

Committee Members

Dave Sadoff, **Chairperson**
Castro Valley Sanitary District
Shelia Young, **Vice Chairperson**
Oro Loma Sanitary District
Keith Carson, County of Alameda
Jim Oddie, City of Alameda
Susan Wengraf, City of Berkeley
Don Biddle, City of Dublin
Suzanne Lee Chan, City of Fremont
Laureen Turner, City of Livermore
Mike Hannon, City of Newark
Dan Kalb, City of Oakland
Deborah Cox, City of San Leandro
Lorin Ellis, City of Union City
Wendy Sommer, Executive Director

AGENDA

**ALAMEDA COUNTY WASTE
MANAGEMENT AUTHORITY MEETING
OF THE
PROGRAMS AND ADMINISTRATION COMMITTEE**

**Thursday, June 9, 2016
9:00 A.M.**

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

1. Convene Meeting

2. Public Comments

An opportunity 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.

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|-----------|---|--------------------|
| 1 | 3. Approval of the Draft Minutes of May 12, 2016 (Wendy Sommer) | Action |
| 5 | 4. Authorization to Establish Separate Interest Bearing Account (Pat Cabrera)
Staff is recommending that the P&A Committee recommend to the Authority Board to direct the Executive Director or designee to: 1) Establish a separate interest bearing federally secured account to hold Mr. Allan Miller’s final earnings until the disposition of these earning have been resolved pursuant to state law and, 2) Address any other issues regarding the proper disposition of compensation owed to Mr. Miller under Probate Code Section 13600(a), which covers the salary or other compensation owed by an employer for personal services of the deceased employee. | Action |
| 7 | 5. 4Rs (Reduce, Reuse, Recycle, Rot) Student Action Project Presentation (Angelina Vergara)
This item is for information only. | Information |
| 6. | CLOSED SESSION:
CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.6)
Agency designated representatives: Wendy Sommer & Pat Cabrera
Unrepresented employees: All WMA staff | |
| 7. | Member Comments | |
| 8. | 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.

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DRAFT

**MINUTES OF THE ALAMEDA COUNTY WASTE
MANAGEMENT AUTHORITY MEETING
OF THE
PROGRAMS AND ADMINISTRATION COMMITTEE**

Thursday, May 12, 2016

9:00 A.M.

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

Members Present:

City of Alameda	Jim Oddie
County of Alameda	Keith Carson
City of Berkeley	Susan Wengraf
Castro Valley Sanitary District	Dave Sadoff
City of Dublin	Don Biddle
City of Fremont	Suzanne Lee Chan
City of Newark	Mike Hannon
City of Oakland	Dan Kalb
Oro Loma Sanitary District	Shelia Young

Absent:

City of Livermore	Laureen Turner
City of San Leandro	Deborah Cox
City of Union City	Lorin Ellis

Staff Present:

Wendy Sommer, Executive Director
Tom Padia, Deputy Executive Director
Debra Kaufman, Senior Program Manager
Kelly Schoonmaker, Program Manager
Arliss Dunn, Clerk of the Board

1. Convene Meeting

Chair Sadoff called the meeting to order at 9:05 a.m.

2. Public Comments

There were none.

3. Approval of the Draft Minutes of May 12, 2016 (Wendy Sommer)

Action

Board member Biddle made the motion to approve the draft minutes of March 10, 2016. Board member Chan seconded and the motion was carried 7-0 (Carson, Cox, Ellis, Kalb, and Turner absent).

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4. New Regional Lawn to Garden Website (Kelly Schoonmaker)

Information

This item is for information only.

Kelly Schoonmaker provided a summary of the staff report and an overview of the Lawn to Garden website and associated grant activities. A copy of the combined staff report and presentation is available here:

[Lawn-to-Garden-Memo-05-12-16](#) A link to the website is available here: <http://lawntogarden.org/>

Ms. Schoonmaker requested that Board members add a link on their respective websites and inform staff of sheet mulching events in their jurisdictions so we can put them on the agency calendar.

Board member Young inquired about the number of hits to the website. Ms. Schoonmaker stated the website has received 36,000 hits and 19,000 of those hits were visits of 2 minutes or longer. Board member Chan inquired about the available rebates. Ms. Schoonmaker stated that all water suppliers rebate programs vary by funds available and rebate amount. The rebates are primarily for front yard conversions. EBMUD has an a la carte model that caps at \$2,500, and the California's Department of Water Resources (DWR) rebate program often supplements the local water supplier rebate program up to a total of \$2/SqFt.

Board member Hannon commented on the positive environmental impacts of doing sheet mulching as opposed to tearing up the sod and inquired if staff has conducted a cost benefit analysis. Ms. Schoonmaker stated that staff has unit costs on doing both projects. With respect to sheet mulching it is much cheaper to do it yourself as opposed to hiring a contractor as you can get most products free. Irrigation is the most expensive aspect of the project. Board member Hannon recommends that staff include this information on the website and inquired if the website provides a list of qualified contractors. Ms. Schoonmaker stated that the Lawn to Garden website directs to ReScape CA (formerly the Bay Friendly Coalition) website for this information.

Board member Wengraf inquired if there is a move to encourage municipalities to sheet mulch public median strips and if the Board can provide assistance in this regard. Ms. Schoonmaker stated that Alameda has already sheet mulched some of their medians in the Harbor Bay Parkway area and added a part of the Governors drought mandate last year was to stop watering public turfs such as medians. Staff recently received a call from the Alameda Fire Department and they expressed interest in sheet mulching the turf at all of their department locations. Ms. Schoonmaker added Senior Program Manager Teresa Eade conducted case studies featuring before and after photos of public projects on the website. Ms. Sommer stated StopWaste continues to provide technical assistance to member agencies that are interested in these projects. Board member Sadoff inquired if the 87 tons of sod debris can be used as ADC instead of going into the landfill. Mr. Padia stated the soil and rocks that are embedded in the turf can damage grinders at compost facilities and the removed turf is delivered to landfills in "rolls" whereas ADC must be able to be spread by dozers.

Board members thanked Ms. Schoonmaker for a wonderful presentation.

5. Legislative Priorities for 2016 (Debra Kaufman)

Action

Staff recommends that the Committee recommend the preliminary legislative Positions outlined in the staff report to the full Authority Board for the 2016 Session of the California legislature.

Debra Kaufman provided a summary of the staff report. The report is available here: [Legislative Priorities for 2016 memo-05-12-16](#) Ms. Kaufman informed the Board of an additional bill to be added to the list of bills to be supported. AB 1577 (Eggman) would expand tax credits for donating food to food banks. The bill is also supported by Californians Against Waste (CAW). Ms. Kaufman revised the staff recommendation to include the addition of AB 1577 (Eggman).

DRAFT

Board member Kalb inquired about the overall policy on legislation and specifically on staff autonomy with respect to taking positions on bills already approved by the Board.

Ms. Sommer stated there is no policy or bylaws regarding legislation. Past practice has been to proceed with Board adopted priorities in responding to deadlines and obtaining support letters when appropriate, but also at staff discretion, wanting to get Board approval on certain legislation. Ms. Kaufman added on occasion there is certain legislation that staff feels would benefit from getting letters of support from Board members. Ms. Sommer added staff would appreciate hearing from the Board about their comfort level in allowing staff to proceed without approval on legislation that is under the umbrella of Board approved priorities. Board member Kalb stated that he welcomes staff to agendize the item for further discussion and stated he would lean toward approving such a policy.

Board member Carson stated that he supports the current staff recommendation but because the Board is comprised of elected officials in order to maintain transparency he recommends that staff bring any legislative decisions to the Board for discussion prior to any final actions. Board member Chan stated support for the current staff recommendation and suggested that the member jurisdictions can write letters that would benefit any support or oppose positions. Ms. Kaufman stated that she also gave this presentation to the TAC and provided sample letters to submit where appropriate.

Board member Kalb made the motion to approve the staff recommendation with the addition of AB 1577 (Eggman). Board member Wengraf seconded and the motion carried 8-0-1 (Cox, Ellis, and Turner absent) (Oddie abstained).

6. Member Comments

Board members Chan, Oddie, and Wengraf, announced their cities support of Measure AA.

Board member Young stated that the Board should agendize a discussion on establishing a policy on how to address the issue of propositions. Ms. Sommer stated that staff would agendize in June or July a formal discussion on establishing policy and protocol for staff latitude on legislation as well as taking Agency positions on ballot propositions. Mr. Padia added the Board should also consider that the Board traditionally recesses in the month of August and it is a very busy period for the legislative session with gut and amend procedures and other “quick actions” that require immediate response.

7. Adjournment

The meeting adjourned at 9:45 a.m.

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DATE: June 9, 2016
TO: Programs and Administration (P&A) Committee
FROM: Wendy Sommer, Executive Director
BY: Pat Cabrera, Administrative Services Director
SUBJECT: Authorization to establish separate interest bearing account.

SUMMARY

At the June P&A meeting, in order to comply with State probate law, staff will recommend that the Committee request the Authority to direct the Executive Director or designee to: 1) Establish a separate interest bearing account to deposit a recently deceased employee’s (Allan Miller) final paycheck and accrued vacation payout until the disposition of these earnings has been resolved pursuant to state law and, 2) Address any other issues regarding the proper disposition of compensation owned to Mr. Miller under Probate Code Section 13600(a), which covers the salary or other compensation owed by an employer for personal services of the deceased employee.

DISCUSSION

On March 28, 2016, Administrative Aide Allan Miller passed away unexpectedly. Staff was able to locate a son, however with the exception of Mr. Miller’s life insurance policy (which named his son as his beneficiary), Mr. Miller had not designated a beneficiary for his final paycheck, vacation accruals, his deferred compensation account, etc., and it does not appear that he had a will or any other document bequeathing these assets.

The Authority must place his final earnings in a separate interest bearing account until advised by the conservator of the estate to release the funds. The [Authority’s investment policy](#) requires board approval for the establishment of any investment accounts other than the Alameda County Investment Pool and the Local Agency Investment Fund (LAIF). Based on the advice of the Agency’s labor attorney, the Authority as the employer must comply with California probate law and recommends that it take the following action:

- 1) Obtain death certificate to verify purpose of supporting basis for issuing final paycheck to deceased’s successor(s);

- 2) Hold onto the final paycheck/payout accruals and put the funds in a separate interest bearing account;
- 3) Wait until employer receives legal documentation from estate conservator/representative with further instructions (who and where to issue the final paycheck to, etc.);
- 4) Contact the next of kin (the son), and let him know the employer has a final paycheck for the employee, and that the employer will release the check to the representative of the estate once one has been appointed.
- 5) The estate's conservator must provide an affidavit (containing requisite statements) as well as proof of appointment in order for an employer to release funds per *Probate Code* § 13601.
Note: once this is received, the Authority will be relieved of any obligation or liability regarding the release of these funds.

We obtained Mr. Miller's death certificate and have contacted Mr. Miller's son. However, with respect to establishing a separate account for Mr. Miller's final earnings, while the Authority's investment policy allows funds to be transferred to and from the Alameda County Investment Pool and LAIF to established payroll and vendor/contractor payment accounts, staff must receive Authority approval prior to placing funds in other investments. Given that the law specifically states that Mr. Miller's final earnings must be placed in a separate interest bearing account, staff is seeking Authority Board approval to establish this account.

Mr. Miller's combined last paycheck and vacation accruals totals approximately \$4,100 (net earnings), and staff is recommending establishing a federally secured account such as a savings or flexible CD account in that amount. These funds will be released to Mr. Miller's estate when we receive the necessary documentation as outlined above. Staff is recommending opening this account with Wells Fargo, which handles the Agency's payroll and vendor payment accounts.

In addition, to avoid this problem in the future staff will provide a beneficiary designation form for final wages to all new and current employees, which will allow them to name beneficiaries for their final paycheck and vacation payout.

RECOMMENDATION

Staff is recommending that the P&A Committee recommend to the Authority Board to direct the Executive Director or designee to: 1) Establish a separate interest bearing federally secured account to hold Mr. Allan Miller's final earnings until the disposition of these earnings have been resolved pursuant to state law and, 2) Address any other issues regarding the proper disposition of compensation owed to Mr. Miller under Probate Code Section 13600(a), which covers the salary or other compensation owed by an employer for personal services of the deceased employee.



DATE: June 9, 2016

TO: Programs & Administration Committee

FROM: Wendy Sommer, Executive Director

BY: Angelina Vergara, Program Manager

SUBJECT: 4Rs (Reduce, Reuse, Recycle, Rot) Student Action Project Presentation

SUMMARY

StopWaste’s elementary school program, the 4Rs Student Action Project, has been serving the county’s students, teachers, school district leaders and school communities for the past six years. At the June 9, 2016 Program & Administration Committee meeting, staff will present a short summary of project highlights as an information item.

DISCUSSION

The 4Rs Student Action Project engages schools in activities that support both educational goals and Agency initiatives, in particular Ready Set Recycle, sheet mulching, and food waste prevention. At the committee meeting, staff will give a brief overview of the project’s methodology, goals and highlights. One specific highlight is the partnership with Bay Farm Elementary School in Alameda. Their participation in the 4R’s program supported their recent recognition as a Green Ribbon School by the U.S. Department of Education this spring.

RECOMMENDATION

This item is for information only.