REFUSE COLLECTION AND DISPOSAL RATE BOARD
CITY AND COUNTY OF SAN FRANCISCO

Naomi M. Kelly, City Administrator, Chair
Ben Rosenfield, City Controller
Edward M. Harrington, General Manager, Public Utilities

SPECIAL MEETING N0TICE AND AGENDA

THURSDAY, JUNE 14, 2012
3:00 P.M.
1 DR. CARLTON B. GOODLETT PL.
CITY HALL, ROOM 305, SAN FRANCISCO, CA 94102

This Special Meeting of the City's Refuse Collection and Disposal Rate Board ("Rate Board") is to hear and consider objections to the May 8, 2012, Hearing Officer's Report and Recommended Order on the Department of Public Works' 2012 Refuse Rate Application for a change in the allocation of certain funds.

On March 29, 2012, the Department of Public Works (DPW) filed an Application with the Chair of the Rate Board requesting continuation of a previously approved change in the allocation of certain funds derived from a surcharge on residential refuse collection and disposal rates, from a Special Reserve Account that is held under the Facilitation Agreement between the City and Recology San Francisco to the portion of the Impound Account that is dedicated to DPW for recycling and waste management. Because the Application was filed by DPW, the Chair appointed an independent Hearing Officer to conduct the hearing and prepare the report and recommended order otherwise required of the Director of Public Works under the 1932 Refuse Collection and Disposal Initiative Ordinance (1932 Ordinance). Pursuant to DPW Order No. 180,016 (Rules of Procedure, Refuse Collection and Disposal Rate Hearings), a hearing was held on April 23, 2012, and the Hearing Officer's Report and Recommended Order was issued May 8, 2012.

Written objections to the Hearing Officer's Report and Recommended Order were received from one source by Rate Board Chair Kelly before the statutory deadline on May 25, 2012; these objections are now scheduled for hearing before the Rate Board on June 14, 2012, commencing at 3:00 p.m., City Hall Room 305, San Francisco, CA 94102. (See Agenda Item III, 1 through 4, 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 April 25, 2012, hearing through testimony or documents; they may not present new evidence at the Rate Board hearing. After hearing presentations on the objections and responses from the Hearing Officer and others, the Rate Board will take action to approve or deny the 2012 Refuse Rate Application in whole or in part.

Copies of the Application, the Hearing Officer's Report and Recommended Order, and other documents relevant to these proceedings are posted on the DPW website at **www.sfdpw.org/refuse** ("Garbage (Refuse) Rate Information"). Documents and information are also available from the City and County of San Francisco Department of Public Works, 9:00 a.m. to 5:00 p.m. Monday through Friday, City Hall Room 348, 1 Dr. Carlton B. Goodlett Place, 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 be held on Thursday, June 14, 2012, starting at 3:00 p.m. 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** — **Discussion**

III. **Presentation of Hearing Officer's Report and Recommended Order** — **Discussion**
[10 minutes maximum, excluding any Board questions]

IV. **Presentation by the One Objector Who Filed a Written Objection by 5:00 p.m. on May 25, 2012**
[10 minutes maximum, excluding any Board questions]

Objections by David Pilpel — **Discussion**

1. DPW's litter control costs are not allowable under Section 6(a) of the 1932 Ordinance as a cost for the collection and disposition of refuse from residential ratepayers.
2. DPW should be required to report the costs, tonnage collected, and diversion rates achieved, and efforts to reduce tonnage, increase diversion, and reduce costs of litter control.
3. Excess funds in the Special Reserve should remain in the fund until the next regular rate application, and should be used to offset anticipated investments to increase diversion.
4. DPW and the Department of the Environment should be required to create a forum for waste system planning that includes public participation.

V. **Hearing Officer's Response to Objections** — **Discussion**
[10 minutes maximum, excluding any Board questions]

VI. **DPW's Response to Objections** — **Discussion**
[10 minutes maximum, excluding any Board questions]

VII. **Public Comment** — **Discussion**
[maximum of 10 minutes for all speakers combined]

VIIII. **Rate Board Consideration of Proposed Order and Objections to Proposed Order, and Decision** — **Discussion and Action**

IX. **Resolution Adopting Findings of the Rate Board** — **Discussion and Action**

X. **Adjournment** — **Discussion and Action**

ACCESSIBLE MEETING INFORMATION

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. [Section 67.15 of the San Francisco Administrative Code, Sunshine Ordinance.]

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.

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 Kathy Bianchi in the Office of the City Administrator at 415-554-6927, with any requests for interpreters for the Refuse Collection and Disposal Rate Board meetings/hearings ("Refuse Rate Board").

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at 415-554-4933 to coordinate the use of a laptop computer for a presentation at a Refuse Rate Board meeting/hearing. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the hearing to connect and test their computer.

ACCESSIBILITY OF MEETING LOCATION

The meeting/hearing rooms are accessible by wheelchair. The closest accessible BART station is Civic Center, four blocks from City Hall. Accessible MUNI lines serving this location are the #5 Fulton/McAllister, #19 Polk, #21 Hayes, #47 Van Ness, #49 Van Ness/Mission, #71 Haight/Noriega, the F-line to Market and Van Ness, and the MUNI Metro stations at Van Ness and Market and Civic Center. The closest BART station serving City Hall is the Civic Center station. The closest MUNI Metro stations are at Van Ness & Market and Civic Center. For more information about MUNI accessible services, please call 311. There is accessible parking in the vicinity of City Hall, underneath Civic Center Plaza, and adjacent to Davies Symphony Hall and the Veterans War Memorial complex. Large print agendas, audio tapes of minutes, sound-enhancement equipment, and other services to aid the visually and hearing-impaired to attend the meeting/hearing are available by calling 415-554-6927.

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. This ordinance 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 (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact Chris Rustom by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at 415-554-7724, by fax at 415-554-7854 or by email at **sotf@sfgov.org**. Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Rustom or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at **www.sfgov.org/sunshine**.

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 Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone 415-581-2300; fax 415-581-2317, web site **www.sfgov.org/ethics**.