



***CURBSIDE RECYCLING  
COUNTY SERVICE AREA  
MUNICIPAL SERVICE REVIEW FINAL***

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*November 29, 2012*

Prepared for the  
Local Agency Formation Commission of Alameda County  
by  
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# 1. AGENCY OVERVIEW

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The Curbside Recycling County Service Area (CRCSA) provides curbside recycling services for three separate unincorporated residential neighborhoods—one in the Fairview area and two areas just north of the City of Hayward.. The most recent municipal service review for the CRCSA was adopted in November 2005.

## FORMATION

CRCSA was formed on May 13, 1999 as a dependent special district. CRCSA was created to provide curbside recycling services to residents in unincorporated areas in the Fairview area and north of Hayward, because these residents were not being served. The areas are outside the boundaries of both the Oro Loma Sanitary District and the City of Hayward. The County needed recycling services extended to these areas in order to meet State requirements to reduce the amount of solid waste disposed in landfills. Private recycling service providers would extend service to the areas only through a contract with a public agency. CRCSA was formed to serve this purpose.

The principal act that governs the CRCSA is the County Service Area (CSA) law.<sup>1</sup> The principal act authorizes CSAs to provide a wide variety of municipal services, including street maintenance, fire protection, extended police protection, water and sewer services.<sup>2</sup> A CSA may only provide those services authorized in its formation resolution unless the Board of Supervisors adopts a resolution authorizing additional services. All districts must apply and obtain LAFCo approval to exercise latent powers or, in other words, those services authorized by the principal act but not provided by the district at the end of 2000.<sup>3</sup>

## BOUNDARY

The boundary area includes three unincorporated non-contiguous areas in the Fairview area and area north of Hayward on West A Street. A portion of CRCSA's area was detached in 2007 with the City of Hayward's annexation of the Mt. Eden area. Presently, the total land area within the boundary of CRCSA is 0.83 square miles.

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<sup>1</sup> California Government Code §25210 et seq

<sup>2</sup> California Government Code §25213.

<sup>3</sup> Government Code §56824.10.

Prior to 2009, as areas were annexed into the cities within the County, the territory was automatically detached from CRCSA.<sup>4</sup> However, the CSA law was changed in 2009, removing the allowance for the automatic adjustment of a CSA's boundaries upon annexation to a city. Consequently, CRCSA's bounds, as they exist now, includes a portion of the City of Hayward that was annexed in 2010. LAFCo staff is aware of this issue and plans to correct CRCSA's bounds in accordance with legal requirements. CRCSA's bounds, as shown in Figure 1-1, reflect the adjusted bounds to account for the anticipated corrections.

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## Extra-territorial Services

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CRCSA's solid waste and recycling services are provided throughout the CSA and are not provided outside its boundaries.

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## Unserved Areas

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There are no areas within CRCSA's bounds that lack waste collection and recycling services.

## **SPHERE OF INFLUENCE**

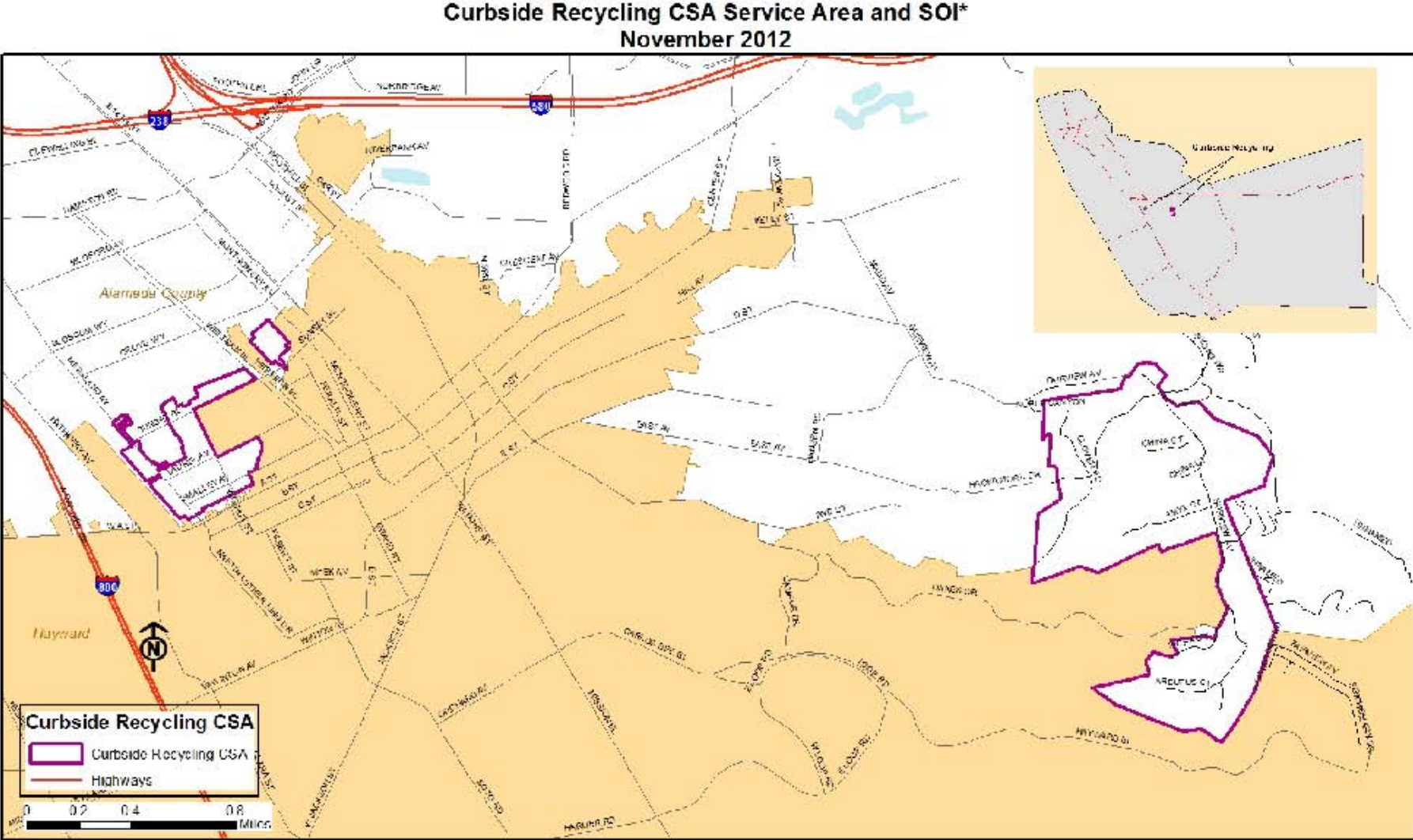
The SOI was established on May 13, 1999 as coterminous with CRCSA's bounds. No SOI amendments have been made since the SOI's creation. During the latest SOI updates in 2006, the Commission elected to retain the existing coterminous SOI; however, as it presently exists CRCSA's SOI extends beyond the CSA's boundaries in the Mt. Eden area of the City of Hayward.

Prior to 2009, as areas were annexed to the cities, the boundaries of affected CSAs were automatically adjusted pursuant to historical State law; however, the CSAs' SOIs were never automatically adjusted to reflect these changes. Consequently, when the Mt. Eden islands were annexed into the City of Hayward in 2006, these areas were detached from CRCSA and not its SOI. However, Phase II of the Mt. Eden island annexations occurred in 2010, which was after the change in CSA law allowing for automatic boundary changes. Consequently, the Mt. Eden Phase II annexations were not reflected in CRCSA's boundaries or SOI, and CRCSA now overlaps the City of Hayward in these areas. Future city annexations will include concurrent detachment from all affected CSAs as appropriate. CRCSA's SOI will be updated following the adoption of this MSR to reflect any necessary changes.

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<sup>4</sup> Streets and Highways Code §22613.

Figure 1-1: Curbside Recycling CSA Boundaries and SOI



\*Agency sphere of influence equals zero

Created for Alameda LAFCo by the Alameda County Community Development Agency

## ACCOUNTABILITY AND GOVERNANCE

Accountability of a governing body is signified by a combination of several indicators. The indicators chosen here are limited to 1) agency efforts to engage and educate constituents through outreach activities, in addition to legally required activities such as agenda posting and public meetings, 2) a defined complaint process designed to handle all issues to resolution, and 3) transparency of the agency as indicated by cooperation with the MSR process and information disclosure.

CRCSA was formed as a dependent special district with the Alameda County Board of Supervisors as its governing body. There are five members of the governing body of CRCSA. The five supervisors are elected by district to four-year terms of office.

The governing body meets weekly. Agendas for each weekly meeting are posted by the Board Clerk on the Internet and at the County Administration building. The Board Clerk provides notice for meetings and disseminates minutes, and Board actions and meeting minutes are available via the internet. Through the County website, the public has access to live audio/visual webcasts and archived audio and/or visual webcasts of regular Board meetings for viewing online at their convenience. The agency also discloses finances, plans and other public documents via the internet.

**Figure 1-2: Curbside Recycling CSA Governing Body**

<b>Curbside Recycling CSA</b>				
<b><i>District Contact Information</i></b>				
<b>Contact:</b>	Ron Gee, Alameda County Planning Department			
<b>Address:</b>	399 Elmhurst Street, Room 136, Hayward, CA 94544			
<b>Telephone:</b>	(510)670-5400			
<b>Fax</b>	(510)670-6529			
<b>Email/website:</b>	<a href="http://www.co.alameda.ca.us/cda">www.co.alameda.ca.us/cda</a>			
<b><i>Board of Directors</i></b>				
<b>Member Name</b>	<b>Position</b>	<b>Term Expiration</b>	<b>Manner of Selection</b>	<b>Length of Term</b>
Scott Haggerty	Supervisor, Dist. 1	January 2013	Elected	4 years
Richard Valle	Supervisor, Dist. 2	January 2015	Elected	4 years
Wilma Chan	Supervisor, Dist. 3	January 2015	Elected	4 year
Nate Miley	Supervisor, Dist. 4	January 2013	Elected	4 years
Keith Carson	Supervisor, Dist. 5	January 2013	Elected	4 years
<b><i>Meetings</i></b>				
<b>Date:</b>	Every Tuesday at 9:30am.			
<b>Location:</b>	Meetings are held in the Baord Chambers at 1221 Oak Street, 5th floor in Oakland.			
<b>Agenda Distribution:</b>	Posted on internet and County Administration Building.			
<b>Minutes Distribution:</b>	Available on County website.			

County staff addresses CRCSA constituent complaints by facilitating the contact between the service provider, Waste Management Co. and the complaining individual. The person responsible for handling the complaints is the administrative specialist. Since the

formation of CRCSA there have been only two complaints registered and handled. There were no complaints recorded in 2011.

CRCSA demonstrated accountability in its disclosure of information and cooperation with the LAFCo questionnaires and interview requests. The agency responded to LAFCo's written questionnaires and cooperated with map inquiries.

## **MANAGEMENT AND STAFFING**

While public sector management standards vary depending on the size and scope of the organization, there are minimum standards. Well-managed organizations evaluate employees annually, track employee and agency productivity, periodically review agency performance, prepare a budget before the beginning of the fiscal year, conduct periodic financial audits to safeguard the public trust, maintain relatively current financial records, conduct advanced planning for future service needs, and plan and budget for capital needs.

CRCSA has assigned staff to administer the service contract and handle customer complaints but has no direct budget. The Alameda County Community Development Agency (CDA) is responsible for the administration of CRCSA, and Waste Management, Inc. is the direct service provider. CRCSA has no formal process to evaluate the performance of the service provider. Performance is based on the lack of customer complaints and ability to provide reasonable customer rates.

Management practices conducted by the CDA include performance-based budgeting and annual financial audits. CRCSA does not identify benchmarking practices because there is no direct budget.

The County has a mission statement. Neither CRCSA nor the CDA has a strategic plan. However, the Board of Supervisors adopted Alameda County's Strategic Vision in 2008 to provide a multi-year, comprehensive, and far-reaching roadmap with high-level strategic direction for the County's agencies and departments, who are responsible for implementation through their own strategic plans and activities. An annual report is not adopted for CRCSA.

CRCSA is not included in Alameda County's fiscal planning documents, as the CSA does not collect or expend funds directly. All service charges are collected by Waste Management, Inc.

## **GROWTH AND POPULATION PROJECTIONS**

This section discusses the factors affecting service demand, such as land uses, and historical and anticipated population growth.

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### **Land Use**

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CRCSA's boundary area is approximately one square mile. The County is the land use authority for the unincorporated areas. CRCSA's bounds encompass residential land uses.



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## Existing Population

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As of 2010, the population of the area in CRCSA was approximately 2,529. Its population density—3,046 residents per square mile—is higher than the countywide density of 1,840 people per square mile.

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## Projected Growth and Development

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Based on Association of Bay Area Governments (ABAG) growth projections and the CSA's estimated 2010 Census population, the population of the area within CRCSA is anticipated to reach approximately 3,429 by 2035, with an average annual growth rate of 0.8 percent. Per ABAG population projections, the rate of growth in the CRCSA is expected to be similar to the unincorporated growth rate through 2035. From 2010 to 2035, the population of unincorporated area of Alameda County is estimated to grow by 22 percent, while the County as a whole is anticipated to grow by 27 percent.

The County reported that growth patterns have not been affecting service demand for CRCSA in the last few years. There are no current and potential growth areas within CRCSA. CRCSA's boundaries match exactly with the neighborhoods receiving service. Specific CRCSA growth strategies were not identified by the agency. Though, population and land use strategies are addressed in the County General Plan.

CRCSA has expressed interest in dissolving and having another agency take over its functions and services. One option being considered is to annex into the adjacent Oro Loma Sanitary District (OLSD). CRCSA has approved a dissolution and annexation proposal to LAFCo, enabling the CSA to dissolve and the residents to receive solid waste services through OLSD. When the contract with Waste Management expired in August 2012; , the CSA chose to extend its contract with Waste Management for another 12 years. However, CRCSA, OLSD and Waste Management Inc. have agreed to move forward with the reorganization.

## **FINANCING**

The financial ability of agencies to provide services is affected by available financing sources and financing constraints. This section discusses the major financing constraints faced by CRCSA and identifies the revenue sources currently available to the CSA.

CRCSA only serves as an administrative entity that oversees the contract for service provision and does not maintain a budget, and has no funds administered by the County. Residents pay service fees directly to the private hauler—Waste Management, Inc.

Collection rates vary by residence type, business type and waste type and are listed on the Waste Management website.



## ***2. MUNICIPAL SERVICES***

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### **WASTE COLLECTION AND RECYCLING SERVICES**

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#### **Service Overview**

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CRCSA administers a franchise agreement with a solid waste collection and recycling provider—Waste Management, Inc. The Alameda County Community Development Agency offers various programs to encourage recycling and to reduce the amount of solid waste disposed at landfills throughout the County.

CRCSA offers weekly solid waste collection and biweekly recyclable collection services to residents through Waste Management, Inc. CRCSA requires businesses to use the private hauler for solid waste collection, but allows them to choose their own recycling provider.

Waste Management recycles curbside recyclables, curbside green waste, curbside hazardous waste, and on-site recyclables (recycling bins placed out for public/customer use). It also provides weekly pickup of used motor oil. The company does not recycle on-site green waste (i.e., grass clippings and plants) or provide food waste (leftover food products) composting.

CRCSA does not provide any services through a contract to other agencies.

#### **Demand for Services**

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There is no separate tracking of the amount of solid waste disposed from within CRCSA's bounds. Amount of waste disposed is tracked by the State for the entire unincorporated area as a whole and is not broken down by service provider.

#### **Infrastructure and Facilities**

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There are no landfills, material recovery facilities or waste transfer stations in CRCSA.

Waste Management, Inc. disposes at Altamont Landfill and Vasco Road Landfill in Livermore, and at Redwood Landfill in Novato. Most of the collected waste is disposed at Altamont Landfill, which is owned by Waste Management, Inc. Waste Management, Inc. owns and maintains the equipment necessary to provide services.

#### **Infrastructure Needs or Deficiencies**

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CRCSA does not own any infrastructure, and therefore, does not have any infrastructure needs or deficiencies.

Landfill facilities are regulated by California Department of Resources Recycling and Recovery's (CalRecycle). Violations are indicative of needs related to these facilities. Vasco Road Landfill and Redwood Landfill had no violations or areas of concern. The latest inspection of Altamont Landfill performed in January, 2012 revealed an alternative daily cover violation, regarding a daily soil that is required to cover landfills to prevent odor, scavenging, blowing litter, flies and vectors.

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## Shared Facilities and Regional Collaboration

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CRCSA participates in facility sharing by contracting with a private provider that makes use of a local landfill. CRCSA does not directly participate in regional planning efforts; however, as a dependent special district of the County, CRCSA is a passive member of the Alameda County Waste Management Authority (a joint powers authority consisting of the County and all cities within the County). The Waste Management Authority has adopted a strategic plan to guide future diversion rates throughout the County.

CRCSA also practices equipment sharing by making use of a contract provider, which is used by other municipalities in the County. Waste Management, Inc. (WMI) provides solid waste and recycling collection to six cities in the County and unincorporated parts of the County.

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## Service Adequacy

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This section reviews indicators of service adequacy. The primary indicator of service adequacy for solid waste service providers is diversion rate. The diversion rate is the amount of waste that is recycled as opposed to ending up in a landfill with other non-recyclables.

The diversion rate for the CRCSA is not tracked separately, but is included in with all unincorporated areas in the County. CalRecycle does not track diversion rates for special districts. The diversion rate for unincorporated areas reflects diversion activity in CRCSA, as well as OLSD and Castro Valley Sanitary District, and other unincorporated areas. Integrated Waste Management Act (IWMA) requires a diversion rate of 50 percent,<sup>5</sup> while Alameda County requires a diversion rate of 75 percent.<sup>6</sup>

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<sup>5</sup> The Integrated Waste Management Act (IWMA), also known as A.B. 939, required each jurisdiction in the State to submit detailed solid waste planning documents for approval by the California Integrated Waste Management Board (CIWMB), and to set requirements that agencies divert 50 percent of solid waste from landfills by 2000. The Board is authorized to extend agency compliance deadlines based on good-faith and special circumstances.

<sup>6</sup> Alameda County Measure D mandates a 75% diversion rate by 2010.

### ***3. MSR DETERMINATIONS***

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#### **Growth and Population Projections**

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- ❖ As of 2010, the population within Curbside Recycling County Service Area (CRCSA) was 2,529.
- ❖ Based on ABAG growth projections, the population of CRCSA is anticipated to be 3,429 by 2035.
- ❖ There are no current and potential growth areas within CRCSA, as its boundaries match exactly the neighborhoods receiving service, which are built out.

#### **Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence**

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- ❖ Using Census Designated Places, Alameda LAFCo determines that there are no disadvantaged unincorporated communities that meet the basic state-mandated criteria within the County. Alameda LAFCo recognizes, however, that there are communities in the County that experience disparities related to socio-economic, health, and crime issues, but the subject of this review is municipal services such as water, sewer, and fire protection services to which these communities, for the most part, have access.

#### **Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies**

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- ❖ CRCSA does not own or operate any landfills, materials recovery facilities or waste transfer stations.
- ❖ Waste Management, Inc. disposes at Altamont, Vasco Road and Redwood landfills.
- ❖ Altamont Landfill has an alternative daily cover violation; however, this does not reflect on the adequacy of services offered by CRCSA.

#### **Financial Ability of Agency to Provide Services**

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- ❖ CRCSA does not collect revenues nor does it have expenditures; therefore, no funds are administered by the County for this CSA.

- ❖ Through the franchise agreement, residents pay service fees directly to the private hauler—Waste Management, Inc.

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### Status and Opportunities for Shared Facilities

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- ❖ CRCSA participates in facility sharing by contracting with a private provider that makes use of local landfills.
- ❖ CRCSA explored contracting with Oro Loma Sanitary District (OLSD) for services.
- ❖ CRCSA does not directly participate in regional planning efforts.

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### Accountability for Community Services, Including Governmental Structure and Operational Efficiencies

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- ❖ CRCSA is governed by the Alameda County Board of Supervisors. The Board updates constituents, broadcasts its meetings, solicits constituent input, discloses its finances, and posts public documents on its website.
- ❖ The agency demonstrated accountability in its cooperation with the LAFCo information requests.
- ❖ CRCSA's has indicated its intent to apply to LAFCo to dissolve and have the service provided by another entity, most likely OLSD.

## ***4. SPHERE OF INFLUENCE UPDATE***

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### **Existing Sphere of Influence Boundary**

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The SOI was established on May 13, 1999 as coterminous with CRCSA's bounds. No SOI amendments have been made since the SOI's creation. During the latest SOI updates in 2006, the Commission elected to retain the existing coterminous SOI; however, as it presently exists CRCSA's SOI extends beyond the CSA's boundaries in the Mt. Eden area of the City of Hayward.

Prior to 2009, as areas were annexed to the cities, the boundaries of affected CSAs were automatically adjusted pursuant to historical State law; however, the CSAs' SOIs were never automatically adjusted to reflect these changes. Consequently, when the Phase I Mt. Eden islands were annexed into the City of Hayward in 2006, these areas were detached from CRCSA but not its SOI. However, Phase II of the Mt. Eden island annexations occurred in 2010, which was after the change in CSA law allowing for automatic boundary changes. Consequently, the Mt. Eden Phase II annexations were not reflected in CRCSA's boundaries or SOI, and CRCSA now overlaps the City of Hayward in these areas. Future city annexations will include concurrent detachment from all affected CSAs as appropriate. CRCSA's SOI will be updated following the adoption of this MSR to reflect any necessary changes.

### **SOI Options**

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Two options were identified with respect to CRCSA's SOI.

#### **Option #1 – Zero SOI**

As already mentioned, CRCSA's preference is to be annexed into OLSD and subsequently be dissolved. The annexation process has not begun yet; however, should Commission wish to reflect the anticipated reorganization, it may adopt a zero SOI. This SOI option should only be considered in conjunction with an equivalent SOI expansion for OLSD to include all of CRCSA's boundary area with the purpose of providing solid waste services in the area.

#### **Option #2 – SOI reduction to retain a coterminous SOI**

During the previous MSR, the Commission adopted a coterminous SOI as it anticipated the need for CRCSA's services for the next 10 to 15 years. Although, this may not be the case during this SOI update. While the long-term goal of CRCSA is to dissolve and annex into OLSD, CRCSA is still active, continues to provide services, and has chosen to extend its contract with Waste Management. Should the Commission wish to continue to reflect an existing service boundary and wait for the initiation of the annexation process into OLSD, then a coterminous SOI (excluding any areas within the City of Hayward) would be appropriate.

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## Recommended Sphere of Influence Boundary

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CRCSA has indicated its intent to apply to LAFCo for dissolution and annexation by OLSD. The Board of Supervisors has approved an application and a draft application has been compiled, indicating that this reorganization could be imminent. Such a reorganization would allow for the elimination of a layer of government that serves no purpose save for managing a franchise agreement. Given that OLSD already contracts with the same services provider, and could easily continue managing the contract for the area resulting in reduced administration costs, it is recommended that the Commission consider Option 1—Zero SOI.

It is also recommended that the two districts work together to move forward on the annexation of CRCSA into OLSD, in order to realize cost reductions, improved efficiencies, and elimination of a redundant layer of governance.

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## Proposed Sphere of Influence Determinations

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### *Nature, location and extent of any functions or classes of services*

- ❖ Curbside Recycling County Service Area (CRCSA) provides curbside recycling services, by administering a franchise agreement with a private provider, for three separate unincorporated residential neighborhoods—one in the Fairview area and two areas just north of the City of Hayward.
- ❖ Services are not provided by CRCSA outside of its bounds.

### *Present and planned land uses, including agricultural and open-space lands*

- ❖ Existing land uses within CRCSA includes small pockets of residential communities.
- ❖ No significant open space and agricultural land is in the CRCSA's SOI.
- ❖ County land use policies support the provision of adequate curbside recycling services for CRCSA residents.
- ❖ CRCSA has no authority over land use. The County is the land use authority in all unincorporated areas.

### *Present and probable need for public facilities and services*

- ❖ Services are currently being provided by a contract private provider through CRCSA.
- ❖ CRCSA is exploring a contract with Oro Loma Sanitary District for solid waste and recycling services when the existing contract with Waste Management expires.
- ❖ CRCSA's long term goal is to have its territory annexed into Oro Loma Sanitary District and be dissolved.

### *Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*

- ❖ CRCSA does not own or maintain any facilities.
- ❖ Services are provided under contract by a private waste hauler, which has the capacity to serve the area and serves a number of other jurisdictions in the County.
- ❖ The unincorporated area as a whole meets the state required 50 percent diversion rate for solid waste, but does not meet the county goal of 75 percent.
- ❖ It is challenging to make a determination regarding the adequacy of services that are provided by CRCSA, as the CSA does not provide any services directly. Additionally, diversion rates are not tracked separately for the area within the CSA. However, the contract provider (Waste Management, Inc.) appears to be providing adequate



services based on a lack of complaints to the CSA and minimal landfill violations issued by the State. .

*Existence of any social or economic communities of interest*

- ❖ CRCSA was formed to serve pockets of unserved residential neighborhoods in the unincorporated County.