

Michael Hannon, **WMA President**
City of Newark, WMA, EC
Dave Sadoff, **WMA 1st Vice President**
Castro Valley Sanitary District, WMA
Tim Rood, **WMA 2nd Vice President**
City of Piedmont, WMA, EC
Dianne Martinez, **EC President**
City of Emeryville, WMA, EC
Jim Oddie, **EC 1st Vice President**
City of Alameda, WMA, EC
Deborah Cox, **EC 2nd Vice President**
City of San Leandro, WMA, EC
Keith Carson, County of Alameda, WMA, EC
Peter Maass, City of Albany, WMA, EC
Jesse Arreguin, City of Berkeley, WMA, EC
City of Dublin, WMA, EC
Vinnie Bacon, City of Fremont, WMA, EC
Sara Lamnin, City of Hayward, WMA, EC
Bob Carling, City of Livermore, WMA, EC
Dan Kalb, City of Oakland, WMA, EC
Shelia Young, Oro Loma Sanitary District, WMA
Jerry Pentin, City of Pleasanton, WMA, EC
Lorin Ellis, City of Union City, WMA, EC

Wendy Sommer, Executive Director

AGENDA

MEETING OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD AND THE ENERGY COUNCIL (EC)

Wednesday, March 28, 2018

3:00 P.M.

**StopWaste Offices
1537 Webster Street
Oakland, CA 94612
510-891-6500**

**Teleconference
Tim Rood
San Jose City Hall
3rd Floor Tower
200 East Santa Clara St
San Jose CA 95113
408-535-8122**

Meeting is wheelchair accessible. Sign language interpreter may be available upon five (5) days notice by calling 510-891-6500. Members of the public wanting to add an item to a future agenda may contact 510-891-6500.

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENTS - *(Members are asked to please advise the board or the council if you might need to leave before action items are completed)*

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the boards or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes unless a shorter period of time is set by the President.

Page V. CONSENT CALENDAR

1 1. Approval of the Draft Minutes of February 28, 2018 (Wendy Sommer)

7 2. Board Per Diem Policy (Wendy Sommer)

The Programs and Administration Committee recommends that the Waste Management Authority Board approve the attached resolution.

VI. REGULAR CALENDAR

1. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION – 1 Case

(Government Code section 54956.9(d)(1))

Name of case: A.W. Stein & A.R. Boone v. Alameda County Waste Management Authority
(Alameda County Superior Court Case No. RG17858423)

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION – 1 Case

Initiation of litigation

(Government Code Section 54956.9(d)(4))

- 13**
- 2. Proposed Pension Liability Paydown (Pat Cabrera & Todd High)**
Staff recommends that the WMA Board approve the attached resolution that includes the following provisions:
1. Authorize staff to make a lump-sum payment to CalPERS towards the Agency's unfunded pension liability in the amount of \$4,129,000 using the following funding sources: \$3,441,987 from the Transportation Improvement Plan (TIP) Reserve, \$100,000 from the Pension Reserve, and \$587,013 from the Fiscal Reserve. This payment to CalPERS will be made no later than April 4, 2018.
 2. Eliminate the TIP Reserve
 3. Upon receipt of the one-time payment from NextERA for the conservation easement, authorize staff to repay the Fiscal Reserve with the remainder of the payment going to the Pension Reserve.
- 3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)**
(The April 12, 2018 Planning Committee and Recycling Board meeting is cancelled in lieu of a joint meeting of the WMA Board, Energy Council, and Recycling Board on April 24, 2018 at 3:00 p.m. at StopWaste offices, 1537 Webster St., Oakland, CA)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

DRAFT

**MINUTES OF THE MEETING
OF THE
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA)
AND
THE ENERGY COUNCIL (EC)**

Wednesday, February 28, 2018

3:00 P.M.

**StopWaste Offices
1537 Webster Street
Oakland, CA 94612
510-891-6500**

I. CALL TO ORDER

President Mike Hannon, WMA, called the meeting to order at 3:01 p.m.

II. ROLL CALL OF ATTENDANCE

WMA & EC:

County of Alameda	Keith Carson, WMA, EC
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Jesse Arreguin, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Pleasanton	Jerry Pentin, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Lorrin Ellis, WMA, EC

ABSENT:

City of Dublin	
City of Fremont	Vinnie Bacon, WMA, EC
City of Piedmont	Tim Rood, WMA, EC

Staff Participating:

Wendy Sommer, Executive Director
Patricia Cabrera, Administrative Services Director
Meri Soll, Senior Program Manager
Jennifer West, Program Manager
Richard Taylor, WMA Legal Counsel
Arliss Dunn, Clerk of the Board

Others Participating:

Deidre Sanders, East Bay Community Energy
Arthur Boone

III. ANNOUNCEMENTS BY PRESIDENTS

Board member Carling indicated that he would need to leave by 4:00 p.m. President Hannon requested the meeting to be adjourned in Board member Don Biddle's honor, who passed away suddenly after a brief illness. President Hannon offered condolences and stated that Board member Biddle served the Dublin community as well as other boards with distinction and honor. President Hannon announced that a Celebration of Life would be held on Thursday, March 1 at 11 a.m. at the John Knox Presbyterian Church, 7421 Amarillo Road Dublin, CA 94568. Immediately following the services, the City will be hosting a community reception at the Shannon Community Center, 11600 Shannon Avenue in Dublin. Board member Kalb expressed words honoring Board member Biddle's service. Wendy Sommer stated that Board member Biddle was a committed supporter of StopWaste' mission and his presence and contributions would be sorely missed.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There was none.

V. CONSENT CALENDAR

1. Approval of the Draft Minutes of January 24, 2018 (Wendy Sommer)

There were no public comments. Board member Young made the motion to approve the draft minutes of January 24, 2018 with the correction noted below. Board member Oddie seconded and the motion carried 17-0 (Arreguin, Carling, Carson, Cox, Ellis, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Sadoff, Young. Nays: None. Abstain: None. Absent: Bacon, Rood).

(Correction: Board member Oddie requested that the minutes be corrected to reflect that one of the businesses from the Business Recognition Event (Lola's Chicken Shack, Alameda) stated that they had switched from single use utensils to metal utensils and use real glasses).

2. Annual Audit for Fiscal Year 2016-17 (Todd High)

The Programs & Administration Committee and the Planning Committee recommend that the WMA Board review, accept and file the Fiscal Year 2016-17 Annual Audit.

Board member Kalb clarified that the audit was discussed at the Programs & Administration committee meeting. President Hannon stated yes. There were no public comments. Board member Kalb made the motion to review, accept and file the Fiscal Year 2016-17 Annual Audit. Board member Sadoff seconded and the motion carried 17-0 (Arreguin, Carling, Carson, Cox, Ellis, Hannon, Lamnin, Kalb, Maass, Martinez, Oddie, Pentin, Sadoff, Young. Nays: None. Abstain: None. Absent: Bacon, Rood).

VI. REGULAR CALENDAR

1. Reusable Bag Law – Update (Meri Soll)

This item is for information only.

Meri Soll presented an overview of the staff report and introduced Else Lebsack, Program Manager. Ms. Soll and Ms. Lebsack presented a PowerPoint presentation and provided the Board with an update on implementation of the expanded law, including effectiveness and enforcement activities. Ms. Soll acknowledged Elizabeth Earls, Outreach Associate, for her assistance in conducting technical assistance visits to newly affected stores and eateries. A link to the report and the presentation is available here: [Reusable-Bag-Update-02-28-18.pdf](#)

Board member Sadoff inquired about the inspection process. Ms. Lebsack stated that prior to entering the establishment, the inspectors observe activities outside of the store to see if customers are receiving single-use bags. The inspectors will then enter the store, identify themselves and will ask to speak to a manager. The inspectors will observe the check-out process to ensure that the store clerks are complying with the ordinance by asking the customer if they would like to purchase a reusable bag and then itemizing the \$0.10 charge on the receipt. If the store issues a single-use bag, the inspector will ask for a bag as evidence. Board member Young inquired if staff notifies the jurisdiction of the number of violations so that they can follow-up if necessary. Ms. Lebsack stated that under the mandatory recycling ordinance, jurisdictions are provided a monthly report of all businesses and multi-family properties that have received a violation letter and we are now including an additional report about any retail stores that received violation letters under the reusable bag ordinance. Board member Cox inquired about the timeframe of the violation process. Ms. Lebsack stated that after the initial notification is issued they are given at least four months until they receive a follow-up inspection. If another violation is found, they are then given a “warning” letter and a follow-up inspection no sooner than sixty days. If a citation is issued, they are given at least thirty days to come into compliance. Board member Maass inquired if there is a public display of the stores that are not compliant. Ms. Lebsack stated no. Board member Maass inquired if it is permissible to do so. Authority Counsel Taylor stated that there is nothing in the ordinance that prohibits the option but we would need to look closely to see if due process is protected and we would need to inform the establishments that in addition to the fine, we would also publicly notice the information. Board member Arreguin inquired about the costs of citations. Ms. Lebsack stated although we have not issued any citations, the costs would range between \$100-500. Board member Maass inquired about how often are the reusable bags used, and how many single-use bags is required to make a heavier reusable bag, and are we seeing the heavier bags ending up in the landfill. Ms. Soll stated that it is difficult to assess how many times a person reuses a bag, but previously the stores would “double bag” (using two single-use bags) for durability. Also, since customers are required to purchase a bag, they would be more likely to reuse the bag rather than discard it. Board member Kalb inquired if StopWaste has any control over the definition of reusable bag and asked if we could revise the ordinance if new research or other information became available. Ms. Soll stated that StopWaste put together the definition of the reusable bag and it is in our ordinance. The definition was based on other ordinances that were in effect around the country. Mr. Taylor stated that when the state law (SB270) passed, our expanded ordinance was grandfathered in but SB 270 limits changes we are able to make to our ordinance, including the definition of a compliant bag. Ms. Soll added the state law’s definition of a compliant bag is very similar to ours, but they allow compostable bags and ours does not. Board member Kalb inquired if the inspectors are allowed to go into restaurants undercover. Mr. Taylor stated that our ordinance is not setup for undercover operations as it was intended to allow transparency and promote compliance. However, we do have a process for public complaints at <http://www.reusablebagsac.org/shoppers>.

Wendy Sommer distributed the monthly topic brief on Reusable bags, also available here: [Reusable-Bags-Topic-Brief](#). Ms. Sommer stated that she has heard from the Altamont Landfill that they are not seeing as many plastic bags flying around as before and they are pleased to see the results of the single use plastic bag ban.

President Hannon opened the floor for public comment. Arthur Boone commented that he does not think that the reusable bag ban is working as he is still seeing plenty of plastic bags on the streets. He added he is also experiencing problems with recycling small rigid plastics and added the plastics industry is not being responsive to the public.

President Hannon inquired about the number of inspectors that we are currently utilized. Ms. Lebsack stated that we have three contracted inspectors working on both the mandatory recycling ordinance

and the reusable bag ordinance. President Hannon commented that he is surprised at the low number of complaints and added the educational efforts appear to be working. President Hannon suggested that staff work with the jurisdictions to inform new businesses about the ordinance. Ms. Soll stated that staff works with the Technical Advisory Committee and provides outreach materials to new businesses when they obtain a business license. President Hannon stated that he is surprised regarding the generous timeframe with respect to the violation procedure and recommended that staff be more aggressive and look at a re-inspection fee if a third visit is required. Board member Pentin stated that the current ordinance does not provide for an inspection fee and inquired if we would need to modify the ordinance to include such a provision. Mr. Taylor stated that we would need to look at our general enforcement ordinance to see if there is a mechanism for recovering any enforcement costs and if not it would require board action to create a general enforcement policy that would cover both the MRO and the reusable bag ordinance with respect to any enforcement cost recovery. Board member Arreguin agreed that looking at re-inspection fees is a good idea and also adjusting the timeframe for when notices are provided and when inspections occur so that there is more of an incentive for compliance. Board member Arreguin commented that in Berkeley, they are seeing some establishments offering compostable bags and commented that it may be worth considering modifying the ordinance to phase out the requirement for the thicker plastic bags and replacing them with biodegradable bags. Ms. Soll stated that cost is an issue with the compostable bags. President Hannon inquired about the timeframe for future reports on this item. Ms. Sommer stated that we would like to see the results of the implementation of restaurants so possibly in the next six months. President Hannon requested that staff include an analysis on the cost of compostable bags and information on re-inspection fees. President Hannon thanked staff for an excellent presentation.

2. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)

(Planning Committee and Recycling Board meeting, March 8, 2018 at 4:00 pm, StopWaste Offices, 1537 Webster Street, Oakland, CA 94612)

There were no requests for an interim appointment.

EC President Dianne Martinez chaired the EC agenda items.

3. East Bay Community Energy Presentation (Jennifer West) (EC Only)

This item is for information only.

Jennifer West provided an overview of the staff report and introduced Deidre Sanders, Director of Governmental Affairs, East Bay Community Energy. Ms. Sanders presented a PowerPoint presentation on recent EBCE board actions and the upcoming launch in June 2018. A link to the staff report and the presentation is available here: [EBCE-Update-02-28-18.pdf](#)

Board member Lamnin stated that she is excited to see that the higher renewable portfolio is comparable to the current PG&E costs. Board member Lamnin stated that it is her understanding that the cities would need to make a decision by March 5 regarding their default choice and inquired if there is flexibility with regard to the deadline. Ms. Sanders stated that she is not sure if March 5 is a hard stop date so dependent upon the City of Hayward Council meeting date and the resolution that may be brought forth there may be some discretion. Ms. Sanders added if there is an option proposed that is different from what EBCE proposed then they would need to know this information by the end of March. Board member Lamnin inquired if there was consideration for the higher renewable as the default since both options are comparable. Ms. Sanders stated that there has been some discussion about that and things can change very quickly. Ms. Sanders added there could be some language in the JPA that obligates them to the current default. If so will they need to change the JPA to change the default. If the cities make a different decision, they will then make the necessary adjustments. Ms.

DRAFT

Sanders stated that there may be some opportunity costs for commercial accounts that do not come in at the initial offering. Ms. Sanders recommended that the cities check in with EBCE staff, Annie Henderson or Dan Lieberman. President Martinez inquired if EBCE staff is working with member agencies or Councils to develop relationships. Ms. Sanders stated that staff met to discuss developing outreach tools with participating agency staff to inform the businesses in their areas. EBCE staff is reaching out to businesses to inform them that this is a legitimate program and that the cities are participating with them. Board member Lamnin inquired if they are working with the Chamber of Commerce as well. Ms. Sanders stated yes. Ms. Sanders notified the Board that there is a Community Advisory Committee and they have three openings and will be accepting applications through March 14. Interested applicants can apply at <https://ebce.org>.

President Martinez opened the floor for public comment. Arthur Boone commented that he is interested in the way utilities are moving as they have similar issues in the garbage world. Mr. Boone commented that whatever is done on the local level for energy should steer clear of PG&E.

VII. COMMUNICATION/MEMBER COMMENTS

President Hannon recognized Executive Director Wendy Sommer on her induction into the Alameda County Women's Hall of Fame in the category of the Environment. The luncheon and ceremony will be held on Saturday, March 24th at 12:30 p.m. at the Greek Orthodox Cathedral, 4700 Lincoln Avenue, Oakland. If Board members are interested in attending please RSVP to Jeff Becerra at jbecerra@stopwaste.org.

VIII. ADJOURNMENT

The meeting was adjourned at 4:18 p.m. in memory of Board member Don Biddle.

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DATE: March 28, 2018
TO: WMA Board
FROM: Wendy Sommer, Executive Director
SUBJECT: Board Per Diem Policy

SUMMARY

On March 8, 2018, the Programs and Administration Committee heard a presentation on a policy that covers payments to Board members for attending Board and committee meetings and unanimously recommend that the WMA Board approve said policy.

DISCUSSION

By a vote of 7-0 (Absent: Carson, Arreguin, Kalb, Pentin) the Programs & Administration Committee reviewed and recommended that the WMA Board approve the policy via the attached Resolution.

RECOMMENDATION

The Programs and Administration Committee recommends that the Waste Management Authority Board approve the attached resolution.

Attachment: Per Diem Policy Resolution

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2018 –
MOVED:
SECONDED:
AT THE MEETING HELD MARCH 28, 2018**

**RESOLUTION OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD
ADOPTING A PER DIEM POLICY FOR BOARD MEMBERS AND ALTERNATES**

WHEREAS, the Alameda County Waste Management Authority (“WMA Board”), provides a per diem for Board members or alternates to conduct the business of the WMA Board at Board and standing committee meetings; and

WHEREAS, while in various documents there is language regarding certain elements pertaining to these payments, there is not a comprehensive and consistent policy covering this issue; and

WHEREAS, adopting a policy that covers Board member and alternates payments in its entirety provides clear administrative direction and demonstrates transparency in government, and

WHEREAS, staff has reviewed relevant documents, resolutions and ongoing practices and has prepared a thorough per diem policy; and

WHEREAS, the Programs and Administration Committee at its meeting on March 8, 2018 reviewed this policy and recommended forwarding it to the WMA Board for adoption.

NOW THEREFORE, BE IT RESOLVED THAT:

The WMA Board adopts the attached meeting attendance payment policy. This resolution supersedes all other resolutions and policies.

ADOPTED this 28th day of March 2018, by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #WMA 2018-

WENDY SOMMER
Executive Director

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
MEETING ATTENDANCE PAYMENT (PER DIEM) POLICY

1. WMA Board members will receive a payment of \$150 per meeting for WMA Board and standing committee (i.e., the Programs and Administration Committee and Planning Committee) meetings, not to exceed \$450 per person per month. This represents no change to the current payment per meeting and a reduction in the monthly maximum from \$750 to \$450.
2. A WMA Board member alternate will receive payment for attending a WMA Board or standing committee meeting if the primary WMA Board member is not present. No more than one representative from a member agency may be paid for any one meeting.
3. Recycling Board member payments are limited to \$100 per meeting (not to exceed \$3,000 per year) by terms of the County Charter (referred to as Measure D). Since the monthly Recycling Board meeting is also a WMA Planning Committee meeting, Planning Committee members (including interim appointees attending instead of a Planning Committee member that is unable to attend) will be paid \$100 from Recycling Board funds and \$50 from WMA funds for a total of \$150 per meeting.
4. If there is a lack of quorum to convene a scheduled meeting, those members in attendance will be eligible for payment as if the meeting took place. If that meeting is rescheduled, all members attending the rescheduled meeting shall be eligible for payment even if they have been paid for attending the meeting that did not convene.
5. A person arriving at a meeting after it has been adjourned is not eligible for payment for that meeting.
6. Attendance via teleconference is eligible for payment, although Board members unable to attend a meeting in person are encouraged to have their alternate or interim appointee attend in their place.
7. The WMA Board and the Recycling Board as its own body (not as the WMA Planning Committee) periodically hold a joint meeting for matters affecting both boards (e.g., the annual budget presentation, strategic planning). For such joint meetings, all Recycling Board members (either appointed by the WMA Board or the Alameda County Board of Supervisors) will receive \$100 from Recycling Board funds and \$50 from WMA funds. All other WMA Board members will receive \$150 from WMA funds.
8. No person receiving a payment pursuant to this policy may be reimbursed for any expenses (e.g., parking, transportation) incurred in connection with attending a meeting for which payment has been or will be made.

9. Payments are made based on the record of attendance for each meeting and are sent to the recipient's preferred mailing address. In general, payments are made by the 20th of each month following the previous month's meeting.
10. Payments will be included in a calendar year Form 1099 for Board members as per IRS regulations.
11. This policy will be periodically reviewed and revised as needed.

DATE: March 28, 2018

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Pat Cabrera, Administrative Services Director
Todd High, Financial Services Manager

SUBJECT: Proposed Pension Liability Paydown

SUMMARY:

At the March 28 Waste Management Authority (WMA) board meeting, staff will recommend that the WMA approve a lump-sum payment of \$4.1M to the California Public Employee Retirement System (CalPERS) to pay down the Agency's unfunded pension liability. This payment will result in the Agency reaching an 89.3% funded status, which closely meets its goal of 90% funded status. The funding for this payment will come from the Transportation Improvement Program (TIP) Reserve (\$3.4M), the Pension Reserve (\$.1M) and the Fiscal Reserve (\$.6M).

DISCUSSION:

The WMA, like most public agencies in the state, has a significant unfunded pension liability balance, often referred to as the Unfunded Actuarial Liability (UAL).

The size of the UAL varies from year to year primarily because the annual rate of return on the CalPERS investment portfolio varies. CalPERS smooths the impact of each year's variation by recognizing 20% of it in the year it occurs and each of the next four years. Nonetheless, the impact of year-to-year market fluctuations can be large. For example, our accrued pension liability as of 6/30/14 was \$3.5 million when Governmental Accounting Standards Board (GASB) 68 was adopted and it has increased to \$5.3 million as of 6/30/17. Annual variations occur even if the portfolio earns the projected rate of return (7.25% for the current FY 2017-18).

The long-term rate of return for future years is expected to be 7.00%, reflecting a rate that is prudent and achievable so that variability in reported liability balances is reduced while allowing pool participants to project future funding requirements with better predictability.

Paying Down Versus Paying Off the Liability

The significant cash requirement to reduce the UAL as well as the factors mentioned above make it difficult to entirely "payoff" the pension liability. However, paying down portions of the liability reduces the future interest payments on the balance similar to making accelerated mortgage principal payments. Therefore, the WMA has adopted the goal of being 90% funded. As of the 6/30/16 CalPERS valuation report, the Agency was 75.8% funded or approximately 14% below the goal. At the February

8, 2018 Programs and Administration and Planning Committee/Recycling Board meetings, staff presented the multi-year fiscal forecast that discussed making a \$3.4 million lump sum payment to CalPERS towards the unfunded liability. This payment would get the Agency close to the 90% funded status (approximately 87%). Both committees supported pursuing this payment. As such, staff has further reviewed options with CalPERS actuarial staff.

Contributing \$4,129,000 no later than April 4, 2018 to the CalPERS Miscellaneous Pool would largely eliminate the two largest actuarial loss pools that are allocated to the Agency. By making this payment, the long-term cash flow savings would be approximately \$5.2 million (including \$269,000 for the next fiscal year, which is approximately \$69,000 more than original estimates). Additionally, the estimated funded ratio would improve to 89.3% as of 6/30/18, just under the Agency's goal and would be projected to reach 100% funded by 6/30/34 with the current scheduled annual liability contributions. Staff will also continue to discuss other funding strategies with CalPERS including more accelerated amortization periods, such as the recently adopted 20-year period for new pension gains or losses and actuarial changes.

As previously discussed, funds from the TIP reserve of \$3,441,987 will provide the primary source of funding for this payment. The TIP reserve was established in 1993 as part of a three-party agreement between the County of Alameda, Waste Management (formerly Oakland Scavenger Company), and the WMA. The program was established to mitigate impacts to roadways near Altamont landfill caused by the truck traffic transporting waste from San Francisco. We have fulfilled our obligations according to the agreement and as of 2016, San Francisco has ceased exporting their waste to Alameda County. As we do not need this reserve anymore, we recommend eliminating it. We also discussed using the one-time payment from NextEra for the conservation easement, which we anticipate will total between \$1.2-\$1.4 million. While we are confident that we will receive the payment we are not certain as to when (we are awaiting California Department of Fish and Wildlife final approval of the easement deed). Therefore, we recommend funding the remaining \$687,013 as follows: \$100,000 from the Pension Reserve and \$587,013 from the Fiscal Reserve. Once the NextERA payment is made, we recommend paying back the \$587,013 to the Fiscal Reserve with the balance going to the Pension Reserve for any future lump-sum payments as needed.

RECOMMENDATION

Staff recommends that the WMA Board approve the attached resolution that includes the following provisions:

1. Authorize staff to make a lump-sum payment to CalPERS towards the Agency's unfunded pension liability in the amount of \$4,129,000 using the following funding sources: \$3,441,987 from the Transportation Improvement Plan (TIP) Reserve, \$100,000 from the Pension Reserve, and \$587,013 from the Fiscal Reserve. This payment to CalPERS will be made no later than April 4, 2018.
2. Eliminate the TIP Reserve
3. Upon receipt of the one-time payment from NextEra for the conservation easement, authorize staff to repay the Fiscal Reserve with the remainder of the payment going to the Pension Reserve.

Attachment: Resolution Approving CalPERS Lump-Sum Payment

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2018 -**

**MOVED:
SECONDED:**

AT THE MEETING HELD MARCH 28, 2018

**AUTHORIZING STAFF TO MAKE A LUMP-SUM PAYMENT TO THE CALIFORNIA PUBLIC EMPLOYEE
RETIREMENT SYSTEM (CALPERS) OF \$4,129,000 TOWARDS THE AGENCY'S UNFUNDED LIABILITY AND
ELIMINATING THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP) RESERVE**

WHEREAS, in February 2016 the WMA established a 90% funded status goal for its pension fund with CalPERS; and

WHEREAS, as part of the multi-year budget forecast presented to the Programs and Administration Committee and the Planning Committee/Recycling Board on February 8, 2018, staff included a proposed lump-sum payment to CalPERS to work towards achieving this goal; and

WHEREAS, based on the latest information from the CalPERS actuary, a lump-sum payment of \$4,129,000 will result in an 89.3% funded position for the Agency; and

WHEREAS, staff identified the funding sources from which to make this payment;

NOW THEREFORE, BE IT RESOLVED that the Alameda County Waste Management Authority hereby authorizes staff to:

1. Make a lump-sum payment to CalPERS towards the Agency's unfunded pension liability in the amount of \$4,129,000 using the following funding sources: \$3,441,987 from the Transportation Improvement Plan (TIP) Reserve, \$100,000 from the Pension Reserve, and \$587,013 from the Fiscal Reserve. This payment to CalPERS will be made no later than April 4, 2018.
2. Eliminate the TIP reserve.
3. Repay the Fiscal Reserve upon receipt of the one-time payment from NextEra for the conservation easement, with the remainder of the payment going to the Pension Reserve.

AYES:

NOES:

ABSTAIN:

ABSENT:

Wendy Sommer, Executive Director

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April 2018
Meetings Schedule

Alameda County Waste Management Authority, The Energy Council, & Source Reduction and Recycling Board

(Meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	9:00 AM Programs & Administration Committee 1. Classification & Compensation Study <hr/> CANCELLED Planning Committee & Recycling Board	13	14
15	16	17	18	19	20	21
22	23	24	3:00 PM Joint Meeting Waste Management Authority, Energy Council, and Recycling Board Key Items: 1. FY 18/19 Budget Presentation	26	27	28
29	30					

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MEETING NOTES

Energy Council TECHNICAL ADVISORY GROUP (TAG)

Tuesday March 20, 2018 – 1:00 pm to 3:30 pm

Attendance:

City of Alameda: Maria DiMeglio (phone), Patrick Pelegri-O'Day (Civic Spark)
County of Alameda: Ryan Bell (phone)
City of Berkeley: Caytie Campbell-Orrick, Alice LaPierre, Katie Van Dyke (phone)
City of Dublin: Shannon Young, Ciaran Gallagher (Civic Spark)
City of Emeryville: Nancy Humphrey
City of Fremont: Rachel DiFranco, Chelsea Marcell (Civic Spark)
City of Hayward: Erik Pearson, Ciaran Gallagher (Civic Spark)
City of Oakland: Shayna Hirshfield-Gold, Mukta Kelkar (Climate Corps), Ben Linthicum (Civic Spark)
City of Piedmont: Mira Hahn
City of Pleasanton: Derek Lee
City of San Leandro: Sally Barros (phone), Delaney King (Civic Spark)
StopWaste: Jennifer West, Miya Kitahara, Candis Mary-Dauphin, Ben Cooper, Jeffery Liang, Karen Kho
Guests: Daniel Hamilton, City of Oakland; Deidre Sanders, EBCE; Jenny Berg, MTC/ABAG -BayREN

Grid Modernization Webinar, Local Government Commission (1:00 – 2:00 pm)

Oakland's CURB presentation (2:00 – 3:00), Daniel Hamilton, City of Oakland

- Climate action planning practices have not historically incorporated the analysis of 3 key decision making points: The costs of implementing measures, sources of funding for implementation, and prioritization of actions based on cost and reductions potential.
- The CURB tool helps cities incorporate this information into climate planning. This is a free tool, available for use, but very time intensive to use. Bloomberg Associates worked with the City of Oakland for over a year on this project.
 - As part of the CURB project, Oakland mapped out climate action costs/funding. The total spent was \$228 million over 8 years.
 - USDN released a report in 2016 from the Innovation Funds on the sources of climate investments. Oakland utilized the report for this study.
 - Three helpful outputs from the CURB study were used as a basis for prioritization: Heatmaps, projection scenarios, and an abatement curve.
 - Heatmaps by sector showed GHG reduction potential by 2050 – prioritized.
 - Projections were generated for three scenarios: current trajectory, projected trajectory, and Oakland goal
 - The business-as-usual trajectory includes a lot of actions already – codes, state and federal policy, the markets are already moving in the right direction. Local governments just need to nudge.

- Transportation measures had the most potential in the 2030 scenario. In 2050 the relative potential of transportation measures increased.
 - Focusing on transportation will help achieve an 89% reduction in emissions for Oakland by 2050 in a cost effective manner.
- An Abatement Curve was created that outlines the cost effectiveness of each action relative to its potential impact on GHG emissions.
 - Many commercial building measures are cost effective and the market would not need additional incentives.
 - Residential space heating and envelope need to be focused on, and are not fully addressed in code, so the market may not address them, and the City may need to commit resources to incentivize action.
- The CURB analysis suggests that some actions will have much greater impact than others. The City's next CAP update will have a more succinct strategy, focusing on:
 - Procure 100 carbon free energy
 - Eliminate fossil fuels from building heating systems
 - Improve building insulation and windows
 - Significantly shift people away from private auto trips
 - Accelerate the electrification of vehicles
- The City will be looking to integrate these priorities into the Capital Improvement Program to ensure they are part of everything – in bond language, public works improvements, etc.
- Oakland's data is available for anyone to use. Other cities can start from Oakland data and tweak where needed. Oakland is the first US city to fill out the CURB tool robustly. CURB is free and available to anyone.
- Rachel points out that this model focuses on the "what" and not the "how." One of the priority measures was decarbonizing buildings. Local governments still need to figure out how to get there and convince the players at large that this is a priority.
 - Bloomberg came up with action list based on the best strategies being implemented around the world, and gathered case studies. They are in the report.

East Bay Community Energy

Deidre Sanders, Director of Government and Community Affairs

- EBCE Board set products and rates in February. The Board created Bright Choice (at 85% carbon free, with 1.5% discount from PG&E's cost) and Brilliant 100 (at 100% carbon free, equal to PG&E's cost).
 - Some cities want to have an opt-up default for Brilliant 100. Albany and Hayward would like to opt up commercial and municipal. Piedmont chose Brilliant 100 for municipal and Emeryville's council considers this tonight on municipal and commercial (2 separate resolutions).

- EBCE Staff discourage opting up residential customers to Brilliant 100 right now. EBCE is not starting service for residential customers until the Fall of 2018. There was inaccurate press reporting that said that Hayward opted everyone in Brilliant 100. Cities that want to opt up on Phase 2 (residential accounts) by the November roll out, need to pass a resolution by end of May 2018.
- Staff would like more consistent and coordinated messaging on rates and opt in options.
 - Rachel: suggests EBCE coordinate with member agency staff on communication outlets.
 - Run press releases through Annie Henderson before releasing them.
 - Sally suggested increasing the EBCE coordination item to an hour at future TAG meetings. Others agreed.
 - Deidre said that EBCE will maintain the CARE rate for qualifying customers.

PACE update from recent concerns, Jenny Berg, BayREN

- Please share concerns. Jenny sends complaints to James Hammil at CSCDA
- PACE providers know about misleading lead generation activities. Some are not responsive
- CSCDA will now deny applications that come from lead generators using questionable practices, and from contractors that have been found to work with these lead generators. James Hammil sent a memo to the board with this proposal, and it was approved last week.
- BayREN sent a letter to all providers that signed on to the Regional Collaborative Services Agreement that calls for a report on actions being done to address these issues
- BayREN will be scheduling a PACE webinar for local governments
- Emeryville's mayor is looking to pull the city out of PACE altogether because of these concerns.
- All providers should be providing monthly data to cities. Open PACE is working on uniform reporting with all providers. Cities should notify Jenny if they are not receiving data from providers. Fremont: the data was not consistent. Rachel would like to have session to talk about the data cities would like to see.

Member comments, brief updates & discussion

- Oakland and Hayward BayREN Multifamily workshops are: April 24 in North Oakland (Golden Gate Branch Library) and April 26 at the City of Hayward. (Jeffery)
- BayREN Codes and standards training spots are limited. Cities implementing reach codes should notify Jeffery, as BayREN Codes and Standards can support efforts.
- Rising Sun – as of July 1, changes on savings claimed from lighting could affect the CYES summer offering negatively. More info coming soon.
- EBCE is having an all-day meeting on Monday 3/26 on the Local Development Business Plan.

Optional BAAQMD funding opportunity working group (3:30-4:30)

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MEETING NOTES

Energy Council TECHNICAL ADVISORY GROUP (TAG)

Tuesday, February 20, 2018 – 1:00 pm to 3:30 pm

Attendance:

City of Alameda: Maria DiMeglio (phone)

City of Albany: Claire Griffing (phone)

City of Berkeley: Caytie Campbell-Orrrock

City of Dublin: Rebecca Parnes

City of Emeryville: Nancy Humphrey

City of Fremont: Rachel DiFranco

City of Hayward: Erik Pearson

City of Oakland: Mukta Kelkar (Climate Corps)

City of San Leandro: Sally Barros

City of Union City: Avalon Shultz (phone)

StopWaste: Jennifer West, Miya Kitahara, Candis Mary-Dauphin, Ben Cooper, Jeffery Liang

Guests: Dan Lieberman, EBCE; Deidre Sanders, EBCE

Meeting Notes

Grid Modernization Webinar, Local Government Commission (1:00 – 2:00 pm)

East Bay Community Energy (EBCE)

- East Bay Community Energy products and rates were set at the February 7 board meeting. The launch for commercial and municipal accounts will happen in June 2018. The board selected 2 options for customers that will be available at time of launch Bright Choice and Brilliant 100. Additional options will be added down the road.
- Two notification letters will go to customers in advance of enrollment, and two following enrollment.
- Commercial and municipal customers will be automatically enrolled in Bright Choice. This product is priced 1.5% lower than the electric generation component of PG&E bill. The mix of resources for this product is 85% carbon free: 38% CA eligible RPS renewables, 47% large hydro. The other 15% is unspecified, and will remain flexible.
- The second option that will be available upon launch in June is Brilliant 100. This product is 100% carbon free and priced at parity with PG&E's carbon free option – with the PCIA and franchise fee included.

- EBCE plans to develop a 100% renewable option, and aims to have it available by the time of the residential launch, which is set for around October 2018.
- The Local Business Development Plan is still being finalized with stakeholder feedback.
- Cities can opt up to Brilliant 100.
 - Multiple cities suggested it is more realistic to opt up around the time of launch, and plan a coordinated press release then.
 - Dan offered municipal bill analysis to estimate new electricity costs. Jurisdictions should reach out to Dan for an analysis and discuss assumptions in his model.
- Some cities would like to see a 100% renewable default option, and also a 100% local power option.
 - The timing is already too tight for putting together a Brilliant 100 opt up default option for commercial accounts. Dan is engaging with businesses to let them know that they'll be enrolled in Bright Choice.
 - Nancy expresses disappointment that there is not time to offer a Brilliant 100 opt up default option.
- Dan has offered to send collateral for cities and requested city support in connecting with some commercial customers.
- Introduction of new staff: Deidre Sanders is heading up government and community affairs. She will be working with community advisory committee. Prior to this position, she was an Environmental Justice Manager at PG&E. Dsanders@ebce.org.

BAAQMD Funding Opportunity

StopWaste will be submitting comments by 2/23/18 on Draft procedures and guidelines for the 2018 Climate Protection Grant Program. Call for projects in March 2018, due in April?

Ideas for grant submission include:

- StopWaste plans to submit a proposal under the electrification category – a BayREN coordinated effort around Heat Pump Water Heaters (HPWH) bundled with solar and EV charging infrastructure.
 - It is intended to make electric HPWHs more affordable with mid-stream incentives for distributors. It would help partners work together to make residential electrification easier.
 - With Sunshares collaboration this effort would be focused on contractor education and business to business collaboration.
 - BayREN could create a uniform program design for CCA's, inviting them to fund it going forward.

- Palo Alto has offered a mid-stream incentive, and might have program design recommendations for municipal power, like the city of Alameda.
- Go Green San Leandro/ Fremont Green Challenge expansion.
 - This would go in the innovation category.
- Municipal EV charging as a system of distributed energy resources (DER)
 - With Fremont as lead - San Leandro, Berkeley, Emeryville, Alameda County, Optony, DNV-GL would be possible partners.
 - Planned to fall into the innovative strategy
 - Fremont is looking at the costs of battery storage and of EV charging, versus business as usual.
- StopWaste will likely submit a proposal that deals with the carbon intensity of food and/or goods and consumer-based emissions.
- Berkeley is looking at an electrification component of Building Energy Savings Ordinance (BESO) – adding electrification to the BESO template and training assessors on sharing the recommendations on electrification.
- Emeryville is considering two ideas.
 - Improve the city hall building envelope.
 - A proprietary street light charging technology project. This technology allows for integrating charging outlets on streetlights, and each customer has a proprietary plug that can link use to specific customer account. This would be a pilot for a jurisdiction putting this infrastructure in place without having a municipal utility.

Member Comments & Discussion

- Some thought that the BAAQMD discussion was helpful, and would like to have a follow-up conversation in March. Could be in smaller groups.
- Would still like to have the TAG Microgrid 101 conversation at a future meeting.
- Some found the Grid Modernization webinar useful, and would like to listen to the next webinar on 3/20/18.
- There have been changes in the way PACE providers are required to report out on PACE. It would be helpful to have an info session on PACE.
- Three electrification bills were introduced last week. There is a summary in Dropbox.
- Info on Heat Pump Water Heater webinar 2/21/18.
- PG&E's EV charging program is being heavily marketed in some cities. Mixed reaction from cities. There's been a great deal of interest from commercial properties in some cities.

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Grocery bags and takeout containers aren't enough. It's time to phase out all single-use plastic

By THE TIMES EDITORIAL BOARD
FEB 20, 2018 | 4:15 AM



Plastic bottles for Sriracha sauce are moulded within Huy Fong Foods Inc. massive sauce production facility in Irwindale, Calif. on Jan. 30, 2015. (Los Angeles Times)

Faced with an unholy tonnage of chip bags, soda bottles, takeout containers and other disposable plastic items flowing into our landfills and our waters, winding up in wildlife, drinking water and food, policymakers in California have tried reining in plastic waste bit by bit. For example, more than 100 cities have adopted restrictions on polystyrene takeout containers, and the state has banned single-use plastic grocery bags.

Considering the magnitude of the problem, however, this item-by-item, city-by-city approach isn't going to cut it.

The state and local rules certainly have raised public awareness about the problem. Denying free plastic bags at checkout or providing plastic straws only on request sends consumers an important message that there's a bigger cost to these everyday items than they may have considered. But the actual flow of trash has been disrupted only modestly.

It's going to take more than a smattering of bans on single items to cure society of its disposable-plastic habit. The sheer volume of plastic trash now littering Earth has become impossible to ignore. It's time for environmentalists, policymakers and elected officials to start planning a broader response: phasing out *all* single-use plastic, not just the most pernicious.

That's right, all of it. If that sounds like a pipe dream, consider what's happening across the pond. Last month, British Prime Minister Theresa May outlined a plan to eliminate plastic waste by 2042. Queen Elizabeth II kicked it off this month by banning plastic straws and bottles from royal estates, and the Church of England supported a nascent social media campaign, #plasticlesslent, to encourage its flock to give up plastic for Lent this year. Simultaneously, the European Union announced its own plan to significantly reduce plastic waste, including adopting a possible plastic tax, in a direct response to the news that China, the largest importer of plastic recyclable material, was no longer accepting "foreign garbage."

We don't expect President Trump or Congress to follow suit, even though it's impossible to pretend that the trash filling up in the ocean is naturally occurring. That leaves it to states like California to step in. One strategy is for lawmakers to adopt a reduction goal, as they did for greenhouse gas emissions and energy derived from fossil fuels, and then to adopt specific programs to meet that goal. It's a simple but effective approach to tackling such a formidable environmental threat. Also, it puts makers of disposable plastic on notice, so they can't complain they didn't have time to adapt or move into other, less harmful product lines.

If we don't cut back now, there will eventually be more plastic than fish in the ocean.

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But even forewarned, the plastic industry isn't likely to take an assault on its bottom line well. Plastic makers spent millions of dollars trying to stop the state from banning single-use plastic bags. Imagine what they might unleash if all their disposable plastic products were threatened. As part of that, they will no doubt argue, as they did in the plastic bag fight, that the efforts to clean up plastic waste would mean lost jobs.

But it's not a zero-sum game. Cutting jobs on a disposable plastic product line doesn't automatically translate into fewer people employed. If the door closes on polystyrene takeout containers, for example, it will open for cardboard and other biodegradable alternatives.

No one expects consumers to give up convenience completely. In fact, the market for bio-plastic alternatives, which are made from corn starch and other biodegradable sources, is already growing thanks to public awareness and the sporadic efforts to curb plastic waste.

Opponents will insist that the answer is just to encourage more recycling. Not only is recycling not the answer (see China's diminished appetite for imported plastic trash), it has only enabled our addiction to convenient, disposable plastic packaging to deepen for some 60 years.

Yes, it's scary to think about a world where one has to carry around a reusable bag or worry about a paper drinking straw falling apart mid.... Oh, wait. No, it's not. Knowing that every piece of plastic manufactured on Earth is still with us and that if we don't cut back now, there will eventually be more plastic than fish in the ocean — that's the truly frightening thought.