Teleconference/Public Participation Information to Mitigate the Spread of COVID-19.

This meeting will be entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Governor’s Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order is to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Members of the public and staff who are not presenting an item may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 and using the Webinar ID: 841 4901 6935
2. Using the Zoom website or App and entering meeting code 841 4901 6935

Board members and any other individuals scheduled to speak at the meeting will be sent a unique link via email to access the meeting as a panelist. All Board members MUST use their unique link to attend the meeting. During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at http://www.stopwaste.org/virtual-meetings no later than 5:00 p.m., Wednesday, April 7, 2021. The public may also comment during the meeting by sending an e-mail to publiccomment@stopwaste.org prior to the close of public comment on the item being addressed. Each e-mail will be read into the record for up to three minutes.

In accordance with the Americans with Disabilities Act and the Governor’s Executive Order, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.
AGENDA

1. Convene Meeting

2. Public Comments
   Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Programs & Administration Committee, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the Chair.

3. Approval of the Draft Minutes of March 11, 2021 (Pat Cabrera)

4. Revisions to the Meeting Attendance Payment Policy for Board Members (Wendy Sommer & Pat Cabrera)
   That the Programs and Administration Committee approve forwarding Ordinance 2021-01, which increases board member compensation, and Resolution 2021-xx revising the meeting attendance policy, to the Waste Management Authority Board for adoption.

5. Member Comments

6. Adjournment

The Programs & Administration Committee is a Committee that contains more than a quorum of the Board. However, all items considered by the Committee requiring approval of the Board will be forwarded to the Board for consideration at a regularly noticed Board meeting.
MINUTES OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY MEETING
OF THE PROGRAMS AND ADMINISTRATION COMMITTEE
Thursday, March 11, 2021
9:00 A.M.
TELECONFERENCE MEETING

Members Present:
County of Alameda      David Haubert
City of Alameda      Trish Herrera Spencer
City of Albany      Preston Jordan
City of Berkeley      Susan Wengraf
City of Dublin      Melissa Hernandez
City of Emeryville      Dianne Martinez, Vice Chair
City of Fremont      Jenny Kassan
City of Newark      Mike Hannon
Oro Loma Sanitary District    Shelia Young
City of Piedmont      Jen Cavenaugh
City of Pleasanton     Jack Balch
City of Union City     Jaime Patiño

Staff Present:
Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Nisha Patel, Management Analyst
Arliss Dunn, Clerk of the Board

1. Convene Meeting
Vice Chair Dianne Martinez called the meeting to order at 9:00 a.m. Timothy Burroughs explained the process that would be utilized during the meeting. A link to the process is available here: Virtual-Meetings-Instructions.

2. Public Comments
There were no public comments on the remote call and no public comments were received via the public comments email address.

3. Approval of the Draft Minutes of February 11, 2021 (Pat Cabrera)
There were no public comments on this item. Board member Hannon made the motion to approve the draft minutes of December 10, 2020. Board member Hernandez seconded and the motion carried 12-0. The Clerk called the role:
4. **Multi-Year Fiscal Forecast (Pat Cabrera)**

This item is for information only, in preparation for the budget discussion in April. Pat Cabrera provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Multi-Year-Fiscal-Forecast.pdf](Multi-Year-Fiscal-Forecast.pdf). Ms. Cabrera introduced Nisha Patel, Management Analyst, and acknowledged her work in tracking and analyzing tonnage information.

Board member Hannon inquired about lost revenue from tonnages going out-of-county. Ms. Cabrera stated that it is approximately $100,000-150,000 annually in lost revenue from tonnages going out-of-county. Board member Hannon commended Ms. Sommer and Ms. Cabrera for their stewardship over the agency budget and recognized their efforts for transitioning the agency’s financial position over the last few years from dire to a solid financial footing. Board member Hannon asked that staff provide a brief overview of best practices or strategies that assisted in the budget transformation. Ms. Cabrera stated that staff would provide an overview in the budget document. Board member Young inquired regarding the fund balance and what is the pension reserve and the fiscal reserve. Ms. Cabrera stated that of the $28 million fund balance, $9.2 million is reserves for fiscal, pension, organics, building maintenance, and Five Year audit. Board member Young commended staff on a great report. Board member Jordan inquired regarding the fund balance and what is the pension reserve and the fiscal reserve. Ms. Cabrera stated that the $28 million fund balance, $9.2 million is reserves for fiscal, pension, organics, building maintenance, and Five Year audit. Board member Jordan inquired about the methodology used to identify trends in tonnage disposal. Ms. Patel stated that we look at information on tonnage disposal from prior months and project it out. The information includes any seasonal adjustments or activity. Board member Jordan inquired if the WMA has any specific oversight or responsibility for the landfill sites. Ms. Sommer replied no, that responsibility is under the purview of the Alameda County Local Enforcement Agency. Board member Cavenaugh inquired with regard to the pension reserve if the agency’s pension costs are funded based on CalPERS current projections and are we considering any potential downsides, and with regard to the fiscal reserve, it appears that the agency’s fund balance has been steadily increasing over the years and inquired about our strategy for setting aside such a significant fund balance as well as any potential investments and applicable returns. Ms. Cabrera stated that, in terms of our funded status with respect to our pension, the Board adopted a 95% funded goal. We work with our actuary to determine our progress, based on the most current information available. Regarding fund balances, while the Agency is still in the position to match ongoing revenue with ongoing expenses, we maintain reserves in order to address any unforeseeable budget gaps as needed and to avoid the need for fee increases. Board member Hannon requested that staff provide a historical overview of fee increases during the budget presentation. Vice Chair Martinez stated that although the agency has passed a balanced budget over the past few years and have had a healthy reserve, several years ago the five year fiscal forecast was concerning and, due to the board along with staff establishing priorities that guide the arc of the agency, we are now on solid financial footing. Vice Chair Martinez commended Ms. Sommer and Ms. Cabrera on managing the budget and building healthy reserves.

There were no public comments on this item. Vice Chair Martinez thanked staff for the presentation.

5. **Member Comments**

There was none.

6. **Adjournment**

The meeting adjourned at 9:49 a.m.
DATE: April 8, 2021
TO: Programs and Administration Committee
FROM: Wendy Sommer, Executive Director
       Pat Cabrera, Administrative Services Director
SUBJECT: Revisions to the Meeting Attendance Payment Policy for Board Members

SUMMARY
At the April 8, 2021 Programs and Administration Committee, staff will recommend approval of revisions to the meeting attendance payment policy for board members, increasing compensation from $150 to $230 per meeting, based on the consumer price index and other factors, and updating the current policy to be in compliance with a recent Internal Revenue Service (IRS) ruling.

DISCUSSION
On March 28, 2018 the WMA Board adopted a meeting attendance payment policy that incorporated into one policy ongoing practices and procedures regarding board member compensation for attending board or committee meetings. The policy did not change the amount paid to board members, which has been $150 per meeting since 2002. Transportation costs, including parking, are not reimbursed (and have increased steadily throughout the years).

Staff conducted a recent survey of local jurisdictions to determine if there was a standard or prevailing payment made to board or council members and found that amounts vary greatly (ranging from no payment to over $1,200 per month). A review of the consumer price index since the last time the payment was increased indicated that an increase to $230 per meeting is fair and reasonable. Among our own member agencies, for example, this amount is consistent with the payment amounts provided by Castro Valley Sanitary District to its board members and slightly lower than those provided by Oro Loma Sanitary District. The additional annual cost to the Agency is approximately $39,000.

In addition to the change in compensation, there are a few minor changes as noted in Attachment 1, resulting from an Internal Revenue Service determination in 2019. This ruling changed the board member employment status from independent contractor to employee for payroll reporting purposes only. These changes reflect the method in which board members are paid (now by direct deposit) and the type of earnings documentation issued by the Agency (i.e., a W2 instead of a 1099).
While the meeting attendance policy can be revised by board action (in this case a resolution), State law requires that the increase in board member compensation be adopted by ordinance, which requires two public hearings.

**RECOMMENDATION**

That the Programs and Administration Committee approve forwarding Ordinance 2021-01, which increases board member compensation, and Resolution 2021-xx revising the meeting attendance policy, to the Waste Management Authority Board for adoption.

Attachments:
Attachment 1: Revised Meeting Attendance Payment Policy (redlined)
Attachment 2: Draft Amended Ordinance
Attachment 3: Draft Resolution and Revised Meeting Attendance Payment Policy (w/o redline)
1. WMA Board members will receive a payment of $230 per meeting for WMA Board and standing committee (i.e., the Programs and Administration Committee and Planning Committee) meetings, not to exceed $690 per person per month. This represents a change in compensation from $150 per meeting to $230 per meeting, 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 $230 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 $130 from WMA funds. All other WMA Board members will receive $230 from WMA funds.
8. No person receiving a payment pursuant to this policy may be reimbursed by the Waste Management Authority 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 by direct deposit’s preferred mailing address. In general, payments are made processed once a by the 20th of each month, following the previous month’s meeting.

10. Payments will be included in a calendar year Form W21099 for Board members as per IRS regulations.

11. This policy will be periodically reviewed and revised as needed.
ORDINANCE 2021-01
AMENDING ORDINANCE 2006-01
ORDINANCE REGARDING COMPENSATION FOR BOARD MEMBERS

The Board of the Alameda County Waste Management Authority (“WMA”) finds that:

1. In 2006 the WMA adopted Ordinance 2006-01, the Ordinance regarding compensation for board members. Based on a review of the consumer price index and given that this compensation has not been increased since that time, the WMA wishes to amend the ordinance to change the amount of compensation from $150 per meeting to $230 per meeting.

2. The Board of the Alameda County Waste Management Authority held a public meeting on May 26, 2021 to consider this ordinance, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

Therefore, the Board of the WMA hereby ordains as follows:

Section 1. Amendment.
Ordinance 2006-01, an ordinance regarding compensation for board members and alternates is hereby amended as shown in Attachment A. Text to be added is indicated in bold underlined font (e.g., underlined) and text to be deleted is indicated in strikeout font (e.g., strikeout).

Section 2. Severability.
If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Publication.
Within 15 days after adoption, a summary of the ordinance with the names of those voting for and against, the ordinance shall be published and a certified copy of the full text with the names of those voting for and against the ordinance shall be posted in the office of the Clerk of the Board and shall become effective thirty (30) days after adoption.

- Continued on following page -
Following introduction on May 26, 2021, passed and adopted June 23, 2021 by the following vote:

AYES:  
NOES: 
ABSTAIN: 
ABSENT: 

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of ORDINANCE NO. 2021-01.

______________________________

ARLISS DUNN  
CLERK OF THE BOARD
ORDINANCE NO. 2006-01
as amended by Ordinance 2021-1

AN ORDINANCE IMPLEMENTING AB 11 (2005), PARTICULARLY GOVERNMENT CODE SECTION 36516 AND AB 1234 (2005), PARTICULARLY HEALTH AND SAFETY CODE SECTION 6489, REGARDING COMPENSATION FOR BOARD MEMBERS

The Board of the Alameda County Waste Management Authority (Authority) ordains as follows:

SECTION 1

AB 11 and AB 1234, enacted by the Legislature in 2005, require rescission of Resolution #WMA 2002-09 (setting the per diem for members for attendance at Board or committee meetings) and enactment of an ordinance consistent with State law.

SECTION 2

The Board of the Authority does hereby repeal Resolution #WMA 2002-09.

Section 3

Compensation of Board members and alternates shall be set at $230 $150 per attendance at a Board or committee meeting or other authorized Board meeting such as an educational activity. The total compensation of a Board member shall not exceed $690 $450 per month.

Section 4

The terms of this Ordinance may not be changed or amended except by enactment of another Ordinance or amendment of this Ordinance.

Section 5

This Ordinance shall be posted at the Authority Office for at least thirty (30) days after its second reading by the Board and shall become effective thirty (30) days after the second reading.

- End--
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2021–
MOVED:
SECONDED:
AT THE MEETING HELD JUNE 23, 2021

RESOLUTION OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD
REVISING BOARD MEMBERS AND ALTERNATES COMPENSATION POLICY

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

WHEREAS, said compensation has not been adjusted since July 2002; and

WHEREAS, a review of other local jurisdictions’ payment practices as it applies to board/council members as well as a review of the consumer price index indicates that an increase in compensation is warranted; and

WHEREAS, as the per diem policy adopted by the WMA Board on March 28, 2018 requires revisions to reflect this increase in compensation as well as to reflect changes in reporting required by the Internal Revenue Service, and

WHEREAS, the Programs and Administration Committee at its meeting on April 8, 2021 reviewed the compensation and relevant changes in the 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 23rd day of June 2021, 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 2021–

______________________________
Arliss Dunn
Clerk of the Board
1. WMA Board members will receive a payment of $230 per meeting for WMA Board and standing committee (i.e., the Programs and Administration Committee and Planning Committee) meetings, not to exceed $690 per person per month. This represents a change in compensation from $150 per meeting to $230 per meeting.

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 $130 from WMA funds for a total of $230 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 $130 from WMA funds. All other WMA Board members will receive $230 from WMA funds.

8. No person receiving a payment pursuant to this policy may be reimbursed by the Waste Management Authority 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 by direct deposit. Payments are processed once a month.

10. Payments will be included in a calendar year Form W2 for Board members as per IRS regulations.

11. This policy will be periodically reviewed and revised as needed.