

**ALAMEDA COUNTY
BOARD OF SUPERVISORS'
UNINCORPORATED SERVICES COMMITTEE**

Wednesday, July 27, 2011
6:30 p.m.

Supervisor Nate Miley, Chair
Supervisor Wilma Chan

Location: San Lorenzo Village Homes Association
377 Paseo Grande
San Lorenzo, CA 94580

Summary Action Minutes

I. Public Comment

Casey Jatzak stated that there are no "slow" signs on Meekland Avenue at Lewelling Blvd. and he believes there should be or someone may get hurt. He also stated that the potholes on Lewelling need to be fixed.

James Driver stated that as he was driving westbound on Lewelling, he encountered someone who was confused by the construction striping and could have caused an accident. The County should look at the striping in that area and fix if appropriate.

Daniella stated that Lewelling needs to be fixed and the sidewalks are deplorable.

Betty Moose invited the community to a meeting tomorrow (July 28, 2011) at 1:00 pm at the San Lorenzo library to talk about San Lorenzo Park. Hayward Area Parks and Recreation Department (HARD) representatives will be in attendance. HARD will be available.

Suzanne Barba, Castro Valley, on behalf of the League of Women Voters is pleased that the Registrar of Voters has decided to keep the vote by mail option.

II. Discussion of a Proposed Ordinance to restrict poaching of curbside recycling

Robert Reiter, County Counsel, reported on the proposed Poaching Ordinance. Mr. Reiter stated that poaching is a violation of the California Public Resources code; when items are placed on the curb, they become the property of the recycler for pick up.

Provisions of the ordinance: 1) definitions; 2) placement of containers for collection; 3) unlawful collection; 4) enforcement of penalties; 5) appeal of administrative citations and 6) payment of fines.

Enforcement penalties: Three violations in one year is an infraction:

- First and second violation - \$100
- Third violation -\$500

More than four (4) times within a five year period could be prosecuted by the District Attorney, either civilly or criminally. An administrative citation could be challenged by the appeal process.

Questions/Discussion

Supervisor Chan asked if the timing and placement of containers is subject to a fine, and does this ordinance include apartments. Supervisor Chan noted that apartments are not addressed in the ordinance.

Questions/Discussion *(continued)*

Robert Reiter: Timing and placement of containers are not subject to a fine. The ordinance would include apartments and County Counsel will address that in the ordinance.

Supervisor Chan asked if the Sheriff's Office believes that this ordinance can be enforced.

Sergeant Brett Scheuller: The Sheriff's Office does believe the ordinance can be enforced because they have dealt with several calls for service regarding poaching. It is a petty theft crime.

Speakers:

Betty Moose stated if she were to make a citizen's arrest it would cause more problems.

Daniella stated that a lot of people rely on recycling to feed their families.

Kathie Ready stated that timing, placement and removal of containers is already covered in the Neighborhood Preservation Ordinance (NPO). Code enforcement has already established fines for that. In addition, sometimes the recycling persons make a bigger mess than the poachers. Ms. Ready believes it is a good idea, but she would not like to see the Sheriff's Office burdened with enforcing this ordinance.

Kathie Martins stated that no one is enforcing the NPO regarding the containers. In addition, she questioned that she should call the Sheriff's Office if she witnesses the violation, in addition, the deputy would have to witness the violation, however the violator may be gone upon a deputy responding. Is this a citation from the Sheriff's Office? And what happens in case of non-payment?

James Driver stated that if a person is disabled, they do not have to take their containers to the curb. Is there a provision for that?

Marc Crawford, Castro Valley MAC member, stated that poaching was a concern in Castro Valley, and as a result, the Sheriff's Office, Waste Management, Ora Loma, Castro Valley Sanitary District and others came together to create this ordinance to resolve the poaching issue. Mr. Crawford does not want this activity to be the "accepted norm" in the unincorporated community.'

Daniella asked if poachers could receive a warning before being "bombarded" by Sheriff's Deputies.

Betty Moose asked who would collect the fines and where will the money go.

Response to community concerns

Robert Reiter County Counsel:

- Waste Management has provisions for disabled persons
- The County would collect the fines; if fine is not paid, it will go to collections
- Fees collected would go into the County's General Fund, however, some funds may be used for administrative purposes
- Late fees can be charged
- Will bring this ordinance before the Public Protection Committee
- Ordinance was patterned after a similar ordinance in Union City

Sergeant Brett Scheuller, Sheriff's Office:

- Poaching violation would not be a priority call, but if called, would likely catch the violator poaching other recycling containers in the area
- In his opinion, the Sheriff's Office would likely offer a grace period, where warnings would be issued before receiving a citation.

IV. Response to community concerns *(continued)*

Supervisor Miley stated that the community would be sent notices to inform them of the ordinance, likely in their waste management bills, and additionally, signs would be posted on the recycling containers.

III. Update on Status of Redevelopment Agency, *following actions by the State of California*

Supervisor Nate Miley presented the update on the Redevelopment Agency. At the July 12, 2011 Board of Supervisors meeting, the Board voted 5/0 to opt in to the State's Alternative Redevelopment Program.

The cost of the State's opt-in is an upfront payment of \$10.2 million and subsequent \$2.5 million annually.

The California Redevelopment Association and the League of California Cities will file suit to challenge the State's proposals on redevelopment, stating that it violates Proposition 22, which was passed last year to prevent the State from taking redevelopment and other local funds. Counties and cities were admonished that if they challenge the State on redevelopment, they would be penalized.

Additionally, there could be some impacts on future redevelopment projects.

Supervisor Wilma Chan stated that the resolution the Board passed would take effect after 30 days. The Legislature is on recess now, but there may be a clean-up bill that rewards agencies that have done well with their redevelopment agency.

Supervisor Miley will keep the community informed about redevelopment. Bonding for redevelopment projects will not happen until after October 1, 2011, due to underwriters' concerns about lawsuits surrounding this issue.

Speakers

Betty Moose asked about the San Lorenzo Library, and where does that project stand.

Wilma Chan stated that the Library is going forward; an architect has been selected and will begin working with the community on the design.

Kathie Martins thanked both of the supervisors for their work and support in saving the Redevelopment Agency.

IV. Presentation of final County Redistricting Map

Michael Munk, Community Development Agency, presented an update on the County's Redistricting process.

At the June 28, 2011 meeting of the Board of Supervisor, they considered the following maps for redistricting: A, A-1, C, D, E, F & G. At that same meeting, the Board voted to adopt Map E to adjust the boundaries of the supervisorial districts. Subsequent to that vote, the Registrar of Voters and the Community Development Agency, determined that due to a recent annexation of Stapes Ranch, staff developed to minor modifications to address the annexation and Map E-1 was created. At their July 12, 2011 meeting, the Board adopted MAP E-1. Changes from previous districts include:

- All of Pleasanton is in District 4
- All of Dublin is in District 1
- Hillcrest Knolls and Fairmont are in District 4

V. Presentation of final County Redistricting Map *(continued)*

The second reading to finalize the adoption of Map E-1 will be held on July 26, 2011.

Supervisor Chan stated that not much changed in District 3, however the only other way to arrive at equity would have been to split the City of Hayward. Now there is more equity within the districts.

Speakers/Questions/Comments:

Betty Moose, - Hillcrest Knolls and Fairmont Terrace – what about them?

Michael Munk: Incorporated cities or census designated places; hillcrest knolls and Hayward acres are planning areas but not census designated places. A planning area is how the Planning Department identifies neighborhood.

Hillcrest Knolls and Fairmont has moved to District 4, Hayward Acres npot official census places;

Daniella, asked if District 1 has any part of Pleasanton.

Suupervisor Miley stated that Supervisor Haggerty has a District Office in Pleasanton on the Fairgrounds and he will keep that office. Supervisor Miley will have office space in Haggerty's office. However, the main office for District 4 would be the Castro Valley Office and his office in Oakland.

Supervisor's Comments

This is the last meeting before the Board goes into recess for the month of August.

For the September meeting, there will likely be a presentation on the State's Public Safety Realignment, which shifts responsibility to the County in reference to youth and adult state prisoners being released. The County will supervise this population in County Probation instead of them being supervised by State parole.

ADJOURN

The meeting was adjourned to September 28, 2011.

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