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

Thursday, October 12, 2017

9:00 A.M.

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

Members Present:

County of Alameda	Keith Carson
Castro Valley Sanitary District	Dave Sadoff
City of Dublin	Don Biddle
City of Hayward	Sara Lamnin
City of Livermore	Bob Carling
City of Oakland	Dan Kalb
City of Newark	Mike Hannon
Oro Loma Sanitary District	Shelia Young
City of San Leandro	Deborah Cox

Absent:

City of Berkeley	Jesse Arreguin
City of Fremont	Vinnie Bacon
City of Union City	Lorin Ellis

Staff Present:

Wendy Sommer, Executive Director
Pat Cabrera, Administrative Services Director
Tom Padia, Deputy Executive Director
Arliss Dunn, Clerk of the Board

Others Present:

Richard Taylor, WMA, Legal Counsel
Justin Malan, Agency Lobbyist, EcoConsult

1. Convene Meeting

Chair Dave Sadoff called the meeting to order at 9:02 a.m.

2. Public Comments

There were none.

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3. **Approval of the Draft Minutes of July 13, 2017 (Pat Cabrera)**

Board member Hannon made the motion to approve the draft minutes of July 8, 2017. Board member Biddle seconded and the motion carried 6-0 (Ayes: Biddle, Carling, Cox, Hannon, Sadoff, Young. Nays: None. Abstain: None. Absent: Arreguin, Bacon, Carson, Ellis, Kalb, Lamnin).

4. **Rules of Procedure Committee Review (Pat Cabrera)**

No staff recommendation. Should the Committee recommend any revisions to the document, staff will forward those changes to the WMA Board for approval.

Pat Cabrera introduced the item and WMA Legal Counsel Richard Taylor provided an overview of the staff report. The report is available here: [Rules-of-Procedure-Committee-Review-10-12-17.pdf](#)

Board member Hannon stated that Section 3-8 (Teleconferencing) should be updated to reflect the revision made at the WMA meeting such that when a Board member is attending via teleconference, the roll call vote is not required if the vote is unanimous. Mr. Taylor stated that state law requires that a roll call vote be conducted when a member is attending via teleconference. The Board has defined the term "roll call" as being the first action of the meeting. Therefore, if further actions at the meeting are unanimous, then separate roll call votes for those action are not needed.

Board member Hannon asked for clarification on Section 4-6, with respect to a member being declared ineligible to vote. Mr. Taylor stated that the Political Reform Act states that you cannot vote on a matter where there is a conflict of interest and you must leave the dais and possibly leave the room under certain circumstances. There have been occasions where a member was required to recuse themselves under legislative circumstances due to their employer although it may not pose a conflict of interest. Our rules state that a member must leave the table under such circumstances. Mr. Taylor stated that we can remove the wording since the PRA already has this requirement or we can clarify and make it more transparent. Board member Hannon stated that he would prefer to leave the language, but provide additional clarification. Board member Hannon stated that in Section 5-1 it states that a member will not be compensated if they do not attend a Committee meeting and recommended that the language be added to the WMA rules if it applies. Mr. Taylor affirmed that the same rule applies to the WMA and the language will be added to their rules as well. Ms. Sommer stated that staff will be bringing an item referring to the Board per diem policy that will make it clearer and the resolution will supersede all of the existing resolutions. Board member Hannon stated that Section 4-4 states that the roll will be called in alphabetical order, with the President being called last, although he was not sure if we have been following that rule. The Committee recommends that the rule remains as stated. Board member Lamnin referred to Section 5-4, Term of Office, and asked for clarification on whether a member is able to serve more than one term as an elected official or as an officer of the committee as the wording is unclear and added she has recommended language if permitted. Ms. Sommer stated that it is as an officer of the committee. Board member Lamnin inquired if a member can serve more than once as an officer and if there are term limits. Mr. Taylor stated that the current language indicates that a member can serve only once as an officer and invited Board member Lamnin to forward her recommendations. Board member Young suggested that officers be eligible to serve more than once. Chair Sadoff recommended that the rules should also state that the Vice Chair not be precluded from serving as the Chair in subsequent years. Mr. Taylor stated that he will revise the language to state that a member cannot serve a consecutive term as Chair, but can serve again after a two year period, and will also insert language that the Vice Chair cannot be precluded from serving as Chair in subsequent years.

Board member Young requested permission to work with the Clerk regarding punctuation issues. The Chair granted the latitude to work with staff regarding punctuation. Board member Young expressed concern

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that we apply consistency with respect to the name of the Board as we are technically called the WMA Board, and not the Authority Board. Ms. Sommer stated that she has been using the title WMA Board and will apply consistency going forward. Board member Young referenced Section 2-7:iii, *Maintain all records of the Authority and Board*. Mr. Taylor stated that the Authority is the broad institution that includes the Board, but to maintain consistency we can state "Maintain all records of the WMA." Board member Young expressed concern about members attending a meeting via teleconference if they have an alternate and are out of the country as it creates financial implications for the agency and it makes it virtually impossible for the public to be able to attend at the teleconference location. Board member Young added she would like to eliminate the ability to teleconference if out of the country. Chair Sadoff inquired if there are legal implications in prohibiting a member from teleconferencing from outside of the USA. Mr. Taylor stated that while the Brown Act allows teleconferencing, it does not mandate it nor provide an elected official with the right to teleconference. It is within the discretion of the agency whether it wants to use teleconferencing or not. Board member Biddle stated that teleconferencing is fine in some circumstances but feels that it is somewhat abused and it slows down the meeting. Board member Hannon agreed with Board member Young and stated that we should strongly encourage members to use their alternate if they will be out of the country and unable to attend a meeting in person. Ms. Sommer stated that she is also cognizant of the hardship created for the public to attend the meeting if the member is outside of the country and inquired if the same sentiment applies if the member is out of the state. Board member Young stated that it may be okay if it is permissible for the Clerk to inform the member of the requirement to post the agenda in a publicly-accessible location. However, if the intent is to allow the people that we represent to be present when decisions are made, the teleconferencing location should be in the county. Board member Biddle stated that the amendment which could allow up to 4 members to simultaneously teleconference may pose difficulty for the members attending in person and suggested limiting it to one or two people. Ms. Sommer stated that agency technology can now accommodate a number of members to teleconference. Chair Sadoff recommended including language which recommends that the member utilize their alternate if they are unable to attend a meeting. Mr. Taylor stated that he would craft and include such language.

Board member Young referenced Section 4-1 concerning open public discussion and its provisions limiting each speaker to three minutes. Board member Young recommended adding language that allows the President or the Chair to adjust the time allowed. Mr. Taylor stated that he would do so. Board member Hannon referenced Section 4-3 and inquired about the history for requiring a two-thirds majority of the total authorized vote shall be required for expenditures of \$500,000 or more. Mr. Taylor stated that this is a requirement of the Joint Powers Agreement. Ms. Sommer added that although Ms. Dunn has been acting as the Clerk of the Board, the rules also include an amendment that would formalize the position of the Clerk of the Board. Board member Hannon inquired if this item will come before the WMA Board. Mr. Taylor stated yes, and as an advisory to the Energy Council staff will be making conforming changes to the Energy Council rules as well. Board member Hannon recommended including the draft changes along with the finalized version when submitting to the WMA Board. Mr. Taylor affirmed the request. Chair Sadoff requested that staff forward the final changes to both Board member Young and Chair Sadoff prior to distributing to the WMA Board. Mr. Taylor stated that he would do so.

5. **2017 Legislative Update (Eric Engelbart)**

This item is for information only.

Eric Engelbart provided an overview of the staff report and introduced Justin Malan, the Agency's contract lobbyist. The report is available here: [2017-Legislative-Update-10-12-17.pdf](#)

Mr. Malan provided a legislative update on the various bills and other legislative efforts for which the Agency took a position or played an active role. Board member Lamnin inquired if CalRecycle or StopWaste

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will be working with Senator Wieckowski on the next iteration of the bottle bill. Mr. Engelbart replied yes, StopWaste intends to continue to work with Senator Wieckowski's office on the bottle bill during the upcoming legislative session. Mr. Malan added that StopWaste has very strong partnerships and working relationships with Californians Against Waste (CAW) and the Product Stewardship Council and CAW is taking the lead on the bottle bill. Board member Biddle commented that this year the legislature focused on transportation and housing issues and inquired about the legislative trends for next year. Mr. Malan stated that from an environmental perspective, the renewable portfolio standards are important and a high priority because they send a critical market signal as to whether or not we are continuing on the track to renewable energy. Other important legislative priorities for next year could include water conservation, and finally the bottle bill. Mr. Malan added there are other issues with organics and we are continuing to work with sustainable agricultural groups to make accommodations either through permitting or incentivizing in order for us reach our goals. Board member Young inquired if CalRecycle can use a portion of the \$40 million cap and trade funds to support the bottle bill. Mr. Malan stated yes, approximately a third of the \$40 million is allocated to non-organics related issues, but there may be a reluctance to use the money without a nexus to greenhouse gas issues. Ms. Sommer inquired as to why the Governor chose to veto bills that would ban smoking on beaches and in public parks. Ms. Malan stated that it was due to the cost to state parks for enforcing the bill.

Chair Sadoff thanked Mr. Engelbart and Mr. Malan for the update.

6. Mattress Product Stewardship Update (Tom Padia)

This item is for information only.

Tom Padia provided an overview of the staff report. The report is available here:

[Mattress-Product-Stewardship-Update-10-12-17.pdf](#)

Mr. Padia stated that in March, through a contract with the city of Oakland, Environmental Science Associates (ESA) conducted a survey about illegal dumping. The survey carried out by ESA over three weeks looked at 75 illegal dumping piles throughout the city. The study found that approximately 70% of illegal dumping was from residential sources and that of the piles where it was possible to establish jurisdiction of origin, 78% were attributed to the city of Oakland. Board member Hannon stated that the City of Newark offers bulky pick up services for residential customers and inquired if most cities in Alameda County offer bulky pick-up services. Mr. Padia stated yes, and increasingly new franchise agreements are offering bulky pick-ups to multi-family as well as to single family accounts. Mr. Padia added promoting this service could help. Board member Hannon inquired regarding the retailer side if there has been any discussion regarding offering a customer rebate to people that may purchase a mattress if they return the old mattress. Mr. Padia stated that he has not heard of any discussions of that type and in general EPR (Extended Producer Responsibility) proponents are not keen on upfront deposits but would prefer any disposal costs be built into the price of the product. Chair Sadoff stated that Castro Valley Sanitary District offers two bulky pick-ups per year. Chair Sadoff thanked Mr. Padia for the report.

7. Member Comments

There were none.

8. Adjournment

The meeting adjourned at 10:06 a.m.