purpose. Supervisor Gioia requested staff to include in the follow-up report to the Board of Supervisors data on the number and percentage of new vehicle acquisitions that meet the no/low emission standards.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia

Passed

7. ACCEPT status report from the County Administrator on outstanding issues and information requests stemming from Phase 1 of the Board Advisory Body Triennial Review provide provide direction to staff on further action, if any.

*The Committee concurred with the staff report and recommendations with the special note that strong consideration should be given to merging PEHAB and the Hazardous Materials Commission.*

*With regard to the Economic Opportunity Council (EOC), Kathy Gallagher gave a report about the functioning of the commission and allocation of administrative costs in the Community Services Block Grant (CDBG) budget. Kathy expressed concerns with the direction given by the State for doing the CDBG budget. She disagrees with the state's direction and how inconsistent is it compared to other similar revenue streams within EHSD. She plans on talking to state officials later this month to gain more clarity.*

*In conclusion, the Committee accepted the report and directed EHSD to return in 90 days with a follow-up report after consulting the State on the CDBG budget.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia

Passed

8. ACCEPT report covering the period January - December 2014 and CONSIDER staff recommendations on the Small Business Enterprise Program.

*The Committee noted that some departments are still not reporting under the Small Business Enterprise (SBE) program. Vicky Mead acknowledged that while there is still some resistance to the new format, she noted that not all of the County policy/procedure documents are consistent nor are they located in a central place for easy reference.*

*For some of the larger, high-volume departments such as EHSD, the data compilation is time intensive.*

*Supervisor Gioia would like to see performance highlighted by staff and give underperforming departments an opportunity to communicate what factors are hindering their performance. Departmental performance, as presented, is not accurate because the ratios do not capture all subject transactions.*

*The Committee approved the following staff recommendations:*

- 1. CONTINUE the enclosed SBE report (for the 2014 Calendar year) for additional IOC review in the Spring of 2016, in order to address the quality and sufficiency of data that is being submitted by departments.*
- 2. REQUEST that prior to the next review in Spring 2016, the SBE Coordinators, working with their departmental fiscal and or procurement officers, should verify that the data meets the specifications described above;*

*or, if necessary, submit additional data to conform to the stated data requirements.*

*3. DIRECT CAO and County Departments also to compile SBE program and outreach data for calendar year 2015 during the first quarter (January to March) of 2016.*

*4. CALENDAR a simultaneous review of 2014 and 2015 data by department for the second quarter of 2016, as a basis for ongoing future review of SBE outreach and SBE program participation rates.*

*5. DIRECT CAO to draft a proposed Administrative Bulletin for the SBE program, to take effect 1-1-2017 if possible, reflecting guidelines as well as further program direction provided by LOC and BOS.*

AYE: Chair Karen Mitchoff, Vice Chair John Gioia

Passed

9. The next meeting is currently scheduled for November 9, 2015.

10. Adjourn

For Additional Information Contact:

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