



**REFUSE COLLECTION AND DISPOSAL RATE BOARD
CITY AND COUNTY OF SAN FRANCISCO
AMENDED AGENDA: ADDING JULY 23, 2013**

**Linda S. Yeung, Chair, Deputy City Administrator
Ben Rosenfield, City Controller
Michael P. Carlin, Deputy General Manager, City Public Utilities Commission**

SPECIAL MEETING AGENDA (*amended, adding July 23, 2013*)

**MONDAY, JULY 8, 2013
ROOM 408, CITY HALL, 1:30 P.M. – 5:30 P.M.**

**TUESDAY, JULY 9, 2013
ROOM 408, CITY HALL, 1:30 P.M. – 5:30 P.M.**

**~~FRIDAY, JULY 12, 2013~~ JULY 12 (ONLY) CANCELLED
~~ROOM 408, CITY HALL, 1:30 P.M. – 5:00 P.M.~~**

**MONDAY, JULY 15, 2013
ROOM 408, CITY HALL, 1:30 P.M. – 5:30 P.M.**

**TUESDAY, JULY 23, 2013
ROOM 408, CITY HALL, 12:15 P.M. – 3:30 P.M.**

CITY HALL, ONE DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CALIFORNIA 94102

This Special Meeting of the City's Refuse Collection and Disposal Rate Board ("Rate Board") is to hear and consider objections to the June 7, 2013 Director of Public Works Report and Recommended Order ("Report and Recommended Order") to increase residential refuse collection and disposal rates. This Report and Recommended Order follows conclusion of the DPW Director's 2013 hearings on the Rate Application filed by Applicants Recology Sunset Scavenger, Recology Golden Gate, and Recology San Francisco.

Written objections were received from five sources by City Administrator Naomi Kelly before the statutory deadline on June 24, 2013. (See Agenda Items IV.A through IV.E, below, which include a summary of the objections; these descriptions are for general information only and are not intended to represent any decision, fact or position of the City or the Rate Board.) No additional objections may be raised or filed, orally or in writing. Objectors and Non-Objectors may only rely upon evidence previously placed in the administrative record during the DPW Director's 2013 hearings through testimony or documents; they may not present new evidence at the Rate Board hearing level. After hearing presentations on the objections and responses from the DPW Director and others, the Rate Board will deliberate and take action to approve or deny the Rate Application, in whole or in part.

Copies of the Application, the DPW Director's Report and Recommended Order, written objections timely received by the Rate Board, Rules of Procedure and other documents relevant to these proceedings are posted on the DPW website at www.sfdpw.org under " Refuse Collection and Disposal Rates (Garbage Rates)." Documents and information are also available from the San Francisco Ratepayer Advocate, Peter Deibler, e-mail ratepayeradvocatesf@hfh-consultants.com, telephone (415) 554-6921, website <http://ratepayeradvocatesf.org/>; and from the City and County of San Francisco Department of Public Works, 9:00 a.m. to 5:00 p.m. Monday through Friday, contact Nathan Rodis at 415-554-6932, City Hall Room 348, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Some of these documents are also available at the San Francisco Main Library Government Information Center, 415-557-4500, Fifth Floor, 100 Larkin Street, San Francisco, CA 94102.

This is a Special Meeting because the Rate Board does not meet at a regularly scheduled time or place. This Special Meeting will commence on July 8, and continue with the same Agenda if needed on July 9, ~~July 12,~~ and July 15, and July 23, until the Agenda is completed. The Chair in her discretion may modify the order or time limits of this Agenda in order to assure a fair and efficient hearing.

I.	Call to Order and Roll Call	
II.	Introductory Remarks by Chair	
III.	Opening Comments by Ratepayer Advocate	Agenda Item COMPLETED
IV.	Presentations by the Five Objectors Who Timely Filed Written Objections; Presentations commence Monday July 8, and if needed continuing on to Tuesday July 9, Friday July 12, and Monday July 15 <ul style="list-style-type: none"> The Chair will call the Objectors to make their presentations in the order listed below starting Monday July 8, 2013. 15 minutes maximum per Objector, excluding any Board questions 	
A.	Objections by Josephine Zhao with extended families of 15 members, and members of AsianAmericanVoters.org (letter dated June 20, 2013)	Agenda Item COMPLETED
	1. Ratepayers would be double-charged by Recology's collection of abandoned materials at Ratepayer expense, because those costs are already covered by taxes.	
	2. Reducing black bin volume is not an option, because diligent recycling/composting Ratepayers have reduced black bin volume as much as they can, and any rate increase is unwarranted.	
	3. Charging Ratepayers for recycling and composting is wrong, because Recology receives incentives for this collection and sells what it collects.	
	4. The Proposition 218 Chinese-language notice was inadequate.	
	5. The process lacked sufficient multi-lingual outreach.	
	6. Many non-English speakers who objected to the rate increases at the DPW Director's June 11 (<i>sic</i>), 2013 hearing did not know how to file written protests when they came to the hearing.	
	7. Rate increases would be a hardship on fixed income Ratepayers ("mostly seniors and minority").	
	8. Rate increases would be a hardship on all, especially many small property owners, and tenants.	
	9. A cost-of-living adjustment (COLA) for Recology would be unfair to Ratepayers.	
B.	Objections by Stuart Gardiner (letter dated June 24, 2013)	Agenda Item COMPLETED
	10. The Director's hearing record was closed before the noticed date of June 14, 2013, and the Director's Report and Recommended Rate Order was issued before that date.	
	11. Two programs would be shifted from DPW to Recology residential Ratepayers in violation of Proposition 218: abandoned materials collection program, and public litter can maintenance. Also, there is no showing of need for the proposed increased services by Recology, and no demonstrated justification for the proposed increased costs.	
	12. It is a conflict of interest for the DPW Director to decide whether to shift program costs from the DPW budget to Ratepayer-funded Recology, when the DPW budget could benefit.	
C.	Objections by Kermit R. Kubitz (letter dated June 24, 2013)	Agenda Item COMPLETED
	13. Moving abandoned materials collection from DPW to Recology is not permitted by Proposition 218, would not provide any offsetting savings to San Francisco residents, and no justification was demonstrated for the additional cost.	
	14. Part of the approximately \$29 million in the Special Reserve Fund should be used to ameliorate proposed rate increases; the Staff Report found that \$15 million for the Special Reserve Fund is adequate.	
	15. This Recology request for increased rates is based on zero growth projections for residential and commercial customers, which is not credible and underestimates future revenues.	

D.	Objections by Nancy Wuerfel (letter dated June 24, 2013)	Agenda Item COMPLETED
16.	The DPW Director's Report and Recommended Order does not disclose the "just and reasonable standard" test applied to approve the new rates, or adequately explain how the standard was applied in this instance.	
17.	Public program work should not be shifted to Recology for financing by Ratepayers, when DPW currently carries out that work with City General Fund financing; this shift has been proposed without sufficient criteria and process.	
18.	DPW would receive a \$3.3 million windfall from the City's General Fund if DPW's work collecting abandoned waste is shifted to Recology and financed by Ratepayers, and that General Fund amount remains in the DPW budget.	
19.	Rates paid to Recology for collection of the City's abandoned waste would be higher than the rates paid to DPW to perform this service, without demonstrated justification for the increase.	
20.	It is a conflict of interest for the DPW Director to determine that costs shifted onto Ratepayers are "just and reasonable," when that shift benefits his own department.	
21.	Ratepayer funds should not pay DPW staff to issue Notices of Violation and citations for illegal dumping, so long as fines collected are deposited into the City's General Fund instead of offsetting costs paid by Ratepayers.	
E.	Objections by Rate Applicant Companies Recology San Francisco, Recology Sunset Scavenger, and Recology Golden Gate (letter dated June 24, 2013, from Michael J. Baker, Esq.)	Agenda Item COMPLETED
22.	The DPW Director's Report and Recommendation against Recology's requested recovery of operating ratio ("OR") on the new \$2.1 million Brisbane business license fee, is not just or reasonable.	
V.	2:30 p.m. each day until Item IV is completed: Public Comments in Agreement With Any or All of Objections No. 1-22 (Agenda Item IV) <ul style="list-style-type: none"> These comments will be taken each day the Rate Board meets until Agenda Item IV is completed, starting at 2:30 p.m. or as soon thereafter as the Chair calls this Item V, for a maximum of 15 minutes each day for all speakers combined (maximum three (3) minutes per speaker). 	Agenda Item COMPLETED
VI.	DPW Director's Recommendations, and Response to Objections <ul style="list-style-type: none"> The DPW Director's presentation will commence following completion of Agenda Item IV. 15 minutes maximum, excluding any Board questions. 	Agenda Item COMPLETED
VII.	2:30 p.m. each day until Item VI is completed: Public Comments in Agreement with DPW Director's Recommended Order <ul style="list-style-type: none"> These comments will be taken each day the Rate Board meets until Agenda Item VI is completed, starting at 2:30 p.m. or as soon thereafter as the Chair calls this Item VII, for a maximum of 15 minutes each day for all speakers combined (maximum three (3) minutes per speaker). 	Agenda Item COMPLETED
VIII.	General Public Comment <ul style="list-style-type: none"> General public comment will be taken each day the Rate Board meets, for a maximum of 15 minutes each day for all speakers combined, to be equally divided among the speakers each day (maximum three (3) minutes per speaker). 	Discussion
IX.	Rate Board Consideration of Proposed Order and Objections to Proposed Order; Approve or Deny the Application, in Whole or in Part	Discussion and Action
X.	Resolution Adopting Findings of the Rate Board	Discussion and Action
XI.	Adjournment	Discussion and Action

MEETING INFORMATION

Language Interpreters

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact the Office of the City Administrator at 415-554-4148 to request an interpreter for the Refuse Collection and Disposal Rate Board ("Refuse Rate Board") meetings/hearings.

Using Computers for Presentations

Hearing rooms are equipped with Windows-based computers. Office 2010 is installed and presentations using this software package may be brought in on a USB drive and loaded directly onto the computer. Presenters utilizing other software, custom fonts or other types of computers, must contact City Hall Media Services in advance at 415-554-4933 to schedule an on-site test prior to the meeting. All presenters should arrive 30 minutes prior to the Rate Board hearing to load and test any presentations on the installed computer.

Disability Access

City Hall Room 408 is wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request, contact the Office of the City Administrator at 415-554-4148 to arrange for the device.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline is 4:00 p.m. of the last business day of the preceding week: for American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Office of the City Administrator at 415-554-4148 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. The City's Sunshine Ordinance (San Francisco Administrative Code Chapter 67) assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; telephone (415) 554-7724; fax (415) 554-7854; or email softf@sfgov.org.

A free copy of the Sunshine Ordinance (San Francisco Administrative Code Chapter 67) may be printed from the Internet, at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign & Governmental Conduct Code §§2.100 *et. seq*) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics.